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DOMESTIC VIOLENCE MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses domestic violence and protective orders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Domestic Violence Data Task Force (task force) and describes the duties of the task force;
- ▶ requires the Department of Public Safety to:
 - develop and distribute a form to collect data on lethality assessments used in domestic violence cases from law enforcement agencies; and
 - staff the task force;
- ▶ removes provisions requiring the Department of Public Safety and the State Commission on Criminal and Juvenile Justice to collect certain domestic violence data;
- ▶ directs the Administrative Office of the Courts to consider certain domestic violence training for judges, commissioners, and court staff;
- ▶ provides that certain civil protective orders do not prevent the respondent from communicating with the petitioner's attorney regarding the civil protective order;
- and
- ▶ makes technical and conforming changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
35 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
36 of Utah 2021, Chapter 382

37 **76-5-108**, as last amended by Laws of Utah 2021, Chapter 262

38 **78B-7-120**, as enacted by Laws of Utah 2021, Chapters 180 and 180

39 **78B-7-204**, as last amended by Laws of Utah 2021, Chapter 262

40 **78B-7-404**, as last amended by Laws of Utah 2020, Chapter 142

41 **78B-7-504**, as last amended by Laws of Utah 2020, Chapter 142

42 **78B-7-603**, as last amended by Laws of Utah 2021, Chapters 159 and 262

43 ENACTS:

44 **63C-25-101**, Utah Code Annotated 1953

45 **63C-25-201**, Utah Code Annotated 1953

46 **63C-25-202**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **63C-25-101** is enacted to read:

50 **CHAPTER 25. DOMESTIC VIOLENCE DATA TASK FORCE**

51 **Part 1. General Provisions**

52 **63C-25-101. Definitions.**

53 As used in this part:

54 (1) "Criminal justice system victim advocate" means an individual who:

55 (a) is employed or authorized to volunteer by a government agency that possesses a
56 role or responsibility within the criminal justice system; and

57 (b) as a primary responsibility, addresses the mental, physical, or emotional recovery of
58 victims.

59 (2) "Cohabitant abuse protective order" means an order issued with or without notice to
60 the respondent under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.

61 (3) "Domestic violence organization" means a state, local, or not for profit agency that
62 provides domestic violence services.

63 (4) "Domestic violence services" means the same as that term is defined in Section
64 62A-4a-101.

65 (5) "Lethality assessment" means an evidence-based assessment that is intended to
66 identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.

67 (6) "Nongovernment organization victim advocate" means an individual who:

68 (a) is employed or authorized to volunteer by an nongovernment organization advocacy
69 services provider; and

70 (b) as a primary responsibility, addresses the mental, physical, or emotional recovery of
71 victims.

72 (7) "Task force" means the Domestic Violence Data Task Force created in Section
73 63C-25-201.

74 (8) "Victim" means an individual who is a victim of domestic violence, as defined in
75 Section 77-36-1.

76 Section 2. Section 63C-25-201 is enacted to read:

77 **Part 2. Domestic Violence Data Task Force**

78 **63C-25-201. Domestic Violence Data Task Force -- Creation -- Members --**

79 **Compensation -- Quorum -- Staff.**

80 (1) There is created the Domestic Violence Data Task Force to coordinate and make
81 recommendations to the Legislature regarding the collection of domestic violence data in the
82 state.

83 (2) The task force consists of the following members:

84 (a) one member of the Senate, appointed by the president of the Senate;

85 (b) one member of the House of Representatives, appointed by the speaker of the
86 House of Representatives;

87 (c) the Commissioner of Public Safety, or the commissioner's designee;

88 (d) the executive director of the Department of Corrections, or the executive director's
89 designee;

- 90 (e) the chair of the Board of Pardons or Parole, or the chair's designee;
- 91 (f) the president of the Utah Chiefs of Police Association or the president's designee;
- 92 (g) the president of the Utah Sheriffs Association or the president's designee;
- 93 (h) the executive director of the State Commission on Criminal and Juvenile Justice, or
- 94 the director's designee;
- 95 (i) the director of the Division of Child and Family Services, or the director's designee;
- 96 (j) one individual who represents the Administrative Office of the Courts appointed by
- 97 the state court administrator;
- 98 (k) one individual appointed jointly by the Utah League of Cities and Towns and the
- 99 Utah Association of Counties; and
- 100 (l) the following individuals appointed jointly by the president of the Senate and the
- 101 speaker of the House of Representatives:
- 102 (i) one representative of a state domestic violence coalition;
- 103 (ii) one criminal justice system advocate; and
- 104 (iii) one nongovernment organization victim advocate.
- 105 (3) The task force shall annually select one of the task force members to be the chair of
- 106 the task force.
- 107 (4) If a vacancy occurs in the membership of the task force appointed under Subsection
- 108 (1), the member shall be replaced in the same manner in which the original appointment was
- 109 made.
- 110 (5) (a) The salary and expenses of a task force member who is a legislator shall be paid
- 111 in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
- 112 Compensation.
- 113 (b) A task force member who is not a legislator:
- 114 (i) may not receive compensation or benefits for the member's service on the task
- 115 force; and
- 116 (ii) may receive per diem and reimbursement for travel expenses that the task force
- 117 member incurs as a task force member at the rates that the Division of Finance establishes
- 118 under:
- 119 (A) Sections [63A-3-106](#) and [63A-3-107](#); and
- 120 (B) rules that the Division of Finance makes under Sections [63A-3-106](#) and

121 [63A-3-107](#).

122 (6) (a) A majority of the task force members constitutes a quorum.

123 (b) The action of a majority of a quorum constitutes an action of the task force.

124 (7) The Department of Public Safety shall provide staff support to the task force.

125 Section 3. Section **63C-25-202** is enacted to read:

126 **63C-25-202. Task force duties -- Reporting.**

127 (1) The task force shall:

128 (a) gather information on:

129 (i) lethality assessments conducted in the state, including:

130 (A) the type of lethality assessments used by law enforcement agencies and other
131 organizations that provide domestic violence services; and

132 (B) training and protocols implemented by law enforcement agencies and the
133 organizations described in Subsection (1)(a)(i)(A) regarding the use of lethality assessments;

134 (ii) the data collection efforts implemented by law enforcement agencies and the
135 organizations described in Subsection (1)(a)(i)(A);

136 (iii) the number of cohabitant abuse protective orders that, in the immediately
137 preceding calendar year, were:

138 (A) issued;

139 (B) amended or dismissed before the date of expiration; and

140 (C) dismissed under Subsection [78B-7-605\(1\)](#); and

141 (iv) the prevalence of the following in domestic violence cases:

142 (A) stalking;

143 (B) strangulation;

144 (C) violence in the presence of children; and

145 (D) threats of suicide or homicide; and

146 (b) develop a strategic plan to improve domestic violence data collection in the state
147 that addresses:

148 (i) coordination between state, local, and not for profit agencies to collect domestic
149 violence data from lethality assessments;

150 (ii) standardization of the format for collecting domestic violence and lethality
151 assessment data from state, local, and not for profit agencies; and

- 152 (iii) the need for any additional data collection requirements or efforts.
- 153 (2) Before November 30, 2022, the task force shall provide a written report to the Law
- 154 Enforcement and Criminal Justice Interim Committee describing:
- 155 (a) the information gathered under Subsection (1)(a); and
- 156 (b) the strategic plan described in Subsection (1)(b).
- 157 Section 4. Section **63I-1-263** is amended to read:
- 158 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 159 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 160 (a) Section **63A-16-102** is repealed;
- 161 (b) Section **63A-16-201** is repealed; and
- 162 (c) Section **63A-16-202** is repealed.
- 163 (2) Subsection **63A-5b-405(5)**, relating to prioritizing and allocating capital
- 164 improvement funding, is repealed July 1, 2024.
- 165 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,
- 166 2023.
- 167 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review
- 168 Committee, are repealed July 1, 2023.
- 169 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 170 1, 2028.
- 171 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 172 2025.
- 173 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 174 2024.
- 175 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 176 repealed July 1, 2023.
- 177 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 178 July 1, 2023.
- 179 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
- 180 repealed July 1, 2026.
- 181 (11) Title 63C, Chapter 25, Domestic Violence Data Task Force, is repealed December
- 182 31, 2023.

183 [~~(11)~~] (12) Title 63A, Chapter 16, Part 7, Data Security Management Council, is
184 repealed July 1, 2025.

185 [~~(12)~~] (13) Section [63G-6a-805](#), which creates the Purchasing from Persons with
186 Disabilities Advisory Board, is repealed July 1, 2026.

187 [~~(13)~~] (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
188 July 1, 2025.

189 [~~(14)~~] (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
190 July 1, 2024.

191 [~~(15)~~] (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
192 2026.

193 [~~(16)~~] (17) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is
194 repealed July 1, 2026.

195 [~~(17)~~] (18) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio
196 System Restricted Account, is repealed July 1, 2022.

197 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and
198 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
199 necessary changes to subsection numbering and cross references.

200 [~~(18)~~] (19) Subsection [63J-1-602.2](#)(5), referring to dedicated credits to the Utah
201 Marriage Commission, is repealed July 1, 2023.

