

H.B. 166

RESTRICTED PERSONS AMENDMENTS

Representative **Marsha Judkins** proposes 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~~
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
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.

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