

Representative Candice B. Pierucci proposes the following substitute bill:

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;
- ▶ includes a sunset date for 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



26 communicating with the petitioner's attorney regarding the civil protective order; and
27 ▶ 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 the same as that term is defined in

55 Section [77-38-403](#).

56 (2) "Cohabitant abuse protective order" means an order issued with or without notice to

57 the respondent under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.

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

60 (4) "Nongovernment organization victim advocate" means the same as that term is
61 defined in Section [77-38-403](#).

62 (5) "Task force" means the Domestic Violence Data Task Force created in Section
63 [63C-25-201](#).

64 (6) "Victim" means an individual who is a victim of domestic violence, as defined in
65 Section [77-36-1](#).

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

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

68 **63C-25-201. Domestic Violence Data Task Force -- Creation -- Members --**

69 **Compensation -- Quorum -- Staff.**

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

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

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

75 (b) one member of the House of Representatives, appointed by the speaker of the
76 House of Representatives;

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

78 (d) the executive director of the Department of Corrections, or the executive director's
79 designee;

80 (e) the chair of the Board of Pardons or Parole, or the chair's designee;

81 (f) the president of the Utah Chiefs of Police Association, or the president's designee;

82 (g) the president of the Utah Sheriffs Association, or the president's designee;

83 (h) the executive director of the State Commission on Criminal and Juvenile Justice, or
84 the director's designee;

85 (i) the director of the Division of Child and Family Services, or the director's designee;

86 (j) the program manager of the Violence and Injury Prevention Program within the

87 Department of Health, or the program manager's designee;

- 88 (k) the director of the Division of Indian Affairs, or the director's designee;
89 (l) one individual who represents the Administrative Office of the Courts appointed by
90 the state court administrator;
91 (m) one individual appointed jointly by the Utah League of Cities and Towns and the
92 Utah Association of Counties; and
93 (n) the following individuals appointed jointly by the president of the Senate and the
94 speaker of the House of Representatives:
95 (i) one individual who represents a statewide domestic violence coalition, as defined in
96 45 C.F.R. Sec. 1370.2;
97 (ii) one criminal justice system advocate; and
98 (iii) one nongovernment organization victim advocate.
99 (3) The task force shall annually select one of the task force members to be the chair of
100 the task force.
101 (4) If a vacancy occurs in the membership of the task force appointed under Subsection
102 (1), the member shall be replaced in the same manner in which the original appointment was
103 made.
104 (5) (a) The salary and expenses of a task force member who is a legislator shall be paid
105 in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
106 Compensation.
107 (b) A task force member who is not a legislator:
108 (i) may not receive compensation or benefits for the member's service on the task
109 force; and
110 (ii) may receive per diem and reimbursement for travel expenses that the task force
111 member incurs as a task force member at the rates that the Division of Finance establishes
112 under:
113 (A) Sections [63A-3-106](#) and [63A-3-107](#); and
114 (B) rules that the Division of Finance makes under Sections [63A-3-106](#) and
115 [63A-3-107](#).
116 (6) (a) A majority of the task force members constitutes a quorum.
117 (b) The action of a majority of a quorum constitutes an action of the task force.
118 (7) The Department of Public Safety shall provide staff support to the task force.

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

120 **63C-25-202. Task force duties -- Reporting.**

121 (1) The task force shall:

122 (a) gather information on:

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

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

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

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

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

132 (A) issued;

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

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

135 (iv) the prevalence of domestic violence in the state and the prevalence of the
136 following in domestic violence cases:

137 (A) stalking;

138 (B) strangulation;

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

140 (D) threats of suicide or homicide; and

141 (b) review and provide feedback on the form described in Subsection [78B-7-120\(1\)\(d\)](#);

142 (c) develop a strategic plan to improve domestic violence data collection in the state
143 that addresses:

144 (i) coordination between state, local, and not for profit agencies to collect data on the
145 prevalence of domestic violence and domestic violence data from lethality assessments;

146 (ii) standardization of the format for collecting domestic violence and lethality
147 assessment data from state, local, and not for profit agencies within federal confidentiality
148 requirements; and

149 (iii) the need for any additional data collection requirements or efforts.