202 [~~(19)~~] (20) Subsection [63J-1-602.2](#)(6), referring to the Trip Reduction Program, is
203 repealed July 1, 2022.

204 [~~(20)~~] (21) Subsection [63J-1-602.2](#)(24), related to the Utah Seismic Safety
205 Commission, is repealed January 1, 2025.

206 [~~(21)~~] (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
207 Committee, is repealed July 1, 2027.

208 [~~(22)~~] (23) In relation to the advisory committee created in Subsection [63L-11-305](#)(3),
209 on July 1, 2022:

210 (a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed; and

211 (b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.

212 [~~(23)~~] (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
213 on January 1, 2023:

214 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
215 repealed;

216 (b) Section 63M-7-305, the language that states "council" is replaced with
217 "commission";

218 (c) Subsection 63M-7-305(1) is repealed and replaced with:
219 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

220 (d) Subsection 63M-7-305(2) is repealed and replaced with:
221 "(2) The commission shall:

222 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
223 Drug-Related Offenses Reform Act; and

224 (b) coordinate the implementation of Section 77-18-104 and related provisions in
225 Subsections 77-18-103(2)(c) and (d)."

226 [~~24~~] (25) The Crime Victim Reparations and Assistance Board, created in Section
227 63M-7-504, is repealed July 1, 2027.

228 [~~25~~] (26) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
229 July 1, 2022.

230 [~~26~~] (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
231 2026.

232 [~~27~~] (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development
233 Coordinating Council, is repealed July 1, 2024.

234 [~~28~~] (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

235 [~~29~~] (30) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
236 July 1, 2028.

237 [~~30~~] (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
238 January 1, 2021.

239 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
240 calendar years beginning on or after January 1, 2021.

241 (c) Notwithstanding Subsection [~~30~~] (31)(b), an entity may carry forward a tax credit
242 in accordance with Section 59-9-107 if:

243 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
244 31, 2020; and

245 (ii) the qualified equity investment that is the basis of the tax credit is certified under
246 Section [63N-2-603](#) on or before December 31, 2023.

247 ~~[(31)]~~ [\(32\)](#) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
248 repealed July 1, 2023.

249 ~~[(32)]~~ [\(33\)](#) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
250 July 1, 2025.

251 ~~[(33)]~~ [\(34\)](#) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
252 Program, is repealed January 1, 2028.

253 Section 5. Section **76-5-108** is amended to read:

254 **76-5-108. Protective orders restraining abuse of another -- Violation.**

255 (1) Any person who is the respondent or defendant subject to a protective order, child
256 protective order, ex parte protective order, or ex parte child protective order issued under the
257 following who intentionally or knowingly violates that order after having been properly served
258 or having been present, in person or through court video conferencing, when the order was
259 issued, is guilty of a class A misdemeanor, except as a greater penalty may be provided in:

260 [\(a\)](#) Title 77, Chapter 36, Cohabitant Abuse Procedures Act~~[:];~~

261 ~~[(a) Title 80, Utah Juvenile Code;]~~

262 [\(b\)](#) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;

263 [\(c\)](#) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; ~~[or]~~

264 [\(d\)](#) a foreign protection order enforceable under Title 78B, Chapter 7, Part 3, Uniform
265 Interstate Enforcement of Domestic Violence Protection Orders Act~~[:];~~ or

266 [\(e\)](#) Title 80, Utah Juvenile Code.

267 (2) Violation of an order as described in Subsection (1) is a domestic violence offense
268 under Section [77-36-1](#) and subject to increased penalties in accordance with Section [77-36-1.1](#).

269 Section 6. Section **78B-7-120** is amended to read:

270 **78B-7-120. Law enforcement training -- Domestic violence -- Lethality**
271 **assessments -- Forms -- Judicial education.**

272 (1) The Department of Public Safety shall:

273 [\(a\)](#) develop training in domestic violence responses and lethality assessment protocols~~[:;~~
274 ~~which include the following]~~ that includes information regarding:

275 ~~[(a)]~~ [\(i\)](#) recognizing the symptoms of domestic violence and trauma;

276 ~~[(b)]~~ (ii) an evidence-based assessment to identify victims of domestic violence who
277 may be at a high risk of being killed by a perpetrator;

278 ~~[(c)]~~ (iii) lethality assessment protocols and interviewing techniques, including
279 indicators of strangulation;

280 ~~[(d)]~~ (iv) responding to the needs and concerns of a victim of domestic violence;

281 ~~[(e)]~~ (v) delivering services to victims of domestic violence in a compassionate,
282 sensitive, and professional manner; and

283 ~~[(f)]~~ (vi) understanding cultural perceptions and common myths of domestic
284 violence[-];

