

DOMESTIC VIOLENCE MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Keith Grover

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 6 absent

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:



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

29 **77-36-1. Definitions.**

30 As used in this chapter:

31 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

32 (2) "Department" means the Department of Public Safety.

33 (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter
34 3, Divorce.

35 (4) (a) "Domestic violence" or "domestic violence offense" means any criminal offense
36 involving violence or physical harm or threat of violence or physical harm, or any attempt,
37 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,
38 when committed by one cohabitant against another.

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

41 [~~(a)~~] (i) aggravated assault, as described in Section 76-5-103;

42 [~~(b)~~] (ii) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with
43 the intent to harass or threaten the other cohabitant;

44 [~~(c)~~] (iii) assault, as described in Section 76-5-102;

45 [~~(d)~~] (iv) criminal homicide, as described in Section 76-5-201;

46 [~~(e)~~] (v) harassment, as described in Section 76-5-106;

47 [~~(f)~~] (vi) electronic communication harassment, as described in Section 76-9-201;

48 [~~(g)~~] (vii) kidnapping, child kidnapping, or aggravated kidnapping, as described in
49 Sections 76-5-301, 76-5-301.1, and 76-5-302;

50 [~~(h)~~] (viii) mayhem, as described in Section 76-5-105;

51 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9;

52 [~~(i)~~] (x) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses,
53 and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described
54 in Sections 76-5b-201 and 76-5b-201.1;

55 [~~(j)~~] (xi) stalking, as described in Section 76-5-106.5;

56 [~~(k)~~] (xii) unlawful detention or unlawful detention of a minor, as described in Section
57 76-5-304;

58 [~~(l)~~] (xiii) violation of a protective order or ex parte protective order, as described in

59 Section 76-5-108;

60 ~~[(m)]~~ (xiv) any offense against property described in Title 76, Chapter 6, Part 1,
61 Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76,
62 Chapter 6, Part 3, Robbery;

63 ~~[(n)]~~ (xv) possession of a deadly weapon with criminal intent, as described in Section
64 76-10-507;

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

67 ~~[(p)]~~ (xvii) disorderly conduct, as defined in Section 76-9-102, if a conviction or
68 adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator
69 was originally charged with a domestic violence offense otherwise described in this Subsection
70 (4), except that a conviction or adjudication of disorderly conduct as a domestic violence
71 offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor
72 crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms
73 Act, 18 U.S.C. Sec. 921 et seq.;

74 ~~[(q)]~~ (xviii) child abuse, as described in Section 76-5-114;

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

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

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

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

79 ~~[(v)]~~ (xxiii) unlawful distribution of an intimate image, as described in Section
80 76-5b-203, or unlawful distribution of a counterfeit intimate image, as described in Section
81 76-5b-205;

82 ~~[(w)]~~ (xxiv) sexual battery, as described in Section 76-9-702.1;

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

84 ~~[(y)]~~ (xxvi) damage to or interruption of a communication device, as described in
85 Section 76-6-108; or

86 ~~[(z)]~~ (xxvii) an offense described in Subsection 78B-7-806(1).

87 (5) "Jail release agreement" means the same as that term is defined in Section
88 78B-7-801.

89 (6) "Jail release court order" means the same as that term is defined in Section

90 78B-7-801.

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

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

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

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

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

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

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

103 (12) "Sentencing protective order" means a written order of the court as part of
104 sentencing in a domestic violence case that limits the contact an individual who is convicted or
105 adjudicated of a domestic violence offense may have with a victim or other specified
106 individuals under Section 78B-7-804.

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

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

110 Section 2. **Effective date.**

111 This bill takes effect on May 1, 2024.