

**Representative Kim F. Coleman** proposes the following substitute bill:

**DOMESTIC VIOLENCE ENHANCEMENT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

Senate Sponsor: Karen Mayne

Cosponsor: Mike Winder

---

---

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the duration between certain 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



25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

---

---

*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.**

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

(1) As used in this section:

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

(b) "Qualifying domestic violence offense" means:

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

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

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

(a) guilty of a class B misdemeanor if:

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

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

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

(b) guilty of a class A misdemeanor if:

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

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

(B) the ~~[person]~~ individual is convicted of the domestic violence offense described in this Subsection (2) within ~~[five]~~ 10 years after the ~~[person]~~ individual is convicted of a

56 qualifying domestic violence offense that is not a criminal mischief offense; or

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

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

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

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

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

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

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

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

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

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

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

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

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

83 (c) guilty of a third degree felony if:

84 (i) the domestic violence offense described in this Subsection (3) is designated by law  
85 as a class A misdemeanor; and

86 (ii) (A) the domestic violence offense described in this Subsection (3) is committed

87 within five years after the individual is convicted of a criminal mischief offense; or  
88 (B) the individual is convicted of the domestic violence offense described in this  
89 Subsection (3) within five years after the individual is convicted of a criminal mischief offense.