

181 alleged victim; and

182 (ii) specifies other conditions of release from jail.

183 (d) "Minor" means an unemancipated individual who is younger than 18 years of age.

184 (e) "Offense against a child or vulnerable adult" means the commission or attempted

185 commission of an offense described in Section 76-5-109, 76-5-109.1, 76-5-110, or 76-5-111.

186 (f) "Qualifying offense" means:

187 (i) domestic violence;

188 (ii) an offense against a child or vulnerable adult ~~§~~ → [§ → that threatens their physical

188a1 health

188a or safety ←§] ←§ ; or

189 (iii) the commission or attempted commission of an offense described in Title 76,

190 Chapter 5, Part 4, Sexual Offenses.

191 ~~[(+)] (2) (a) Upon arrest for [~~domestic violence~~], a qualifying offense and before the~~
 192 ~~person is released on bail, recognizance, or otherwise, the person may not personally contact~~
 193 ~~the alleged victim [~~of domestic violence~~].~~

194 ~~(b) A person who violates Subsection [(+)] (2)(a) is guilty of a class B misdemeanor.~~

195 ~~[(2)] (3) (a) After [~~an arrest for domestic violence, the offender~~] a person is arrested for~~
 196 ~~a qualifying offense, the person may not be released before:~~

197 ~~(i) the matter is submitted to a magistrate in accordance with Section 77-7-23; or~~

198 ~~(ii) the [~~offender~~] person signs a jail release agreement in accordance with Subsection~~
 199 ~~[(2)] (3)(d)(i).~~

200 ~~(b) The arresting officer shall ensure that the information presented to the magistrate~~
 201 ~~includes whether the alleged victim has made a waiver described in Subsection [(5)] (6)(a).~~

202 ~~(c) If the magistrate determines there is probable cause to support the charge or charges~~
 203 ~~of [~~domestic violence~~] one or more qualifying offenses, the magistrate shall determine:~~

204 ~~(i) whether grounds exist to hold the arrested person without bail, in accordance with~~
 205 ~~Section 77-20-1;~~

206 ~~(ii) if no grounds exist to hold the arrested person without bail, whether any release~~
 207 ~~conditions, including electronic monitoring, are necessary to protect the alleged victim; or~~

208 ~~(iii) any bail that is required to guarantee the [~~defendant's~~] arrested person's subsequent~~
 209 ~~appearance in court.~~

210 ~~(d) (i) The magistrate may not release a person arrested for [~~domestic violence~~] a~~
 211 ~~qualifying offense before the person's initial court appearance[;] before the court with~~

212 jurisdiction over the offense for which the person was arrested, unless the arrested person
 213 agrees in writing or the magistrate orders, as a release condition, that, until the arrested person
 214 appears at the initial court appearance, the arrested person will not:

215 (A) have personal contact with the alleged victim;

216 (B) threaten or harass the alleged victim; or

217 (C) knowingly enter onto the premises of the alleged victim's residence or any premises
 218 temporarily occupied by the alleged victim.

219 (ii) The magistrate shall schedule the appearance described in Subsection ~~[(2)]~~ (3)(d)(i)
 220 to take place no more than 96 hours after the time of the arrest.

221 (iii) The arrested person may make the appearance described in Subsection ~~[(2)]~~
 222 (3)(d)(i) by video if the arrested person is not released.

223 ~~[(3)]~~ (4) (a) If a person charged with ~~[domestic violence]~~ a qualifying offense fails to
 224 appear at the time scheduled by the magistrate ~~[to appear, as described in]~~ under Subsection
 225 ~~[(2)]~~ (3)(d), the person shall comply with the release conditions described in Subsection ~~[(2)]~~
 226 (3)(d)(i) until the ~~[arrested]~~ person makes an initial appearance.

227 (b) If the prosecutor has not filed charges against a person who was arrested for a
 228 ~~[domestic violence]~~ qualifying offense and who appears in court at the time scheduled by the
 229 magistrate under Subsection ~~[(2)]~~ (3)(d), or by the court under Subsection ~~[(3)]~~ (4)(b)(ii), the
 230 court:

231 (i) may, upon the motion of the prosecutor and after allowing the ~~[arrested]~~ person an
 232 opportunity to be heard on the motion, extend the release conditions described in Subsection
 233 ~~[(2)]~~ (3)(d)(i) by no more than three court days; and

234 (ii) if the court grants the motion described in Subsection ~~[(3)]~~ (4)(b)(i), shall order the
 235 arrested person to appear at a time scheduled before the end of the granted extension.

236 ~~[(4) Unless extended under]~~

237 (5) Except as provided in Subsection ~~[(3), the]~~ (4) or otherwise ordered by a court, a
 238 jail release agreement or ~~[the magistrate order described in Subsection (2)(d)(i)]~~ jail release
 239 court order expires at midnight ~~[on the day on which the person arrested is scheduled to appear,~~
 240 as] after the arrested person's initial ~~§~~ → scheduled ← ~~§~~ court appearance described in Subsection
 240a ~~[(2)]~~ (3)(d)(i).

241 ~~[(5) (a) Subsequent to]~~

242 (6) (a) After an arrest for ~~[domestic violence]~~ a qualifying offense, an alleged victim