

DOMESTIC VIOLENCE ENHANCEMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ extends the duration between domestic violence offenses for purposes of applying a penalty enhancement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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



- 28 (1) For purposes of this section, "qualifying domestic violence offense" means:
- 29 (a) a domestic violence offense in Utah; or
- 30 (b) an offense in any other state, or in any district, possession, or territory of the United
- 31 States, that would be a domestic violence offense under Utah law.
- 32 (2) ~~[A person]~~ An individual who is convicted of a domestic violence offense is:
- 33 (a) guilty of a class B misdemeanor if:
- 34 (i) the domestic violence offense described in this Subsection (2) is designated by law
- 35 as a class C misdemeanor; and
- 36 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
- 37 within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a qualifying domestic
- 38 violence offense; or
- 39 (B) the ~~[person]~~ individual is convicted of the domestic violence offense described in
- 40 this Subsection (2) within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a
- 41 qualifying domestic violence offense;
- 42 (b) guilty of a class A misdemeanor if:
- 43 (i) the domestic violence offense described in this Subsection (2) is designated by law
- 44 as a class B misdemeanor; and
- 45 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
- 46 within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a qualifying domestic
- 47 violence offense; or
- 48 (B) the ~~[person]~~ individual is convicted of the domestic violence offense described in
- 49 this Subsection (2) within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a
- 50 qualifying domestic violence offense; or
- 51 (c) guilty of a felony of the third degree if:
- 52 (i) the domestic violence offense described in this Subsection (2) is designated by law
- 53 as a class A misdemeanor; and
- 54 (ii) (A) the domestic violence offense described in this Subsection (2) is committed
- 55 within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a qualifying domestic
- 56 violence offense; or
- 57 (B) the ~~[person]~~ individual is convicted of the domestic violence offense described in
- 58 this Subsection (2) within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a

59 qualifying domestic violence offense.