

**H.B. 50**  
**DATING VIOLENCE PROTECTION ACT**

Representative **LaVar Christensen** proposes the following amendments:

1. *Page 1, Line 1:*

1        ~~{DATING}~~    PROTECTION OF INDIVIDUALS AGAINST VIOLENCE ~~{PROTECTION ACT}~~

2. *Page 1, Line 15:*

- 15        ▶        defines terms; =
- ▶ describes and recognizes existing protections for individuals who are not in a dating relationship, but who have just cause and reason to fear being subjected to violence and irreparable harm or injury by another person;
  - ▶ states that an individual falsely accused of dating violence may be entitled to recover reasonable costs and attorney fees and other remedies as may be ordered by the court, including expungement;
  - ▶ states that Chapter 78B, Chapter 7, Part 4 shall not be interpreted or applied in a manner that is contrary to recognized policies and standards of conduct regarding marriage, including supporting premarital activities;

3. *Page 1, Lines 16 through 20:*

- 16        ▶        provides for the issuance, modification, and enforcement of protective orders
- 17 between individuals who are or have been in a dating relationship ~~{parties who are, or who have been, in a dating relationship}~~ when certain conditions are met; ~~{:~~
- 18        •        ~~the parties are emancipated or 18 years of age or older;~~
- 19        •        ~~the parties are, or have been, in a dating relationship with each other; and~~
- 20        •        ~~a party commits abuse or dating violence against the other party;}~~

4. *Page 2, Lines 40 through 42*

*a. House Committee Amendments*

*b. 2-7-2013:*

- 40        Part 4.    ~~{Dating}~~    Protection of Individuals Against Violence    ~~{Protection Act}~~
- 41        78B-7-401. Title and purpose .
- 42        (1) This part is known as the " ~~{Dating Violence Protection Act}~~    Protection of Individuals Against Violence ."
- =        (2) Because of the benefits to society and the importance of marriage and safe, healthy, and positive

dating experiences that may prepare a person for and potentially lead to a future marriage, and the unique vulnerability to risk of violence and harm for individuals engaged in such relationships, personal protection shall be made available as described in this part.

(3) The personal protection described in Subsection (2) is cumulative and in addition to the existing protection including emergency relief, injunctions, restraining and protective orders, and other remedies and protections generally available to all individuals who demonstrate just cause and reason to fear being subjected to violence and irreparable harm or injury by another person. The awarding of such overall relief and protection, when necessary in situations not constituting a dating relationship as described in this part, shall be based on the totality of circumstances and reasonable justification, as established by the petitioner, and may be ordered by the court. The justification shall be based on the known and foreseeable risk of harm, injury, or violence.

(4) If a court finds that an individual is falsely accused of dating violence under this part, the individual may be entitled to recover reasonable costs and attorney fees, and other relief as may be ordered by the court, including expungement.

(5) This part shall not be interpreted or applied in a manner that is contrary to recognized policies and standards of conduct regarding marriage, including supporting premarital activities.

5. Page 2, Lines 56 through 57a:

56 (3) (a) "Dating relationship" means a close, social or personal association between individuals as  
57 described in Subsections 78B-7-401(2) and (5). - {of a romantic or intimate  
57 nature, ~~it~~ or a relationship which has romance or intimacy as a goal by one or  
57a both parties, ~~it~~ regardless of whether the relationship involves sexual intimacy.}