{deleted text} shows text that was in HB0137S01 but was deleted in HB0137S02.

Inserted text shows text that was not in HB0137S01 but was inserted into HB0137S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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:	

Cosponsor:

Mike Winder

LONG TITLE

General Description:

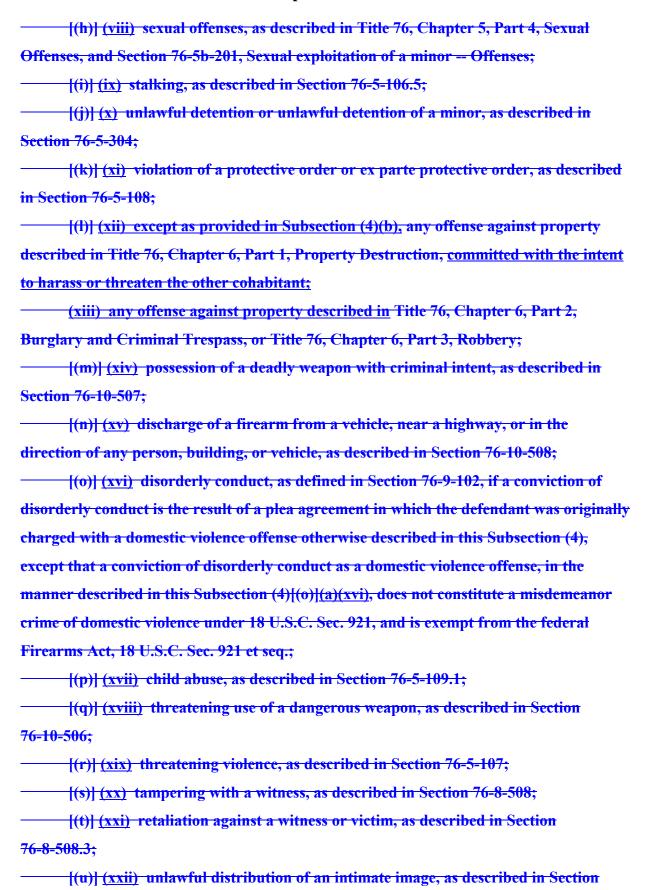
This bill amends provisions regarding the {definition of "domestic violence" and the }penalty enhancement for a domestic violence offense.

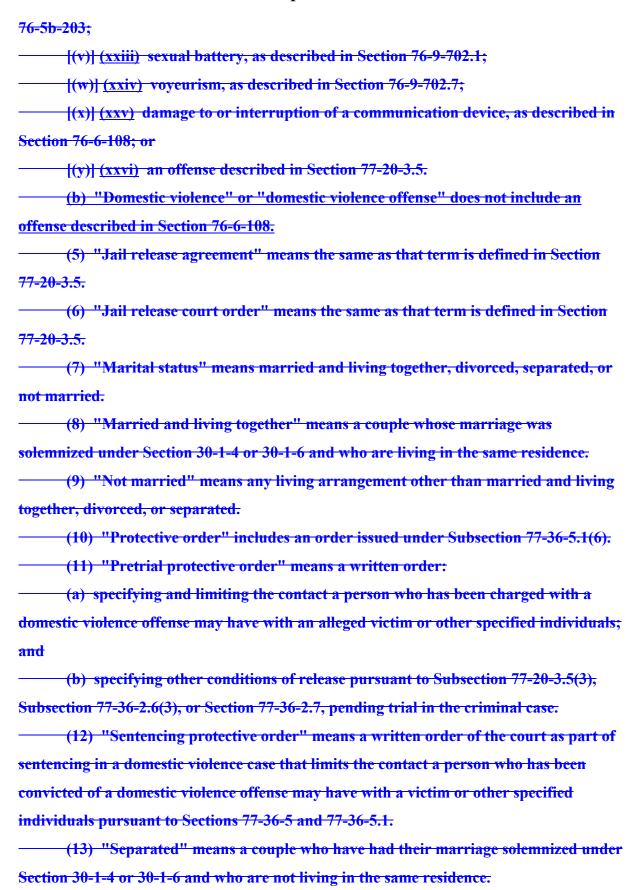
Highlighted Provisions:

This bill:

- ► {modifies the definition of "domestic violence" or "domestic violence offense";
- extends defines terms;
- <u>modifies</u> the duration between <u>certain</u> 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, as last amended by Laws of Utah 2018, Chapter 255 **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. Definitions. As used in this chapter: (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102. (2) "Department" means the Department of Public Safety. (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter 3, Divorce. (4) (a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" or "domestic violence offense" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: [(a)] (i) aggravated assault, as described in Section 76-5-103; (b) (ii) assault, as described in Section 76-5-102; [(c)] (iii) criminal homicide, as described in Section 76-5-201; [(d)] (iv) harassment, as described in Section 76-5-106; (e) (v) electronic communication harassment, as described in Section 76-9-201; [(f)] (vi) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302; (g) (vii) mayhem, as described in Section 76-5-105;





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

 Section 2. 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: {

 (a)}]
 - (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] <u>individual</u> is convicted of the domestic violence offense described in this Subsection (2) within [five] 10 years after the [person] <u>individual</u> is convicted of a qualifying domestic violence offense <u>that is not a criminal mischief offense</u>;
 - (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] <u>individual</u> is convicted of the domestic violence offense described in this Subsection (2) within [five] 10 years after the [person] <u>individual</u> is convicted of a

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

- (c) guilty of a felony of the third degree if:
- (i) the domestic violence offense described in this Subsection (2) is designated by law as a class A 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.
 - (3) 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 (3) is designated by law as a class C misdemeanor; and
- (ii) (A) the domestic violence offense described in this Subsection (3) is committed within five years after the individual is convicted of a criminal mischief offense; or
- (B) the individual is convicted of the domestic violence offense described in this Subsection (3) within five years after the individual is convicted of a criminal mischief offense;
 - (b) guilty of a class A misdemeanor if:
- (i) the domestic violence offense described in this Subsection (3) is designated by law as a class B misdemeanor; and
- (ii) (A) the domestic violence offense described in this Subsection (3) is committed within five years after the individual is convicted of a criminal mischief offense; or
- (B) the individual is convicted of the domestic violence offense described in this Subsection (3) within five years after the individual is convicted of a criminal mischief offense; or
 - (c) guilty of a third degree felony if:
- (i) the domestic violence offense described in this Subsection (3) is designated by law as a class A misdemeanor; and
 - (ii) (A) the domestic violence offense described in this Subsection (3) is committed

within five years after the individual is convicted of a criminal mischief offense; or

(B) the individual is convicted of the domestic violence offense described in this

Subsection (3) within five years after the individual is convicted of a criminal mischief offense.