

**ASSAULT AND COHABITANT ABUSE ACT AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Millie M. Peterson**

AN ACT RELATING TO THE COHABITANT ABUSE ACT AND TO THE CRIMINAL CODE; REDEFINING "COHABITANT" TO INCLUDE THE BIOLOGICAL PARENT OF AN UNBORN CHILD; AND INCREASING THE PENALTY FOR ASSAULT IF THE VICTIM IS A PREGNANT WOMAN AND THE ASSAILANT HAS KNOWLEDGE OF THAT FACT.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**30-6-1**, as last amended by Chapter 282, Laws of Utah 1998

**76-5-102**, as last amended by Chapter 140, Laws of Utah 1996

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **30-6-1** is amended to read:

**30-6-1. Definitions.**

As used in this chapter:

(1) "Abuse" means attempting to cause, or intentionally or knowingly causing to an adult or minor physical harm or intentionally placing another in fear of imminent physical harm.

(2) "Cohabitant" means an emancipated person pursuant to Section 15-2-1 or a person who is 16 years of age or older who:

(a) is or was a spouse of the other party;

(b) is or was living as if a spouse of the other party;

(c) is related by blood or marriage to the other party;

(d) has one or more children in common with the other party; [~~or~~]

(e) is the biological parent of the other party's unborn child; or

[~~(e)~~] (f) resides or has resided in the same residence as the other party.

(3) Notwithstanding Subsection (2), "cohabitant" does not include:

(a) the relationship of natural parent, adoptive parent, or step-parent to a minor; or

(b) the relationship between natural, adoptive, step, or foster siblings who are under 18

years of age.

(4) "Court clerk" means a district court clerk or juvenile court clerk.

(5) "Department" means the Department of Human Services.

(6) "Domestic violence" means the same as that term is defined in Section 77-36-1.

(7) "Ex parte protective order" means an order issued without notice to the defendant in accordance with this chapter.

(8) "Foreign protective order" means a protective order issued by another state, territory, or possession of the United States, tribal lands of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be given full faith and credit in Utah, if the protective order is similar to a protective order issued in compliance with Title 30, Chapter 6, Cohabitant Abuse Act, or Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and includes the following requirements:

(a) the requirements of due process were met by the issuing court, including subject matter and personal jurisdiction;

(b) the respondent received reasonable notice; and

(c) the respondent had an opportunity for a hearing regarding the protective order.

(9) "Law enforcement unit" or "law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.

(10) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer Classifications.

(11) "Protective order" means a restraining order issued pursuant to this chapter subsequent to a hearing on the petition, of which the petitioner has given notice in accordance with this chapter.

Section 2. Section **76-5-102** is amended to read:

**76-5-102. Assault.**

(1) Assault is:

(a) an attempt, with unlawful force or violence, to do bodily injury to another;

(b) a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or

(c) an act, committed with unlawful force or violence, that causes or creates a substantial risk of bodily injury to another.

(2) Assault is a class B misdemeanor.

(3) Assault is a class A misdemeanor if:

(a) the person causes substantial bodily injury to another[-]; or

(b) the victim is pregnant and the person has knowledge of the pregnancy.

(4) It is not a defense against assault, that the accused caused serious bodily injury to another.