

1st Sub. H.B. 148

PROTECTIVE ORDER AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2 MARCH 3, 2016 7:14 PM

Senator Todd Weiler proposes the following amendments:

1. *Page 2, Lines 26 through 28:*

26 78B-7-115. Dismissal of protective order.
27 (1) **Except as provided in Subsection (6).** {A} a protective order that has been in effect
for at least two years may be dismissed if
28 the court determines that the petitioner no longer has a reasonable fear of future abuse. In

2. *Page 2, Lines 38 through 40:*

38 (f) any other factors the court considers relevant to the case before it.
39 (2) **Except as provided in Subsection (6).** {The} the court may amend or dismiss a
protective order issued in accordance with this
40 part that has been in effect for at least one year if it finds that:

3. *Page 3, Lines 61 through 67*

House Committee Amendments

2-2-2016:

61 (b) the court ~~H~~→ [f] specifically finds that the order need not continue [f]←H [-].
61a ~~H~~→[after making specific
62 ~~findings on each factor described~~] and as provided ←H in Subsection (1), ~~H~~→ [determines that] ←H
62a ~~the petitioner no longer has~~
63 ~~a reasonable fear of future abuse.~~

(6) (a) Notwithstanding Subsection (1) or (2), a protective order that has been entered under this chapter concerning a petitioner and a respondent who are divorced shall automatically expire, subject to Subsections (6)(b) and (c), 10 years from the day on which one of following occurs:

- (i) the decree of divorce between the petitioner and respondent became absolute; or**
- (ii) the protective order was entered.**
- (b) The protective order shall automatically expire, as described in Subsection (6)(a), unless:**
- (i) the petitioner demonstrates that the petitioner has a reasonable fear of future abuse, as described in Subsection (1); or**
- (ii) the respondent has been convicted of a protective order violation or any crime of violence subsequent to the issuance of the protective order.**

(c) The 10 years described in Subsection (6)(a) is tolled for any period of time that the respondent is incarcerated.

64 {~~6~~} (7) When the court dismisses a protective order, the court shall immediately:

65 (a) issue an order of dismissal to be filed in the protective order action; and

66 (b) transmit a copy of the order of dismissal to the statewide domestic violence

67 network as described in Section 78B-7-113.