285 ~~[(2)]~~ (b) ~~[The department shall]~~ develop and offer an online training course in domestic
286 violence issues to all certified law enforcement officers in the state[-];

287 ~~[(3) Training in domestic violence issues shall be incorporated into training offered by
288 the Peace Officer Standards and Training division to all persons seeking certification as a peace
289 officer.]~~

290 ~~[(4)]~~ (c) ~~[The department shall]~~ develop specific training curriculums ~~[that meet the
291 requirements of this section, including]~~ for the trainings described in Subsections (1)(a) and (b)
292 that include:

293 ~~[(a)]~~ (i) information regarding response to domestic violence incidents, including
294 trauma-informed and victim-centered interview techniques;

295 ~~[(b)]~~ (ii) lethality assessment protocols which have been demonstrated to minimize
296 retraumatizing victims; and

297 ~~[(c)]~~ (iii) standards for report writing[-]; and

298 ~~[(5) The Department of Public Safety, in partnership with the Division of Child and
299 Family Services and the Commission on Criminal and Juvenile Justice, shall work to identify
300 aggregate domestic violence data to include:]~~

301 ~~[(a) lethality assessments;]~~

302 ~~[(b) the prevalence of stalking;]~~

303 ~~[(c) strangulation;]~~

304 ~~[(d) violence in the presence of children; and]~~

305 ~~[(e) threats of suicide or homicide.]~~

306 (d) develop a form to be used by a law enforcement agency to provide data regarding

307 lethality assessments performed by the law enforcement agency and disseminate the form to
308 law enforcement agencies in the state.

309 ~~[(6) The Department of Public Safety, with support from the Commission on Criminal~~
310 ~~and Juvenile Justice and the Division of Child and Family Services shall provide~~
311 ~~recommendations to the Law Enforcement and Criminal Justice Interim Committee not later~~
312 ~~than July 31 of each year and in the commission's annual report required by Section~~
313 ~~63M-7-205.]~~

314 (2) The Peace Officer Standards and Training Division shall incorporate training in
315 domestic violence issues into training offered to all individuals seeking certification as a peace
316 officer.

317 (3) The Administrative Office of the Courts shall consider including the concepts in the
318 training described in Subsections (1)(a) and (b) as part of an appropriate education program for
319 judges, commissioners, and court staff.

320 Section 7. Section **78B-7-204** is amended to read:

321 **78B-7-204. Content of orders -- Modification of orders -- Penalties.**

322 (1) A child protective order or an ex parte child protective order may contain the
323 following provisions the violation of which is a class A misdemeanor under Section **76-5-108**:

324 (a) enjoin the respondent from threatening to commit or committing abuse of the child;

325 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise
326 communicating with the child, directly or indirectly;

327 (c) prohibit the respondent from entering or remaining upon the residence, school, or
328 place of employment of the child and the premises of any of these or any specified place
329 frequented by the child;

330 (d) upon finding that the respondent's use or possession of a weapon may pose a
331 serious threat of harm to the child, prohibit the respondent from purchasing, using, or
332 possessing a firearm or other specified weapon; and

333 (e) determine ownership and possession of personal property and direct the appropriate
334 law enforcement officer to attend and supervise the petitioner's or respondent's removal of
335 personal property.

336 (2) A child protective order or an ex parte child protective order may contain the
337 following provisions the violation of which is contempt of court:

- 338 (a) determine temporary custody of the child who is the subject of the petition;
- 339 (b) determine parent-time with the child who is the subject of the petition, including
- 340 denial of parent-time if necessary to protect the safety of the child, and require supervision of
- 341 parent-time by a third party;
- 342 (c) determine support in accordance with Title 78B, Chapter 12, Utah Child Support
- 343 Act; and
- 344 (d) order any further relief the court considers necessary to provide for the safety and
- 345 welfare of the child.

346 (3) (a) An order under Subsection (1) or (2) does not prohibit the respondent from

347 communicating with the petitioner's counsel regarding the protective order.

348 (b) The petitioner's or respondent's counsel may communicate with the opposing party

349 in accordance with the Utah Rules of Professional Conduct.

350 ~~[(3)]~~ (4) (a) If the child who is the subject of the child protective order attends the same

351 school or place of worship as the respondent, or is employed at the same place of employment

352 as the respondent, the court:

353 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from

354 the respondent's school, place of worship, or place of employment; and

355 (ii) may enter an order governing the respondent's conduct at the respondent's school,

356 place of worship, or place of employment.

357 (b) A violation of an order under Subsection ~~[(3)]~~ (4)(a) is contempt of court.

