

- 28 (3) Notwithstanding Subsection (2), "cohabitant" does not include:
- 29 (a) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- 30 (b) the relationship between natural, adoptive, step, or foster siblings who are under 18
- 31 years of age.
- 32 (4) "Court clerk" means a district court clerk or juvenile court clerk.
- 33 (5) "Department" means the Department of Human Services.
- 34 (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 35 (7) "Ex parte protective order" means an order issued without notice to the defendant in
- 36 accordance with this chapter.
- 37 (8) "Foreign protective order" means a protective order issued by another state, territory,
- 38 or possession of the United States, tribal lands of the United States, the Commonwealth of Puerto
- 39 Rico, or the District of Columbia shall be given full faith and credit in Utah, if the protective order
- 40 is similar to a protective order issued in compliance with Title 30, Chapter 6, Cohabitant Abuse
- 41 Act, or Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and includes the following
- 42 requirements:
- 43 (a) the requirements of due process were met by the issuing court, including subject matter
- 44 and personal jurisdiction;
- 45 (b) the respondent received reasonable notice; and
- 46 (c) the respondent had an opportunity for a hearing regarding the protective order.
- 47 (9) "Law enforcement unit" or "law enforcement agency" means any public agency having
- 48 general police power and charged with making arrests in connection with enforcement of the
- 49 criminal statutes and ordinances of this state or any political subdivision.
- 50 (10) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer
- 51 Classifications.
- 52 (11) "Protective order" means a restraining order issued pursuant to this chapter
- 53 subsequent to a hearing on the petition, of which the petitioner has given notice in accordance with
- 54 this chapter.

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

56 **76-5-102. Assault.**

57 (1) Assault is:

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

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

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

63 (2) Assault is a class B misdemeanor.

64 (3) Assault is a class A misdemeanor if:

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

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

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

Legislative Review Note

as of 1-7-00 8:56 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel