

57 that ~~H~~ → [z

58 ————~~(A)~~ ← ~~H~~ is issued after a hearing for which the respondent or defendant received actual

59 notice and at which the respondent or defendant has an opportunity to participate ~~H~~ → [z] , ~~S~~ → [

59a ~~and~~] ← ~~S~~ that

60 [~~B~~] ~~S~~ → [~~A~~] ← ~~S~~ ← ~~H~~ restrains the respondent or defendant from harassing, stalking,

60a threatening, or

61 engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec.

62 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner

63 or child of the intimate partner ~~S~~ → [z] , and that: ← ~~S~~

64 ~~H~~ → [~~C~~] ~~S~~ → [~~B~~] ← ~~S~~ ← ~~H~~ ~~S~~ → (A) ← ~~S~~ includes a finding that the respondent or

64a defendant represents a credible

64a threat to

65 the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C.

66 Sec. 921 or the child of the individual; or

67 ~~H~~ → [~~D~~] ~~S~~ → [~~C~~] ← ~~S~~ ← ~~H~~ ~~S~~ → (B) ← ~~S~~ explicitly prohibits the use, attempted use, or

67a threatened use of physical

67a force that

68 would reasonably be expected to cause bodily harm against an intimate partner or the child of

69 an intimate partner; or

70 (xi) has been convicted of the commission or attempted commission of assault under

71 Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former

72 spouse, parent, guardian, individual with whom the restricted person shares a child in common,

73 individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent,

74 or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the

75 restricted person.

76 (c) As used in this section, a conviction of a felony or adjudication of delinquency for

77 an offense which would be a felony if committed by an adult does not include:

78 (i) a conviction or adjudication of delinquency for an offense pertaining to antitrust

79 violations, unfair trade practices, restraint of trade, or other similar offenses relating to the

80 regulation of business practices not involving theft or fraud; or

81 (ii) a conviction or adjudication of delinquency which, according to the law of the

82 jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by

83 court order, pardoned or regarding which the person's civil rights have been restored unless the

84 pardon, reduction, expungement, or restoration of civil rights expressly provides that the person

85 may not ship, transport, possess, or receive firearms.

86 (d) It is the burden of the defendant in a criminal case to provide evidence that a

87 conviction or adjudication of delinquency is subject to an exception provided in Subsection