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PROTECTIVE ORDER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Ken Ivory

LONG TITLE

General Description:

This bill addresses cohabitant abuse protective orders.

Highlighted Provisions:

This bill:

- clarifies when a court may amend or dismiss the criminal provisions of a cohabitant abuse protective order.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-7-605, as last amended by Laws of Utah 2021, Chapter 159

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

Section 1. Section **78B-7-605** is amended to read:

78B-7-605 . Dismissal.

- (1) ~~[The]~~ Except as otherwise provided in Subsection 78B-7-603(10) concerning the criminal provisions of a cohabitant abuse protective order, the court may amend or dismiss a protective order issued in accordance with this part that has been in effect for at least one year if the court finds that:
- (a) the basis for the issuance of the protective order no longer exists;
 - (b) the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order;
- and

- 29 (c) the petitioner's actions demonstrate that the petitioner no longer has a reasonable fear
30 of the respondent.
- 31 (2) The court shall enter sanctions against either party if the court determines that either
32 party acted:
- 33 (a) in bad faith; or
34 (b) with intent to harass or intimidate the other party.
- 35 (3) If a divorce proceeding is pending between parties to a protective order action, the court
36 shall dismiss the protective order when the court issues a decree of divorce for the
37 parties if:
- 38 (a) the respondent files a motion to dismiss a protective order in both the divorce action
39 and the protective order action and personally serves the petitioner; and
40 (b) (i) the parties stipulate in writing or on the record to dismiss the protective order;
41 or
42 (ii) based on evidence at the divorce trial, the court determines that the petitioner no
43 longer has a reasonable fear of future harm, abuse, or domestic violence.
- 44 (4) When the court dismisses a protective order, the court shall immediately:
- 45 (a) issue an order of dismissal to be filed in the protective order action; and
46 (b) transmit a copy of the order of dismissal to the statewide domestic violence network
47 as described in Section 78B-7-113.

48 Section 2. **Effective date.**

49 This bill takes effect on May 1, 2024.