358 ~~[(4)]~~ (5) (a) A respondent may petition the court to modify or vacate a child protective

359 order after notice and a hearing.

360 (b) At the hearing described in Subsection ~~[(4)]~~ (5)(a):

361 (i) the respondent shall have the burden of proving by clear and convincing evidence

362 that modification or vacation of the child protective order is in the best interest of the child; and

363 (ii) the court shall consider:

364 (A) the nature and duration of the abuse;

365 (B) the pain and trauma inflicted on the child as a result of the abuse;

366 (C) if the respondent is a parent of the child, any reunification services provided in

367 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and

368 (D) any other evidence the court finds relevant to the determination of the child's best

369 interests, including recommendations by the other parent or a guardian of the child, or a mental
370 health professional.

371 (c) The child is not required to attend the hearing described in Subsection [~~(4)~~] (5)(a).

372 Section 8. Section **78B-7-404** is amended to read:

373 **78B-7-404. Dating violence protective orders -- Ex parte dating violence**
374 **protective orders -- Modification of orders -- Service of process -- Duties of the court.**

375 (1) If it appears from a petition for a protective order or a petition to modify an existing
376 protective order that a dating partner of the petitioner has abused or committed dating violence
377 against the petitioner, the court may:

378 (a) without notice, immediately issue an ex parte dating violence protective order
379 against the dating partner or modify an existing dating protective order ex parte if necessary to
380 protect the petitioner and all parties named in the petition; or

381 (b) upon notice to the respondent, issue a dating violence protective order or modify a
382 dating violence protective order after a hearing, regardless of whether the respondent appears.

383 (2) A court may grant the following relief without notice in a dating violence protective
384 order or a modification issued ex parte:

385 (a) prohibit the respondent from threatening to commit or committing dating violence
386 or abuse against the petitioner and any designated family or household member described in the
387 protective order;

388 (b) prohibit the respondent from telephoning, contacting, or otherwise communicating
389 with the petitioner or any designated family or household member, directly or indirectly;

390 (c) order that the respondent:

391 (i) is excluded and shall stay away from the petitioner's residence and its premises;

392 (ii) except as provided in Subsection (4), stay away from the petitioner's:

393 (A) school and the school's premises; and

394 (B) place of employment and its premises; and

395 (iii) stay away from any specified place frequented by the petitioner or any designated
396 family or household member;

397 (d) prohibit the respondent from being within a specified distance of the petitioner; and

398 (e) order any further relief that the court considers necessary to provide for the safety

399 and welfare of the petitioner and any designated family or household member.

400 (3) A court may grant the following relief in a dating violence protective order or a
401 modification of a dating violence protective order, after notice and a hearing, regardless of
402 whether the respondent appears:

403 (a) the relief described in Subsection (2); and

404 (b) except as provided in Subsection (5), upon finding that the respondent's use or
405 possession of a weapon poses a serious threat of harm to the petitioner or any designated family
406 or household member, prohibit the respondent from purchasing, using, or possessing a weapon
407 specified by the court.

408 (4) If the petitioner or a family or household member designated in the protective order
409 attends the same school as the respondent, or is employed at the same place of employment as
410 the respondent, the district court:

411 (a) may not enter an order under Subsection (2)(c)(ii) that excludes the respondent
412 from the respondent's school or place of employment; and

413 (b) may enter an order governing the respondent's conduct at the respondent's school or
414 place of employment.

415 (5) The court may not prohibit the respondent from possessing a firearm:

416 (a) if the respondent has not been given notice of the petition for a protective order and
417 an opportunity to be heard; and

418 (b) unless the petition establishes:

419 (i) by a preponderance of the evidence that the respondent has committed abuse or
420 dating violence against the petitioner; and

421 (ii) by clear and convincing evidence that the respondent's use or possession of a
422 firearm poses a serious threat of harm to petitioner or the designated family or household
423 member.

424 (6) After the court issues a dating violence protective order, the court shall:

425 (a) as soon as possible, deliver the order to the county sheriff for service of process;

426 (b) make reasonable efforts at the hearing to ensure that the dating violence protective
427 order is understood by the petitioner and the respondent, if present;

428 (c) transmit electronically, by the end of the business day after the day on which the
429 order is issued, a copy of the dating violence protective order to the local law enforcement
430 agency designated by the petitioner; and

431 (d) transmit a copy of the protective order issued under this part in the same manner as
432 described in Section 78B-7-113.

433 (7) (a) The county sheriff that receives the order from the court, under Subsection
434 (6)(a), shall:

435 (i) provide expedited service for protective orders issued in accordance with this part;
436 and

437 (ii) after the order has been served, transmit verification of service of process to the
438 statewide network described in Section 78B-7-113.

