

DOMESTIC VIOLENCE REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill adds animal cruelty to the list of offenses that may qualify as a domestic violence offense.

Highlighted Provisions:

This bill:

▶ adds animal cruelty to the list of offenses that may qualify as a domestic violence offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-36-1, as last amended by Laws of Utah 2017, Chapters 289 and 332

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-36-1** is amended to read:

77-36-1. Definitions.

As used in this chapter:

(1) "Cohabitant" means the same as that term is defined in Section **78B-7-102**.



28 (2) "Department" means the Department of Public Safety.

29 (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter
30 3, Divorce.

31 (4) "Domestic violence" or "domestic violence offense" means any criminal offense
32 involving violence or physical harm or threat of violence or physical harm, or any attempt,
33 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,
34 when committed by one cohabitant against another. "Domestic violence" or "domestic violence
35 offense" also means commission or attempt to commit, any of the following offenses by one
36 cohabitant against another:

37 (a) aggravated assault, as described in Section 76-5-103;

38 (b) assault, as described in Section 76-5-102;

39 (c) criminal homicide, as described in Section 76-5-201;

40 (d) harassment, as described in Section 76-5-106;

41 (e) electronic communication harassment, as described in Section 76-9-201;

42 (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections
43 76-5-301, 76-5-301.1, and 76-5-302;

44 (g) mayhem, as described in Section 76-5-105;

45 (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
46 Section 76-5b-201, Sexual exploitation of a minor -- Offenses;

47 (i) stalking, as described in Section 76-5-106.5;

48 (j) unlawful detention or unlawful detention of a minor, as described in Section
49 76-5-304;

50 (k) violation of a protective order or ex parte protective order, as described in Section
51 76-5-108;

52 (l) any offense against property described in Title 76, Chapter 6, Part 1, Property
53 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6,
54 Part 3, Robbery;

55 (m) possession of a deadly weapon with intent to assault, as described in Section
56 76-10-507;

57 (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any
58 person, building, or vehicle, as described in Section 76-10-508;

59 (o) disorderly conduct, as defined in Section [76-9-102](#), if a conviction of disorderly
60 conduct is the result of a plea agreement in which the defendant was originally charged with a
61 domestic violence offense otherwise described in this Subsection (4). Conviction of disorderly
62 conduct as a domestic violence offense, in the manner described in this Subsection (4)(o), does
63 not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is
64 exempt from the provisions of the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.; ~~[or]~~

65 (p) child abuse as described in Section [76-5-109.1](#) ~~[.]; or~~

66 (q) cruelty to animals, as described in Subsection [76-9-301](#)(4).

67 (5) "Jail release agreement" means the same as that term is defined in Section
68 [77-20-3.5](#).

69 (6) "Jail release court order" means the same as that term is defined in Section
70 [77-20-3.5](#).

71 (7) "Marital status" means married and living together, divorced, separated, or not
72 married.

73 (8) "Married and living together" means a man and a woman whose marriage was
74 solemnized under Section [30-1-4](#) or [30-1-6](#) and who are living in the same residence.

75 (9) "Not married" means any living arrangement other than married and living together,
76 divorced, or separated.

77 ~~[(+)]~~ (10) "Pretrial protective order" means a written order:

78 (a) specifying and limiting the contact a person who has been charged with a domestic
79 violence offense may have with an alleged victim or other specified individuals; and

80 (b) specifying other conditions of release pursuant to Subsection [77-20-3.5](#)(3),
81 Subsection [77-36-2.6](#)(3), or Section [77-36-2.7](#), pending trial in the criminal case.

82 ~~[(+)]~~ (11) "Protective order" includes an order issued under Subsection [77-36-5.1](#)(6).

83 (12) "Sentencing protective order" means a written order of the court as part of
84 sentencing in a domestic violence case that limits the contact a person who has been convicted
85 of a domestic violence offense may have with a victim or other specified individuals pursuant
86 to Sections [77-36-5](#) and [77-36-5.1](#).

87 (13) "Separated" means a man and a woman who have had their marriage solemnized
88 under Section [30-1-4](#) or [30-1-6](#) and who are not living in the same residence.

89 (14) "Victim" means a cohabitant who has been subjected to domestic violence.

Legislative Review Note
Office of Legislative Research and General Counsel