

1                   **DOMESTIC VIOLENCE ENHANCEMENT AMENDMENTS**

2                                   2019 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Stephanie Pitcher**

5                                   Senate Sponsor: Karen Mayne

6   Cosponsors:                   Paul Ray  
7   Lee B. Perry                   Mike Winder  
8   Val K. Potter

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9   **LONG TITLE**

10 **General Description:**

11           This bill amends provisions regarding the penalty enhancement for a domestic violence  
12 offense.

13 **Highlighted Provisions:**

14           This bill:  
15           ▶ defines terms;  
16           ▶ modifies the duration between certain domestic violence offenses for purposes of  
17 applying a penalty enhancement; and  
18           ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 AMENDS:

25           **77-36-1.1**, as last amended by Laws of Utah 2015, Chapter 426

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

28 Section 1. Section 77-36-1.1 is amended to read:

29 **77-36-1.1. Enhancement of offense and penalty for subsequent domestic violence**  
30 **offenses.**

31 [~~(1) For purposes of this section, "qualifying domestic violence offense" means:~~]

32 (1) As used in this section:

33 (a) "Criminal mischief offense" means commission or attempt to commit an offense  
34 under Section 76-6-106 by one cohabitant against another.

35 (b) "Qualifying domestic violence offense" means:

36 [~~(a)~~] (i) a domestic violence offense in Utah; or

37 [~~(b)~~] (ii) an offense in any other state, or in any district, possession, or territory of the  
38 United States, that would be a domestic violence offense under Utah law.

39 (2) [~~A person~~] An individual who is convicted of a domestic violence offense is:

40 (a) guilty of a class B misdemeanor if:

41 (i) the domestic violence offense described in this Subsection (2) is designated by law  
42 as a class C misdemeanor; and

43 (ii) (A) the domestic violence offense described in this Subsection (2) is committed  
44 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic  
45 violence offense that is not a criminal mischief offense; or

46 (B) the [~~person~~] individual is convicted of the domestic violence offense described in  
47 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a  
48 qualifying domestic violence offense that is not a criminal mischief offense;

49 (b) guilty of a class A misdemeanor if:

50 (i) the domestic violence offense described in this Subsection (2) is designated by law  
51 as a class B misdemeanor; and

52 (ii) (A) the domestic violence offense described in this Subsection (2) is committed  
53 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic  
54 violence offense that is not a criminal mischief offense; or

55 (B) the [~~person~~] individual is convicted of the domestic violence offense described in

56 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a  
57 qualifying domestic violence offense that is not a criminal mischief offense; or

58 (c) guilty of a felony of the third degree if:

59 (i) the domestic violence offense described in this Subsection (2) is designated by law  
60 as a class A misdemeanor; and

61 (ii) (A) the domestic violence offense described in this Subsection (2) is committed  
62 within [~~five~~] 10 years after the [~~person~~] individual is convicted of a qualifying domestic  
63 violence offense that is not a criminal mischief offense; or

64 (B) the [~~person~~] individual is convicted of the domestic violence offense described in  
65 this Subsection (2) within [~~five~~] 10 years after the [~~person~~] individual is convicted of a  
66 qualifying domestic violence offense that is not a criminal mischief offense.

67 (3) An individual who is convicted of a domestic violence offense is:

68 (a) guilty of a class B misdemeanor if:

69 (i) the domestic violence offense described in this Subsection (3) is designated by law  
70 as a class C misdemeanor; and

71 (ii) (A) the domestic violence offense described in this Subsection (3) is committed  
72 within five years after the individual is convicted of a criminal mischief offense; or

73 (B) the individual is convicted of the domestic violence offense described in  
74 this Subsection (3) within five years after the individual is convicted of a criminal  
75 mischief offense;

76 (b) guilty of a class A misdemeanor if:

77 (i) the domestic violence offense described in this Subsection (3) is designated by law  
78 as a class B misdemeanor; and

79 (ii) (A) the domestic violence offense described in this Subsection (3) is committed  
80 within five years after the individual is convicted of a criminal mischief offense; or

81 (B) the individual is convicted of the domestic violence offense described in  
82 this Subsection (3) within five years after the individual is convicted of a criminal  
83 mischief offense; or

84           (c) guilty of a third degree felony if:  
85           (i) the domestic violence offense described in this Subsection (3) is designated by law  
86 as a class A misdemeanor; and  
87           (ii) (A) the domestic violence offense described in this Subsection (3) is committed  
88 within five years after the individual is convicted of a criminal mischief offense; or  
89           (B) the individual is convicted of the domestic violence offense described in this  
90 Subsection (3) within five years after the individual is convicted of a criminal mischief offense.