

30 (a) the person entered the property of the victim or the victim's family with criminal
31 intent and the injury or damage was inflicted by the victim or occurred while the person was on
32 the victim's property; or

33 (b) the person committed a crime against the victim or the victim's family, during
34 which the damage or injury occurred.

35 (2) The provisions of Subsection (1) do not apply if the person can prove by clear and
36 convincing evidence that~~[-(a)]~~ the person's actions did not constitute a ~~[felony, and]~~ crime.

37 ~~[(b) the person's culpability was less than the person from whom recovery is sought.]~~

38 ~~[(3) Subsections (1) and (2) apply]~~

39 (3) Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the
40 person if the person acquires a disability or is killed.

41 (4) Subsections (1)~~;~~ and (2)~~;~~ ~~and (3)~~ do not apply if the person committing or
42 attempting to commit the crime has clearly retreated from the criminal activity.

43 (5) "Clearly retreated" means that the person committing the criminal act has fully,
44 clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or
45 activity.

46 Section 2. **Effective date.**

47 If approved by two-thirds of all the members elected to each house, this bill takes effect
48 upon approval by the governor, or the day following the constitutional time limit of Utah
49 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
50 the date of veto override.