

PROTECTIVE ORDER REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses protective orders.

Highlighted Provisions:

This bill:

- ▶ requires the Administrative Office of the Courts to include an expiration date on a civil protective order form;
- ▶ modifies the time frame within which:
 - an objection to certain civil protective orders must be filed; and
 - certain hearings on a civil protective order must be held;
- ▶ modifies the circumstances under which a violation of a civil protective order is a civil offense;
- ▶ modifies the circumstances under which a provision of a cohabitant abuse protective order may be modified or dismissed during a divorce, parentage, custody, or guardianship proceeding;
- ▶ modifies the day on which a civil provision of a cohabitant abuse protective order expires;
- ▶ adds sexual battery as a qualifying offense for protective orders;
- ▶ provides that jail release agreements and other measures can apply when a person is issued a citation and not arrested;
- ▶ modifies the type of contact prohibited under jail release agreements and orders;



- 28 ▶ establishes procedures for a victim's waiver of jail release agreement conditions;
- 29 and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **53-10-208**, as last amended by Laws of Utah 2020, Chapter 142
- 38 **53-10-208.1**, as last amended by Laws of Utah 2020, Chapter 142
- 39 **76-7-101**, as last amended by Laws of Utah 2020, Chapter 260
- 40 **78B-7-105**, as last amended by Laws of Utah 2020, Chapter 142
- 41 **78B-7-108**, as last amended by Laws of Utah 2018, Chapter 255
- 42 **78B-7-203**, as last amended by Laws of Utah 2020, Chapter 142
- 43 **78B-7-405**, as last amended by Laws of Utah 2020, Chapter 142
- 44 **78B-7-408**, as enacted by Laws of Utah 2018, Chapter 255
- 45 **78B-7-505**, as last amended by Laws of Utah 2020, Chapter 142
- 46 **78B-7-603**, as renumbered and amended by Laws of Utah 2020, Chapter 142
- 47 **78B-7-604**, as renumbered and amended by Laws of Utah 2020, Chapter 142
- 48 **78B-7-605**, as renumbered and amended by Laws of Utah 2020, Chapter 142
- 49 **78B-7-606**, as renumbered and amended by Laws of Utah 2020, Chapter 142
- 50 **78B-7-801**, as enacted by Laws of Utah 2020, Chapter 142
- 51 **78B-7-802**, as renumbered and amended by Laws of Utah 2020, Chapter 142



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

54 Section 1. Section **53-10-208** is amended to read:

55 **53-10-208. Definition -- Offenses included on statewide warrant system --**
 56 **Transportation fee to be included -- Statewide warrant system responsibility -- Quality**
 57 **control -- Training -- Technical support -- Transaction costs.**

58 (1) "Statewide warrant system" means the portion of the state court computer system

59 that is accessible by modem from the state mainframe computer and contains:

- 60 (a) records of criminal warrant information; and
61 (b) after notice and hearing, records of protective orders issued pursuant to:
62 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
63 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
64 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders; ~~or~~
65 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders~~[-];~~ or
66 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

67 (2) (a) The division shall include on the statewide warrant system all warrants issued
68 for felony offenses and class A, B, and C misdemeanor offenses in the state.

69 (b) The division shall include on the statewide warrant system all warrants issued for
70 failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3).

71 (c) For each warrant, the division shall indicate whether the magistrate ordered under
72 Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

73 (3) The division is the agency responsible for the statewide warrant system and shall:

74 (a) ensure quality control of all warrants of arrest or commitment and protective orders
75 contained in the statewide warrant system by conducting regular validation checks with every
76 clerk of a court responsible for entering the information on the system;

77 (b) upon the expiration of the protective orders and in the manner prescribed by the
78 division, purge information regarding protective orders described in Subsection
79 53-10-208.1(1)(d) within 30 days of the time after expiration;

80 (c) establish system procedures and provide training to all criminal justice agencies
81 having access to information contained on the state warrant system;

82 (d) provide technical support, program development, and systems maintenance for the
83 operation of the system; and

84 (e) pay data processing and transaction costs for state, county, and city law
85 enforcement agencies and criminal justice agencies having access to information contained on
86 the state warrant system.

87 (4) (a) Any data processing or transaction costs not funded by legislative appropriation
88 shall be paid on a pro rata basis by all agencies using the system during the fiscal year.

89 (b) This Subsection (4) supersedes any conflicting provision in Subsection (3)(e).