439 (b) This section does not prohibit another law enforcement agency from providing
440 service of process if that law enforcement agency:

441 (i) has contact with the respondent and service by that law enforcement agency is
442 possible; or

443 (ii) determines that, under the circumstances, providing service of process on the
444 respondent is in the best interests of the petitioner.

445 (8) When a protective order is served on a respondent in jail, or other holding facility,
446 the law enforcement agency managing the facility shall make a reasonable effort to provide
447 notice to the petitioner at the time the respondent is released from incarceration.

448 (9) A court may modify or vacate a protective order under this part after notice and
449 hearing, if the petitioner:

450 (a) is personally served with notice of the hearing, as provided in the Utah Rules of
451 Civil Procedure, and appears before the court to give specific consent to the modification or
452 vacation of the provisions of the protective order; or

453 (b) submits an affidavit agreeing to the modification or vacation of the provisions of
454 the protective order.

455 (10) (a) An order under this section does not prohibit the respondent from
456 communicating with the petitioner's counsel regarding the protective order.

457 (b) The petitioner's or respondent's counsel may communicate with the opposing party
458 in accordance with the Utah Rules of Professional Conduct.

459 Section 9. Section 78B-7-504 is amended to read:

460 **78B-7-504. Sexual violence protective orders -- Ex parte protective orders --**
461 **Modification of orders.**

462 (1) If it appears from a petition for a protective order or a petition to modify an existing
463 protective order that sexual violence has occurred, the district court may:

464 (a) without notice, immediately issue an ex parte sexual violence protective order
465 against the respondent or modify an existing sexual violence protective order ex parte, if
466 necessary to protect the petitioner or any party named in the petition; or

467 (b) upon notice to the respondent, issue a sexual violence protective order or modify a
468 sexual violence protective order after a hearing, regardless of whether the respondent appears.

469 (2) The district court may grant the following relief with or without notice in a
470 protective order or in a modification to a protective order:

471 (a) prohibit the respondent from threatening to commit or committing sexual violence
472 against the petitioner and a family or household member designated in the protective order;

473 (b) prohibit the respondent from telephoning, contacting, or otherwise communicating
474 with the petitioner or a family or household member designated in the protective order, directly
475 or indirectly;

476 (c) order that the respondent:

477 (i) is excluded and shall stay away from the petitioner's residence and its premises;

478 (ii) subject to Subsection (4), stay away from the petitioner's:

479 (A) school and its premises;

480 (B) place of employment and its premises; or

481 (C) place of worship and its premises; or

482 (iii) stay away from any specified place frequented by the petitioner or a family or
483 household member designated in the protective order;

484 (d) prohibit the respondent from being within a specified distance of the petitioner; or

485 (e) order any further relief that the district court considers necessary to provide for the
486 safety and welfare of the petitioner and a family or household member designated in the
487 protective order.

488 (3) The district court may grant the following relief in a sexual violence protective
489 order or a modification of a sexual violence protective order, after notice and a hearing,
490 regardless of whether the respondent appears:

491 (a) the relief described in Subsection (2); and

492 (b) subject to Subsection (5), upon finding that the respondent's use or possession of a

493 weapon poses a serious threat of harm to the petitioner or a family or household member
494 designated in the protective order, prohibit the respondent from purchasing, using, or
495 possessing a weapon specified by the district court.

496 (4) If the petitioner or a family or household member designated in the protective order
497 attends the same school as the respondent, is employed at the same place of employment as the
498 respondent, or attends the same place of worship as the respondent, the court may enter an
499 order:

500 (a) that excludes the respondent from the respondent's school, place of employment, or
501 place of worship; or

502 (b) governing the respondent's conduct at the respondent's school, place of
503 employment, or place of worship.

504 (5) The district court may not prohibit the respondent from possessing a firearm:

505 (a) if the respondent has not been given notice of the petition for a protective order and
506 an opportunity to be heard; and

507 (b) unless the petition establishes:

508 (i) by a preponderance of the evidence that the respondent committed sexual violence
509 against the petitioner; and

510 (ii) by clear and convincing evidence that the respondent's use or possession of a
511 firearm poses a serious threat of harm to the petitioner or a family or household member
512 designated in the protective order.

513 (6) After the day on which the district court issues a sexual violence protective order,
514 the district court shall:

515 (a) as soon as possible, deliver the order to the county sheriff for service of process;

516 (b) make reasonable efforts at the hearing to ensure that the petitioner and the
517 respondent, if present, understand the sexual violence protective order;

518 (c) transmit electronically, by the end of the business day after the day on which the
519 court issues the order, a copy of the sexual violence protective order to a local law enforcement
520 agency designated by the petitioner; and

521 (d) transmit a copy of the sexual violence protective order in the same manner as
522 described in Section [78B-7-113](#).

