

- 26 ▶ provides that jail release agreements and other measures can apply when an
- 27 individual is issued a citation and not arrested;
- 28 ▶ modifies the type of contact prohibited under jail release agreements and orders;
- 29 ▶ establishes procedures for a victim's waiver of jail release agreement conditions;
- 30 ▶ prohibits issuance of a continuous protective order against a minor unless the minor
- 31 is tried as an adult;
- 32 ▶ modifies the expiration dates for criminal protective orders issued against a minor;
- 33 ▶ **§→ [clarifies] modifies ←§** terminology in the Cohabitant Abuse Procedures Act to
- 33a clarify that the act
- 34 applies to a minor; and
- 35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides a coordination clause.

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **53-10-208**, as last amended by Laws of Utah 2020, Chapter 142
- 43 **53-10-208.1**, as last amended by Laws of Utah 2020, Chapter 142
- 44 **76-7-101**, as last amended by Laws of Utah 2020, Chapter 260
- 45 **77-36-1**, as last amended by Laws of Utah 2020, Chapter 142
- 46 **77-36-1.2**, as last amended by Laws of Utah 2020, Chapter 70
- 47 **77-36-2.6**, as last amended by Laws of Utah 2020, Chapter 142
- 48 **77-36-2.7**, as last amended by Laws of Utah 2020, Chapter 142
- 49 **77-36-5**, as last amended by Laws of Utah 2020, Chapter 142
- 50 **77-36-5.1**, as last amended by Laws of Utah 2020, Chapter 142
- 51 **78B-7-105**, as last amended by Laws of Utah 2020, Chapter 142
- 52 **78B-7-108**, as last amended by Laws of Utah 2018, Chapter 255
- 53 **78B-7-203**, as last amended by Laws of Utah 2020, Chapter 142
- 54 **78B-7-405**, as last amended by Laws of Utah 2020, Chapter 142
- 55 **78B-7-408**, as enacted by Laws of Utah 2018, Chapter 255
- 56 **78B-7-505**, as last amended by Laws of Utah 2020, Chapter 142

1018 (iii) ~~§~~ **Except as provided in Subsection (5)(a)(iv), a parent or guardian may waive**
 1018a **any condition of a jail release agreement on behalf of an alleged victim who is a minor in the**
 1018b **manner described in Subsections (5)(a)(i) and (ii).**

1018c (iv) ~~←§~~ A parent or guardian may not, without the approval of the court, waive the release
 1019 conditions ~~§~~ [of the jail release agreement] described in Subsection (5)(a)(ii) ←§ on behalf of an
 1019a alleged victim who is a minor ~~§~~ [], if the alleged victim who is a minor:

1019b **(A) allegedly suffers bodily injury as a result of the qualifying offense;**

1019c **(B) summons or attempts to summon emergency aid for the qualifying offense; or**

1019d **(C) after the time at which the qualifying offense is allegedly committed and before the**
 1019e **time at which the arrested or cited individual signs the jail release agreement, discloses to a law**
 1019f **enforcement officer that the arrested or cited individual threatened the alleged victim who is a**
 1019g **minor with bodily injury.** ~~←§~~

1020 [(iv)] ~~§~~ [(iv)] (v) ~~←§~~ Upon waiver, the release conditions described in Subsection
 1020a (5)(a)[(iv)](ii) do
 1021 not apply to the arrested or cited individual.

1022 (b) A court or magistrate may modify a jail release agreement or a jail release court
 1023 order in writing or on the record, and only for good cause shown.

1024 (6) (a) When an [~~arrested~~] individual is arrested or issued a citation and subsequently
 1025 released in accordance with Subsection (2), the releasing agency shall:

1026 (i) notify the arresting law enforcement agency of the release, conditions of release, and
 1027 any available information concerning the location of the alleged victim;

1028 (ii) make a reasonable effort to notify the alleged victim of the release; and

1029 (iii) before releasing the [~~arrested~~] individual who is arrested or issued a citation, give
 1030 the arrested or cited individual a copy of the jail release agreement or the jail release court
 1031 order.

1032 (b) (i) When an individual arrested or issued a citation for domestic violence is
 1033 released under this section based on a jail release agreement, the releasing agency shall transmit
 1034 that information to the statewide domestic violence network described in Section 78B-7-113.

1035 (ii) When an individual arrested or issued a citation for domestic violence is released
 1036 under this section based upon a jail release court order or if a jail release agreement is modified
 1037 under Subsection (5)(b), the court shall transmit that order to the statewide domestic violence
 1038 network described in Section 78B-7-113.

1039 (c) This Subsection (6) does not create or increase liability of a law enforcement officer
 1040 or agency, and the good faith immunity provided by Section 77-36-8 is applicable.