



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 16, 2024

Mr. Speaker,

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 166**, RESTRICTED PERSONS AMENDMENTS, by Representative M. Judkins, with the following amendments:

1. *Page 2, Line 58 through Page 3, Line 61:*

58 (a) who is included in at least one of the relationship categories described in
59 Subsection [76-10-503(1)(b)(xi)] {~~76-10-503(1)(a)(vii)~~} 76-10-503(1)(a)(vi) ;
or
60 (b) with whom none of the relationships described in Subsection
[76-10-503(1)(b)(xi)]
61 {~~76-10-503(1)(a)(vii)~~} 76-10-503(1)(a)(vi) apply.

2. *Page 4, Lines 91 through 107:*

91 (C) a substance listed in Section 58-37-4.2[-]; or
92 ~~{(vi) is a respondent or defendant subject to a protective order or child~~
~~protective order~~
93 ~~that;~~
94 ~~— (A) is issued after a hearing for which the respondent or defendant received~~
~~actual~~
95 ~~notice and at which the respondent or defendant has an opportunity to participate;~~
96 ~~— (B) restrains the respondent or defendant from harassing, stalking,~~
~~threatening, or~~
97 ~~engaging in other conduct that would place an intimate partner, as defined in 18~~
~~U.S.C. Sec.~~
98 ~~921, or a child of the intimate partner, in reasonable fear of bodily injury to the~~
~~intimate partner~~

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99 ~~or child of the intimate partner; and~~
100 ~~— (C) includes a finding that the respondent or defendant represents a credible~~
~~threat to~~
101 ~~the physical safety of an intimate partner or a child of the intimate partner, or a~~
~~finding that~~
102 ~~explicitly prohibits the use, attempted use, or threatened use of physical force that~~
~~would~~
103 ~~reasonably be expected to cause bodily harm against an intimate partner or a child~~
~~of the~~
104 ~~intimate partner; or~~
105 ~~— (vii) }~~ (vi) except as provided in Subsection (1)(d), has been convicted of
the commission or
106 attempted commission of misdemeanor assault under Section 76-5-102 or aggravated
assault
107 under Section 76-5-103 against an individual:

3. *Page 5, Line 146 through Page 6, Line 170:*

146 States; ~~{ or~~
147 ~~— + }~~ (xi) is a respondent or defendant subject to a protective order or child
protective order
148 that is issued after a hearing for which the respondent or defendant received actual
notice and at
149 which the respondent or defendant has an opportunity to participate, that restrains
the
150 respondent or defendant from harassing, stalking, threatening, or engaging in other
conduct that
151 would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the
intimate
152 partner, in reasonable fear of bodily injury to the intimate partner or child of the
intimate
153 partner, and that:]
154 [(A) includes a finding that the respondent or defendant represents a credible
threat to

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155 the physical safety of an individual who meets the definition of an intimate partner
in 18 U.S.C.
156 Sec. 921 or the child of the individual; or]
157 [(B) explicitly prohibits the use, attempted use, or threatened use of physical
force that
158 would reasonably be expected to cause bodily harm against an intimate partner or
the child of
159 an intimate partner; or {+}]
160 [(xii) except as provided in Subsection (1)(d), has been convicted of the commission
or
161 attempted commission of misdemeanor assault under Section 76-5-102 or aggravated
assault
162 under Section 76-5-103 against an individual:]
163 [(A) who is a current or former spouse, parent, or guardian;]
164 [(B) with whom the restricted person shares a child in common;]
165 [(C) who is cohabitating or has cohabitated with the restricted person as a spouse,
166 parent, or guardian;]
167 [(D) involved in a dating relationship with the restricted person within the last five
168 years; or]
169 [(E) similarly situated to a spouse, parent, or guardian of the restricted person.]
170 {-(xi)-} (xii) is an alien who is illegally or unlawfully in the United
States.

4. Page 6, Line 182 through Page 7, Line 187:

182 (ii) [~~As used in this section, a~~] A conviction for misdemeanor assault under
Subsection
183 [~~(1)(b)(xii)~~] ~~{-(1)(a)(vii)-}~~ (1)(a)(vi), does not include a conviction which, in
accordance with the law of the
184 jurisdiction in which the conviction occurred, has been expunged, set aside, reduced to an
185 infraction by court order, pardoned, or regarding which the person's civil rights have been
186 restored, unless the pardon, reduction, expungement, or restoration of civil rights
expressly
187 provides that the person may not ship, transport, possess, or receive firearms.

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5. *Page 7, Lines 192 through 193:*

192 (d) A person is not a restricted person for a conviction under Subsection
193 ~~[(1)(b)(xii)(D)]~~ ~~{(1)(a)(vii)(D)}~~ (1)(a)(vi)(D) if:

6. *Page 7, Lines 200 through 201:*

200 (ii) the person only has a single conviction for misdemeanor assault as described in
201 Subsection ~~[(1)(b)(xii)(D)]~~ ~~{(1)(a)(vii)(D)}~~ (1)(a)(vi)(D) ; and

Respectfully,

Ryan D. Wilcox
Chair

Voting: 7-1-4

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