

DOMESTIC VIOLENCE REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Paul Ray

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ adds aggravated cruelty to an animal to the list of offenses that may qualify as a domestic violence offense; 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

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:



28 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
 29 (2) "Department" means the Department of Public Safety.
 30 (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter
 31 3, Divorce.

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

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

39 (b) aggravated cruelty to an animal, as described in Subsection 76-9-301(4) ~~Ŝ~~ → , **with the**
 39a **intent to harass or threaten the other cohabitant** ← ~~Ŝ~~ ;

40 [~~(b)~~] (c) assault, as described in Section 76-5-102;

41 [~~(c)~~] (d) criminal homicide, as described in Section 76-5-201;

42 [~~(d)~~] (e) harassment, as described in Section 76-5-106;

43 [~~(e)~~] (f) electronic communication harassment, as described in Section 76-9-201;

44 [~~(f)~~] (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in
 45 Sections 76-5-301, 76-5-301.1, and 76-5-302;

46 [~~(g)~~] (h) mayhem, as described in Section 76-5-105;

47 [~~(h)~~] (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses,
 48 and Section 76-5b-201, Sexual exploitation of a minor -- Offenses;

49 [~~(i)~~] (j) stalking, as described in Section 76-5-106.5;

50 [~~(j)~~] (k) unlawful detention or unlawful detention of a minor, as described in Section
 51 76-5-304;

52 [~~(k)~~] (l) violation of a protective order or ex parte protective order, as described in
 53 Section 76-5-108;

54 [~~(l)~~] (m) any offense against property described in Title 76, Chapter 6, Part 1, Property
 55 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6,
 56 Part 3, Robbery;

57 [~~(m)~~] (n) possession of a deadly weapon with criminal intent, as described in Section
 58 76-10-507;

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

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

68 ~~(p)~~ (q) child abuse, as described in Section 76-5-109.1;

69 ~~(q)~~ (r) threatening use of a dangerous weapon, as described in Section 76-10-506;

70 ~~(r)~~ (s) threatening violence, as described in Section 76-5-107;

71 ~~(s)~~ (t) tampering with a witness, as described in Section 76-8-508;

72 ~~(t)~~ (u) retaliation against a witness or victim, as described in Section 76-8-508.3;

73 ~~(u)~~ (v) unlawful distribution of an intimate image, as described in Section 76-5b-203;

74 ~~(v)~~ (w) sexual battery, as described in Section 76-9-702.1;

75 ~~(w)~~ (x) voyeurism, as described in Section 76-9-702.7;

76 ~~(x)~~ (y) damage to or interruption of a communication device, as described in Section
77 76-6-108; or

78 ~~(y)~~ (z) an offense described in Section 77-20-3.5.

79 (5) "Jail release agreement" means the same as that term is defined in Section
80 77-20-3.5.

81 (6) "Jail release court order" means the same as that term is defined in Section
82 77-20-3.5.

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

85 (8) "Married and living together" means a couple whose marriage was solemnized
86 under Section 30-1-4 or 30-1-6 and who are living in the same residence.

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

89 (10) "Protective order" includes an order issued under Subsection 77-36-5.1(6).

90 (11) "Pretrial protective order" means a written order:

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

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

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

99 (13) "Separated" means a couple who have had their marriage solemnized under
100 Section 30-1-4 or 30-1-6 and who are not living in the same residence.

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