523 (7) (a) A respondent may request the court modify or vacate a protective order in

524 accordance with Subsection (7)(b).

525 (b) Upon a respondent's request, the district court may modify or vacate a protective
526 order after notice and a hearing, if the petitioner:

527 (i) is personally served with notice of the hearing, as provided in the Utah Rules of
528 Civil Procedure, and appears before the district court to give specific consent to the
529 modification or vacation of the provisions of the protective order; or

530 (ii) submits an affidavit agreeing to the modification or vacation of the provisions of
531 the protective order.

532 (8) (a) An order under this section does not prohibit the respondent from
533 communicating with the petitioner's counsel regarding the protective order.

534 (b) The petitioner's or respondent's counsel may communicate with the opposing party
535 in accordance with the Utah Rules of Professional Conduct.

536 Section 10. Section **78B-7-603** is amended to read:

537 **78B-7-603. Cohabitant abuse protective orders -- Ex parte cohabitant abuse**
538 **protective orders -- Modification of orders -- Service of process -- Duties of the court.**

539 (1) If it appears from a petition for a protective order or a petition to modify a
540 protective order that domestic violence or abuse has occurred, that there is a substantial
541 likelihood domestic violence or abuse will occur, or that a modification of a protective order is
542 required, a court may:

543 (a) without notice, immediately issue an ex parte cohabitant abuse protective order or
544 modify a protective order ex parte as the court considers necessary to protect the petitioner and
545 all parties named to be protected in the petition; or

546 (b) upon notice, issue a protective order or modify an order after a hearing, regardless
547 of whether the respondent appears.

548 (2) A court may grant the following relief without notice in a protective order or a
549 modification issued ex parte:

550 (a) enjoin the respondent from threatening to commit domestic violence or abuse,
551 committing domestic violence or abuse, or harassing the petitioner or any designated family or
552 household member;

553 (b) prohibit the respondent from telephoning, contacting, or otherwise communicating
554 with the petitioner or any designated family or household member, directly or indirectly, with

555 the exception of any parent-time provisions in the ex parte order;

556 (c) subject to Subsection (2)(e), prohibit the respondent from being within a specified
557 distance of the petitioner;

558 (d) subject to Subsection (2)(e), order that the respondent is excluded from and is to
559 stay away from the following places and their premises:

560 (i) the petitioner's residence or any designated family or household member's residence;

561 (ii) the petitioner's school or any designated family or household member's school;

562 (iii) the petitioner's or any designated family or household member's place of

563 employment;

564 (iv) the petitioner's place of worship or any designated family or household member's
565 place of worship; or

566 (v) any specified place frequented by the petitioner or any designated family or

567 household member;

568 (e) if the petitioner or designated family or household member attends the same school

569 as the respondent, is employed at the same place of employment as the respondent, or attends

570 the same place of worship, the court:

571 (i) may not enter an order under Subsection (2)(c) or (d) that excludes the respondent
572 from the respondent's school, place of employment, or place of worship; and

573 (ii) may enter an order governing the respondent's conduct at the respondent's school,
574 place of employment, or place of worship;

575 (f) upon finding that the respondent's use or possession of a weapon may pose a serious
576 threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a
577 firearm or other weapon specified by the court;

578 (g) order possession and use of an automobile and other essential personal effects, and
579 direct the appropriate law enforcement officer to accompany the petitioner to the residence of
580 the parties to ensure that the petitioner is safely restored to possession of the residence,
581 automobile, and other essential personal effects, or to supervise the petitioner's or respondent's
582 removal of personal belongings;

583 (h) order the respondent to maintain an existing wireless telephone contract or account;

584 (i) grant to the petitioner or someone other than the respondent temporary custody of a
585 minor child of the parties;

586 (j) order the appointment of an attorney guardian ad litem under Sections 78A-2-703
587 and 78A-2-803;

588 (k) order any further relief that the court considers necessary to provide for the safety
589 and welfare of the petitioner and any designated family or household member; and

590 (l) if the petition requests child support or spousal support, at the hearing on the
591 petition order both parties to provide verification of current income, including year-to-date pay
592 stubs or employer statements of year-to-date or other period of earnings, as specified by the
593 court, and complete copies of tax returns from at least the most recent year.

594 (3) A court may grant the following relief in a cohabitant abuse protective order or a
595 modification of an order after notice and hearing, regardless of whether the respondent appears:

596 (a) grant the relief described in Subsection (2); and

597 (b) specify arrangements for parent-time of any minor child by the respondent and
598 require supervision of that parent-time by a third party or deny parent-time if necessary to
599 protect the safety of the petitioner or child.