90 Section 2. Section 53-10-208.1 is amended to read:

91 **53-10-208.1. Magistrates and court clerks to supply information.**

92 (1) Every magistrate or clerk of a court responsible for court records in this state shall,
93 within 30 days of the disposition and on forms and in the manner provided by the division,
94 furnish the division with information pertaining to:

95 (a) all dispositions of criminal matters, including:

96 (i) guilty pleas;

97 (ii) convictions;

98 (iii) dismissals;

99 (iv) acquittals;

100 (v) pleas held in abeyance;

101 (vi) judgments of not guilty by reason of insanity;

102 (vii) judgments of guilty with a mental illness;

103 (viii) finding of mental incompetence to stand trial; and

104 (ix) probations granted;

105 (b) orders of civil commitment under the terms of Section 62A-15-631;

106 (c) the issuance, recall, cancellation, or modification of all warrants of arrest or
107 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78B-6-303,
108 within one day of the action and in a manner provided by the division; and

109 (d) protective orders issued after notice and hearing, pursuant to:

110 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;

111 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;

112 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders; [or]

113 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders[-]; or

114 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

115 (2) The court in the county where a determination or finding was made shall transmit a
116 record of the determination or finding to the bureau no later than 48 hours after the
117 determination is made, excluding Saturdays, Sundays, and legal holidays, if an individual is:

118 (a) adjudicated as a mental defective; or

119 (b) involuntarily committed to a mental institution in accordance with Subsection

120 62A-15-631(16).

- 121 (3) The record described in Subsection (2) shall include:
122 (a) an agency record identifier;
123 (b) the individual's name, sex, race, and date of birth; and
124 (c) the individual's social security number, government issued driver license or
125 identification number, alien registration number, government passport number, state
126 identification number, or FBI number.

127 Section 3. Section **76-7-101** is amended to read:

128 **76-7-101. Bigamy -- Penalty -- Defense.**

- 129 (1) An individual is guilty of bigamy if:
130 (a) the individual purports to marry another individual; and
131 (b) knows or reasonably should know that one or both of the individuals described in
132 Subsection (1)(a) are legally married to another individual.
- 133 (2) An individual who violates Subsection (1) is guilty of an infraction.
- 134 (3) An individual is guilty of a third degree felony if the individual induces bigamy:
135 (a) under fraudulent or false pretenses; or
136 (b) by threat or coercion.
- 137 (4) An individual is guilty of a second degree felony if the individual:
138 (a) cohabitates with another individual with whom the individual is engaged in bigamy
139 as described in Subsection (1); and
140 (b) in furtherance of the conduct described in Subsection (4)(a), commits a felony
141 offense, or for Subsection (4)(b)(vii), a misdemeanor offense, in violation of one or more of the
142 following:
- 143 (i) Chapter 5, Part 2, Criminal Homicide;
 - 144 (ii) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 - 145 (iii) Chapter 5, Part 4, Sexual Offenses;
 - 146 (iv) Section **76-5-109**, child abuse -- child abandonment;
 - 147 (v) Section **76-5-111**, abuse, neglect, or exploitation of a vulnerable adult;
 - 148 (vi) Section **76-5-209**, child abuse homicide;
 - 149 (vii) Section **76-9-702.1**, sexual battery;
 - 150 (viii) Section **76-7-201**, criminal nonsupport; ~~[or]~~
 - 151 (ix) Title 77, Chapter 36, Cohabitant Abuse Procedures Act~~[-]~~; or

152 (x) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

153 (5) It is a defense to prosecution under Subsection (2) that:

154 (a) the individual ceased the practice of bigamy as described in Subsection (1) under
155 reasonable fear of coercion or bodily harm;

156 (b) the individual entered the practice of bigamy, as described in Subsection (1), as a
157 minor and ceased the practice of bigamy at any time after the individual entered the practice of
158 bigamy; or

159 (c) law enforcement discovers that the individual practices bigamy, as described in
160 Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another
161 individual.

162 Section 4. Section **78B-7-105** is amended to read:

163 **78B-7-105. Forms for petitions, civil protective orders, and civil stalking**
164 **injunctions -- Assistance -- Fees.**

165 (1) (a) The offices of the court clerk shall provide forms to an individual seeking any of
166 the following under this chapter:

167 (i) an ex parte civil protective order;

168 (ii) a civil protective order;

169 (iii) an ex parte stalking injunction; or

170 (iv) a civil stalking injunction.

171 (b) The Administrative Office of the Courts shall:

172 (i) develop and adopt uniform forms for petitions and the protective orders and stalking
173 injunctions described in Subsection (1)(a) in accordance with the provisions of this chapter;
174 and

175 (ii) provide the forms to the clerk of each court authorized to issue the protective orders
176 and stalking injunctions described in Subsection (1)(a).

177 (2) The forms described in Subsection (1)(b) shall include:

178 (a) for a petition for an ex parte civil protective order or a civil protective order:

179 (i) a statement notifying the petitioner for an ex parte civil protective order that
180 knowing falsification of any statement or information provided for the purpose of obtaining a
181 civil protective order may subject the petitioner to felony prosecution;

182 (ii) language indicating the criminal penalty for a violation of an ex parte civil

183 protective order or a civil protective order under this chapter and language stating a violation of
184 or failure to comply with a civil provision is subject to contempt proceedings;

185 (iii) a space for information the petitioner is able to provide to facilitate identification
186 of the respondent, including the respondent's social security number, driver license number,
187 date of birth, address, telephone number, and physical description;

