

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DOMESTIC VIOLENCE MODIFICATIONS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Matthew H. Gwynn
Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends the definition of domestic violence in Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

Highlighted Provisions:

This bill:

- ▶ adds the crime of propelling a bodily substance or material to the list of crimes that qualify as a domestic violence offense in certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-36-1, as last amended by Laws of Utah 2022, Chapters 185, 430

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

Section 1. Section **77-36-1** is amended to read:

77-36-1 . Definitions.

As used in this chapter:

- (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- (2) "Department" means the Department of Public Safety.
- (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter 3, Divorce.
- (4) (a) "Domestic violence" or "domestic violence offense" means any criminal offense

29 involving violence or physical harm or threat of violence or physical harm, or any
30 attempt, conspiracy, or solicitation to commit a criminal offense involving violence
31 or physical harm, when committed by one cohabitant against another.

32 (b) "Domestic violence" or "domestic violence offense" includes the commission of or
33 attempt to commit, any of the following offenses by one cohabitant against another:

34 ~~[(a)]~~ (i) aggravated assault, as described in Section 76-5-103;
35 ~~[(b)]~~ (ii) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with
36 the intent to harass or threaten the other cohabitant;
37 ~~[(c)]~~ (iii) assault, as described in Section 76-5-102;
38 ~~[(d)]~~ (iv) criminal homicide, as described in Section 76-5-201;
39 ~~[(e)]~~ (v) harassment, as described in Section 76-5-106;
40 ~~[(f)]~~ (vi) electronic communication harassment, as described in Section 76-9-201;
41 ~~[(g)]~~ (vii) kidnapping, child kidnapping, or aggravated kidnapping, as described in
42 Sections 76-5-301, 76-5-301.1, and 76-5-302;
43 ~~[(h)]~~ (viii) mayhem, as described in Section 76-5-105;
44 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9;
45 ~~[(i)]~~ (x) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses,
46 and sexual exploitation of a minor and aggravated sexual exploitation of a minor,
47 as described in Sections 76-5b-201 and 76-5b-201.1;
48 ~~[(j)]~~ (xi) stalking, as described in Section 76-5-106.5;
49 ~~[(k)]~~ (xii) unlawful detention or unlawful detention of a minor, as described in Section
50 76-5-304;
51 ~~[(l)]~~ (xiii) violation of a protective order or ex parte protective order, as described in
52 Section 76-5-108;
53 ~~[(m)]~~ (xiv) any offense against property described in Title 76, Chapter 6, Part 1,
54 Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass,
55 or Title 76, Chapter 6, Part 3, Robbery;
56 ~~[(n)]~~ (xv) possession of a deadly weapon with criminal intent, as described in Section
57 76-10-507;
58 ~~[(o)]~~ (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of
59 any person, building, or vehicle, as described in Section 76-10-508;
60 ~~[(p)]~~ (xvii) disorderly conduct, as defined in Section 76-9-102, if a conviction or
61 adjudication of disorderly conduct is the result of a plea agreement in which the
62 perpetrator was originally charged with a domestic violence offense otherwise

63 described in this Subsection (4), except that a conviction or adjudication of
64 disorderly conduct as a domestic violence offense, in the manner described in this
65 Subsection (4)(p), does not constitute a misdemeanor crime of domestic violence
66 under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C.
67 Sec. 921 et seq.;

68 [~~(q)~~] (xviii) child abuse, as described in Section 76-5-114;
69 [~~(r)~~] (xix) threatening use of a dangerous weapon, as described in Section 76-10-506;
70 [~~(s)~~] (xx) threatening violence, as described in Section 76-5-107;
71 [~~(t)~~] (xxi) tampering with a witness, as described in Section 76-8-508;
72 [~~(u)~~] (xxii) retaliation against a witness or victim, as described in Section 76-8-508.3;
73 [~~(v)~~] (xxiii) unlawful distribution of an intimate image, as described in Section
74 76-5b-203, or unlawful distribution of a counterfeit intimate image, as described
75 in Section 76-5b-205;
76 [~~(w)~~] (xxiv) sexual battery, as described in Section 76-9-702.1;
77 [~~(x)~~] (xxv) voyeurism, as described in Section 76-9-702.7;
78 [~~(y)~~] (xxvi) damage to or interruption of a communication device, as described in
79 Section 76-6-108; or
80 [~~(z)~~] (xxvii) an offense described in Subsection 78B-7-806(1).

81 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.

82 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.

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

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

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

88 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

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

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

92 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
93 pending trial in the criminal case.

94 (12) "Sentencing protective order" means a written order of the court as part of sentencing
95 in a domestic violence case that limits the contact an individual who is convicted or
96 adjudicated of a domestic violence offense may have with a victim or other specified

97 individuals under Section 78B-7-804.

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

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

101 Section 2. **Effective date.**

102 This bill takes effect on May 1, 2024.