

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:

- (1) "Cohabitant" means the same as that term is defined in Section **78B-7-102**.
- (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\(4\)](#), with the
40 intent to harass or threaten the other cohabitant;

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

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

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

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

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

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

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

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

51 [~~(j)~~] (k) unlawful detention or unlawful detention of a minor, as described in Section
52 [76-5-304](#);

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

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

58 ~~(m)~~ (n) possession of a deadly weapon with criminal intent, as described in Section
59 [76-10-507](#);

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

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

69 ~~(p)~~ (q) child abuse, as described in Section [76-5-109.1](#);

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

71 ~~(r)~~ (s) threatening violence, as described in Section [76-5-107](#);

72 ~~(s)~~ (t) tampering with a witness, as described in Section [76-8-508](#);

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

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

75 ~~(v)~~ (w) sexual battery, as described in Section [76-9-702.1](#);

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

77 ~~(x)~~ (y) damage to or interruption of a communication device, as described in Section
78 [76-6-108](#); or

79 ~~(y)~~ (z) an offense described in Section [77-20-3.5](#).

80 (5) "Jail release agreement" means the same as that term is defined in Section
81 [77-20-3.5](#).

82 (6) "Jail release court order" means the same as that term is defined in Section
83 [77-20-3.5](#).

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

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

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

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

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

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

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

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

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

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