600 (4) In addition to the relief granted under Subsection (3), the court may order the
601 transfer of a wireless telephone number in accordance with Section 78B-7-117.

602 (5) Following the cohabitant abuse protective order hearing, the court shall:

603 (a) as soon as possible, deliver the order to the county sheriff for service of process;

604 (b) make reasonable efforts to ensure that the cohabitant abuse protective order is
605 understood by the petitioner, and the respondent, if present;

606 (c) transmit electronically, by the end of the next business day after the order is issued,
607 a copy of the cohabitant abuse protective order to the local law enforcement agency or agencies
608 designated by the petitioner;

609 (d) transmit a copy of the order to the statewide domestic violence network described
610 in Section 78B-7-113; and

611 (e) if the individual is a respondent or defendant subject to a court order that meets the
612 qualifications outlined in 18 U.S.C. Sec. 922(g)(8), transmit within 48 hours, excluding
613 Saturdays, Sundays, and legal holidays, a record of the order to the Bureau of Criminal
614 Identification that includes:

615 (i) an agency record identifier;

616 (ii) the individual's name, sex, race, and date of birth;

617 (iii) the issue date, conditions, and expiration date for the protective order; and
618 (iv) if available, the individual's social security number, government issued driver
619 license or identification number, alien registration number, government passport number, state
620 identification number, or FBI number.

621 (6) Each protective order shall include two separate portions, one for provisions, the
622 violation of which are criminal offenses, and one for provisions, the violation of which are civil
623 offenses, as follows:

624 (a) criminal offenses are those under Subsections (2)(a) through (g), and under
625 Subsection (3)(a) as it refers to Subsections (2)(a) through (g); and

626 (b) civil offenses are those under Subsections (2)(h) through (l), Subsection (3)(a) as it
627 refers to Subsections (2)(h) through (l), and Subsection (3)(b).

628 (7) Child support and spouse support orders issued as part of a protective order are
629 subject to mandatory income withholding under Title 62A, Chapter 11, Part 4, Income
630 Withholding in IV-D Cases, and Title 62A, Chapter 11, Part 5, Income Withholding in Non
631 IV-D Cases, except when the protective order is issued ex parte.

632 (8) (a) The county sheriff that receives the order from the court, under Subsection (5),
633 shall provide expedited service for protective orders issued in accordance with this part, and
634 shall transmit verification of service of process, when the order has been served, to the
635 statewide domestic violence network described in Section 78B-7-113.

636 (b) This section does not prohibit any law enforcement agency from providing service
637 of process if that law enforcement agency:

638 (i) has contact with the respondent and service by that law enforcement agency is
639 possible; or

640 (ii) determines that under the circumstances, providing service of process on the
641 respondent is in the best interests of the petitioner.

642 (9) (a) When an order is served on a respondent in a jail or other holding facility, the
643 law enforcement agency managing the facility shall make a reasonable effort to provide notice
644 to the petitioner at the time the respondent is released from incarceration.

645 (b) Notification of the petitioner shall consist of a good faith reasonable effort to
646 provide notification, including mailing a copy of the notification to the last-known address of
647 the victim.

648 (10) A court may modify or vacate a protective order or any provisions in the
649 protective order after notice and hearing, except that the criminal provisions of a cohabitant
650 abuse protective order may not be vacated within two years of issuance unless the petitioner:

651 (a) is personally served with notice of the hearing, as provided in the Utah Rules of
652 Civil Procedure, and the petitioner personally appears, in person or through court video
653 conferencing, before the court and gives specific consent to the vacation of the criminal
654 provisions of the cohabitant abuse protective order; or

655 (b) submits a verified affidavit, stating agreement to the vacation of the criminal
656 provisions of the cohabitant abuse protective order.

657 (11) A protective order may be modified without a showing of substantial and material
658 change in circumstances.

659 (12) A civil provision of a protective order described in Subsection (6) may be
660 dismissed or modified at any time in a divorce, parentage, custody, or guardianship proceeding
661 that is pending between the parties to the protective order action if:

662 (a) the parties stipulate in writing or on the record to dismiss or modify a civil
663 provision of the protective order; or

664 (b) the court in the divorce, parentage, custody, or guardianship proceeding finds good
665 cause to dismiss or modify the civil provision.

666 (13) (a) An order under this section does not prohibit the respondent from
667 communicating with the petitioner's counsel regarding the protective order.

668 (b) The petitioner's or respondent's counsel may communicate with the opposing party
669 in accordance with the Utah Rules of Professional Conduct.