

121 (i) the domestic violence offense described in this Subsection (2) is designated by law
122 as a class A misdemeanor; and

123 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
124 within five years after the person is convicted of a qualifying domestic violence offense; or

125 (B) the person is convicted of the domestic violence offense described in this
126 Subsection (2) within five years after the person is convicted of a qualifying domestic violence
127 offense.

128 ~~[(3) For purposes of this section, a plea of guilty or no contest to any qualifying
129 domestic violence offense in Utah which plea is held in abeyance under Title 77, Chapter 2a,
130 Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently
131 reduced or dismissed in accordance with the plea in abeyance agreement.]~~

132 Section 3. Section **77-36-1.2** is enacted to read:

133 **77-36-1.2. Acceptance of a plea of guilty or no contest to domestic violence --**
134 **Restrictions.**

135 (1) For purposes of this section, "qualifying domestic violence offense" means:

136 (a) a domestic violence offense in Utah; or

137 (b) an offense in any other state, or in any district, possession, or territory of the United
138 States, that would be a domestic violence offense under Utah law.

139 (2) For purposes of this section ~~§~~→ and Section **77-36-1.1** ←~~§~~, a plea of guilty or no
139a contest to any domestic violence
140 offense in Utah, which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
141 is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed
142 in accordance with the plea in abeyance agreement.

143 (3) (a) Before agreeing to a plea of guilty or no contest or to filing an information, the
144 prosecutor shall examine the criminal history of the defendant.

145 (b) The court may not accept a plea of guilty or no contest to a domestic violence
146 offense, unless:

147 (i) the prosecutor agrees to the plea:

148 (A) in open court;

149 (B) in writing; or

150 (C) by another means of communication that the court finds adequate to record the
151 prosecutor's agreement; or

152 (ii) (A) the domestic violence offense is filed by information;
153 (B) the court receives a copy of the defendant's criminal history; and
154 (C) the criminal history contains no record of a conviction ~~§~~ ~~arrest;~~ ~~§~~ or ~~§~~ a
154a pending ~~§~~ charge of a
155 qualifying domestic violence offense within five years before the date on which the plea is
156 entered.
157 (c) A plea of guilty or no contest is not made invalid by the failure of a court, a
158 prosecutor, or a law enforcement agency to comply with this section.

Legislative Review Note
as of 1-13-15 8:37 AM

Office of Legislative Research and General Counsel