

1 **DOMESTIC VIOLENCE ENHANCEMENT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephanie Pitcher**

5 Senate Sponsor: Karen Mayne

6 Cosponsors: Paul Ray
7 Lee B. Perry Mike Winder
8 Val K. Potter

9 **LONG TITLE**

10 **General Description:**

11 This bill amends provisions regarding the penalty enhancement for a domestic violence
12 offense.

13 **Highlighted Provisions:**

14 This bill:
15 ▶ defines terms;
16 ▶ modifies the duration between certain domestic violence offenses for purposes of
17 applying a penalty enhancement; and
18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **77-36-1.1**, as last amended by Laws of Utah 2015, Chapter 426

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

28 Section 1. Section 77-36-1.1 is amended to read:

29 **77-36-1.1. Enhancement of offense and penalty for subsequent domestic violence**
30 **offenses.**

31 [~~(1) For purposes of this section, "qualifying domestic violence offense" means:~~]

32 (1) As used in this section:

33 (a) "Criminal mischief offense" means commission or attempt to commit an offense
34 under Section 76-6-106 by one cohabitant against another.

35 (b) "Qualifying domestic violence offense" means:

36 [~~(a)~~] (i) a domestic violence offense in Utah; or

37 [~~(b)~~] (ii) an offense in any other state, or in any district, possession, or territory of the
38 United States, that would be a domestic violence offense under Utah law.

39 (2) [~~A person~~] An individual who is convicted of a domestic violence offense is:

40 (a) guilty of a class B misdemeanor if:

41 (i) the domestic violence offense described in this Subsection (2) is designated by law
42 as a class C misdemeanor; and

43 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
44 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic
45 violence offense that is not a criminal mischief offense; or

46 (B) the [~~person~~] individual is convicted of the domestic violence offense described in
47 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a
48 qualifying domestic violence offense that is not a criminal mischief offense;

49 (b) guilty of a class A misdemeanor if:

50 (i) the domestic violence offense described in this Subsection (2) is designated by law
51 as a class B misdemeanor; and

52 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
53 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic
54 violence offense that is not a criminal mischief offense; or

55 (B) the [~~person~~] individual is convicted of the domestic violence offense described in

56 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a
57 qualifying domestic violence offense that is not a criminal mischief offense; or

58 (c) guilty of a felony of the third degree if:

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

61 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
62 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic
63 violence offense that is not a criminal mischief offense; or

64 (B) the [~~person~~] individual is convicted of the domestic violence offense described in
65 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a
66 qualifying domestic violence offense that is not a criminal mischief offense.

67 (3) An individual who is convicted of a domestic violence offense is:

68 (a) guilty of a class B misdemeanor if:

69 (i) the domestic violence offense described in this Subsection (3) is designated by law
70 as a class C misdemeanor; and

71 (ii) (A) the domestic violence offense described in this Subsection (3) is committed
72 within five years after the individual is convicted of a criminal mischief offense; or

73 (B) the individual is convicted of the domestic violence offense described in
74 this Subsection (3) within five years after the individual is convicted of a criminal
75 mischief offense;

76 (b) guilty of a class A misdemeanor if:

77 (i) the domestic violence offense described in this Subsection (3) is designated by law
78 as a class B misdemeanor; and

79 (ii) (A) the domestic violence offense described in this Subsection (3) is committed
80 within five years after the individual is convicted of a criminal mischief offense; or

81 (B) the individual is convicted of the domestic violence offense described in
82 this Subsection (3) within five years after the individual is convicted of a criminal
83 mischief offense; or

84 (c) guilty of a third degree felony if:
85 (i) the domestic violence offense described in this Subsection (3) is designated by law
86 as a class A misdemeanor; and
87 (ii) (A) the domestic violence offense described in this Subsection (3) is committed
88 within five years after the individual is convicted of a criminal mischief offense; or
89 (B) the individual is convicted of the domestic violence offense described in this
90 Subsection (3) within five years after the individual is convicted of a criminal mischief offense.