150 (2) Before November 30, 2022, the task force shall provide a written report to the Law
151 Enforcement and Criminal Justice Interim Committee describing:

- 152 (a) the information gathered under Subsection (1)(a); and
153 (b) the strategic plan described in Subsection (1)(b).

154 Section 4. Section **63I-1-263** is amended to read:

155 **63I-1-263. Repeal dates, Titles 63A to 63N.**

156 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

- 157 (a) Section **63A-16-102** is repealed;
158 (b) Section **63A-16-201** is repealed; and
159 (c) Section **63A-16-202** is repealed.

160 (2) Subsection **63A-5b-405(5)**, relating to prioritizing and allocating capital
161 improvement funding, is repealed July 1, 2024.

162 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,
163 2023.

164 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review
165 Committee, are repealed July 1, 2023.

166 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
167 1, 2028.

168 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
169 2025.

170 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
171 2024.

172 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
173 repealed July 1, 2023.

174 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
175 July 1, 2023.

176 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
177 repealed July 1, 2026.

178 (11) Title 63C, Chapter 25, Domestic Violence Data Task Force, is repealed December
179 31, 2023.

180 [(H)] (12) Title 63A, Chapter 16, Part 7, Data Security Management Council, is

181 repealed July 1, 2025.

182 ~~[(12)]~~ (13) Section 63G-6a-805, which creates the Purchasing from Persons with
183 Disabilities Advisory Board, is repealed July 1, 2026.

184 ~~[(13)]~~ (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
185 July 1, 2025.

186 ~~[(14)]~~ (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
187 July 1, 2024.

188 ~~[(15)]~~ (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
189 2026.

190 ~~[(16)]~~ (17) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is
191 repealed July 1, 2026.

192 ~~[(17)]~~ (18) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio
193 System Restricted Account, is repealed July 1, 2022.

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

197 ~~[(18)]~~ (19) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah
198 Marriage Commission, is repealed July 1, 2023.

199 ~~[(19)]~~ (20) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is
200 repealed July 1, 2022.

201 ~~[(20)]~~ (21) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety
202 Commission, is repealed January 1, 2025.

203 ~~[(21)]~~ (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
204 Committee, is repealed July 1, 2027.

205 ~~[(22)]~~ (23) In relation to the advisory committee created in Subsection 63L-11-305(3),
206 on July 1, 2022:

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

208 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

209 ~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
210 on January 1, 2023:

211 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are

212 repealed;

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

215 (c) Subsection 63M-7-305(1) is repealed and replaced with:

216 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

217 (d) Subsection 63M-7-305(2) is repealed and replaced with:

218 "(2) The commission shall:

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

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

223 [~~24~~] (25) The Crime Victim Reparations and Assistance Board, created in Section
224 63M-7-504, is repealed July 1, 2027.

225 [~~25~~] (26) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
226 July 1, 2022.

227 [~~26~~] (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
228 2026.

229 [~~27~~] (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development
230 Coordinating Council, is repealed July 1, 2024.

231 [~~28~~] (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

232 [~~29~~] (30) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
233 July 1, 2028.

234 [~~30~~] (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
235 January 1, 2021.

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

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

240 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
241 31, 2020; and

242 (ii) the qualified equity investment that is the basis of the tax credit is certified under

243 Section [63N-2-603](#) on or before December 31, 2023.

244 ~~[(31)]~~ [\(32\)](#) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
245 repealed July 1, 2023.

246 ~~[(32)]~~ [\(33\)](#) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
247 July 1, 2025.

248 ~~[(33)]~~ [\(34\)](#) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
249 Program, is repealed January 1, 2028.

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

251 **76-5-108. Protective orders restraining abuse of another -- Violation.**

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

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

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

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

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

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

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

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

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

267 **78B-7-120. Law enforcement training -- Domestic violence -- Lethality**
268 **assessments -- Forms -- Judicial education.**

269 (1) The Department of Public Safety shall:

270 [\(a\)](#) develop training in domestic violence responses and lethality assessment protocols~~[:]~~

271 ~~which include the following]~~ that includes information regarding:

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

273 ~~[(b)]~~ [\(ii\)](#) an evidence-based assessment to identify victims of domestic violence who

274 may be at a high risk of being killed by a perpetrator;

275 ~~[(e)]~~ (iii) lethality assessment protocols and interviewing techniques, including

