

1st Sub. S.B. 235

CLARIFICATION OF STALKING INJUNCTIONS AND PROTECTIVE ORDERS

Representative V. Lowry Snow proposes the following amendments:

1. Page 4, Line 113 through Page 5, Line 119:

113 (b) A permanent criminal stalking injunction shall be issued by the court [~~without a~~
114 ~~hearing unless the defendant requests a hearing~~] at the time of the conviction. {+} **The court shall**
115 **give the defendant notice of the right to request a hearing.** {+}
116 ~~—{}~~ (c) **If the defendant requests a hearing under Subsection (9)(b), it shall be held at the**
117 **time of the conviction unless the victim requests otherwise, or for good cause.** {+}
118 ~~—{}~~ (d) {+} ~~{(c)}~~ If the conviction was entered in a justice court, a certified copy of the
119 judgment and conviction or a certified copy of the court's order holding the plea in abeyance

2. Page 5, Lines 122 through 123:

122 (10) A permanent criminal stalking injunction [~~may grant~~] shall be issued by the
123 district court granting the following relief **where appropriate** :

3. Page 5, Lines 127 through 128:

127 (ii) requiring the defendant to stay away from the victim ~~{and members of the victim's~~
128 ~~immediate family or household}~~ , except as provided in Subsection (11), and to stay away from

4. Page 5, Lines 136 through 138:

136 (c) any other orders the court considers necessary to protect the victim **and members of the victim's**
immediate family or household .
137 (11) If the victim and defendant have minor children together, the court may consider
138 provisions ~~{that balance}~~ **regarding** the defendant's **exercise of** custody and parent-time rights
~~{and}~~ **while ensuring** the ~~{victim's}~~ safety **of the victim and any minor children** .

5. Page 7, Lines 201 through 203:

201 (b) If the petitioner and respondent have minor children, the court shall follow the
202 provisions of Section 78B-7-106 ~~{while considering provisions that balance}~~ **and take into**
consideration the respondent's
203 custody and parent-time rights ~~{and}~~ **while ensuring** the ~~{victim's}~~ safety **of the victim and**
the minor children . If the court issues a civil stalking