276 indicators of strangulation;

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

278 ~~[(e)]~~ (v) delivering services to victims of domestic violence in a compassionate,

279 sensitive, and professional manner; and

280 ~~[(f)]~~ (vi) understanding cultural perceptions and common myths of domestic

281 violence[-];

282 ~~[(2)]~~ (b) ~~[The department shall]~~ develop and offer an online training course in domestic

283 violence issues to all certified law enforcement officers in the state[-];

284 ~~[(3) Training in domestic violence issues shall be incorporated into training offered by~~

285 ~~the Peace Officer Standards and Training division to all persons seeking certification as a peace~~

286 ~~officer.]~~

287 ~~[(4)]~~ (c) ~~[The department shall]~~ develop specific training curriculums ~~[that meet the~~

288 ~~requirements of this section, including]~~ for the trainings described in Subsections (1)(a) and (b)

289 that include:

290 ~~[(a)]~~ (i) information regarding response to domestic violence incidents, including

291 trauma-informed and victim-centered interview techniques;

292 ~~[(b)]~~ (ii) lethality assessment protocols which have been demonstrated to minimize

293 retraumatizing victims; and

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

295 ~~[(5) The Department of Public Safety, in partnership with the Division of Child and~~

296 ~~Family Services and the Commission on Criminal and Juvenile Justice, shall work to identify~~

297 ~~aggregate domestic violence data to include:]~~

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

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

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

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

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

303 (d) with feedback from the Domestic Violence Data Task Force, created in Section

304 63C-25-201, develop a form to be used by a law enforcement agency to provide data regarding

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

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

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

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

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

319 **78B-7-204. Content of orders -- Modification of orders -- Penalties.**

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

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

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

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

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

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

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

336 (a) determine temporary custody of the child who is the subject of the petition;
337 (b) determine parent-time with the child who is the subject of the petition, including
338 denial of parent-time if necessary to protect the safety of the child, and require supervision of
339 parent-time by a third party;

340 (c) determine support in accordance with Title 78B, Chapter 12, Utah Child Support
341 Act; and

342 (d) order any further relief the court considers necessary to provide for the safety and
343 welfare of the child.

344 (3) (a) An order under Subsection (1) or (2) does not prohibit the respondent from
345 communicating with the petitioner's counsel regarding the protective order.

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

348 [~~3~~] (4) (a) If the child who is the subject of the child protective order attends the same
349 school or place of worship as the respondent, or is employed at the same place of employment
350 as the respondent, the court:

351 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from
352 the respondent's school, place of worship, or place of employment; and

353 (ii) may enter an order governing the respondent's conduct at the respondent's school,
354 place of worship, or place of employment.

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

356 [~~4~~] (5) (a) A respondent may petition the court to modify or vacate a child protective
357 order after notice and a hearing.

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

359 (i) the respondent shall have the burden of proving by clear and convincing evidence
360 that modification or vacation of the child protective order is in the best interest of the child; and

361 (ii) the court shall consider:

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

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

364 (C) if the respondent is a parent of the child, any reunification services provided in
365 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and

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

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

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

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

371 **78B-7-404. Dating violence protective orders -- Ex parte dating violence**
372 **protective orders -- Modification of orders -- Service of process -- Duties of the court.**

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

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

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

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

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

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

388 (c) order that the respondent:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

416 (b) unless the petition establishes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

458 **78B-7-504. Sexual violence protective orders -- Ex parte protective orders --**
459 **Modification of orders.**

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

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

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

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

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

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

474 (c) order that the respondent:

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

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

477 (A) school and its premises;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

505 (b) unless the petition establishes:

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

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

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

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

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

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

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

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

522 accordance with Subsection (7)(b).

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

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

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

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

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

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

535 **78B-7-603. Cohabitant abuse protective orders -- Ex parte cohabitant abuse**
536 **protective orders -- Modification of orders -- Service of process -- Duties of the court.**

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

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

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

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

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

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

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

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

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

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

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

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

561 employment;

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

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

565 household member;

566 (e) if the petitioner or designated family or household member attends the same school
567 as the respondent, is employed at the same place of employment as the respondent, or attends
568 the same place of worship, the court:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

613 (i) an agency record identifier;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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