188 (iv) a space for information the petitioner is able to provide related to a proceeding for
189 a civil protective order or a criminal protective order, civil litigation, a proceeding in juvenile
190 court, or a criminal case involving either party, including the case name, file number, the
191 county and state of the proceeding, and the judge's name; [and]

192 (v) a space to indicate whether the party to be protected is an intimate partner to the
193 respondent or a child of an intimate partner to the respondent; and

194 (vi) a space for the date on which the provisions of the protective order expire; and

195 (b) for a petition under Part 6, Cohabitant Abuse Protective Orders:

196 (i) a separate portion of the form for those provisions, the violation of which is a
197 criminal offense, and a separate portion for those provisions, the violation of which is a civil
198 violation;

199 (ii) a statement advising the petitioner that when a child is included in an ex parte
200 protective order or a protective order, as part of either the criminal or the civil portion of the
201 order, the petitioner may provide a copy of the order to the principal of the school that the child
202 attends; and

203 (iii) a statement advising the petitioner that if the respondent fails to return custody of a
204 minor child to the petitioner as ordered in a protective order, the petitioner may obtain from the
205 court a writ of assistance.

206 (3) If the individual seeking to proceed as a petitioner under this chapter is not
207 represented by an attorney, the court clerk's office shall provide nonlegal assistance, including:

208 (a) the forms adopted under Subsection (1)(b);

209 (b) all other forms required to petition for a protective order or stalking injunction
210 described in Subsection (1)(a), including forms for service;

211 (c) clerical assistance in filling out the forms and filing the petition, or if the court
212 clerk's office designates another entity, agency, or person to provide that service, oversight over
213 the entity, agency, or person to see that the service is provided;

214 (d) information regarding the means available for the service of process;
215 (e) a list of legal service organizations that may represent the petitioner in an action
216 brought under this chapter, together with the telephone numbers of those organizations; and
217 (f) written information regarding the procedure for transporting a jailed or imprisoned
218 respondent to the protective order hearing, including an explanation of the use of transportation
219 order forms when necessary.

220 (4) A court clerk, constable, or law enforcement agency may not impose a charge for:

221 (a) filing a petition under this chapter;
222 (b) obtaining an ex parte civil protective order or ex parte civil stalking injunction;
223 (c) obtaining copies, either certified or uncertified, necessary for service or delivery to
224 law enforcement officials; or

225 (d) fees for service of:

226 (i) a petition under this chapter;
227 (ii) an ex parte civil protective order;
228 (iii) a civil protective order;
229 (iv) an ex parte civil stalking injunction; or
230 (v) a civil stalking injunction.

231 (5) A petition for an ex parte civil protective order and a civil protective order shall be
232 in writing and verified.

233 (6) (a) The protective orders and stalking injunctions described in Subsection (1)(a)
234 shall be issued in the form adopted by the Administrative Office of the Courts under
235 Subsection (1)(b).

236 (b) A civil protective order that is issued shall, if applicable, include the following
237 language:

238 "Respondent was afforded both notice and opportunity to be heard in the hearing that
239 gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322,
240 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of
241 Columbia, tribal lands, and United States territories. This order complies with the Uniform
242 Interstate Enforcement of Domestic Violence Protection Orders Act."

243 (c) An ex parte civil protective order and a civil protective order issued under Part 6,
244 Cohabitant Abuse Protective Orders, shall include the following language:

245 "NOTICE TO PETITIONER: The court may amend or dismiss a protective order after
246 one year if it finds that the basis for the issuance of the protective order no longer exists and the
247 petitioner has repeatedly acted in contravention of the protective order provisions to
248 intentionally or knowingly induce the respondent to violate the protective order, demonstrating
249 to the court that the petitioner no longer has a reasonable fear of the respondent.";

250 (d) A child protective order issued under Part 2, Child Protective Orders, shall include:

251 (i) the date the order expires; and

252 (ii) a statement that the address provided by the petitioner will not be made available to
253 the respondent.

254 (7) (a) (i) The court clerk shall provide, without charge, to the petitioner, one certified
255 copy of a civil stalking injunction issued by the court and one certified copy of the proof of
256 service of the civil stalking injunction on the respondent.

257 (ii) A charge may be imposed by the court clerk's office for any copies in addition to
258 the copy described in Subsection (7)(a)(i), certified or uncertified.

259 (b) An ex parte civil stalking injunction and civil stalking injunction shall include the
260 following statement:

261 "Attention: This is an official court order. If you disobey this order, the court may find
262 you in contempt. You may also be arrested and prosecuted for the crime of stalking and any
263 other crime you may have committed in disobeying this order.";

264 Section 5. Section **78B-7-108** is amended to read:

265 **78B-7-108. Mutual protective orders.**

266 (1) A court may not grant a mutual order or mutual [~~orders for protection~~] civil
267 protective orders to opposing parties, unless each party:

268 (a) files an independent petition against the other for a civil protective order, and both
269 petitions are served;

270 (b) makes a showing at a due process civil protective order hearing of abuse or
271 domestic violence committed by the other party; and

272 (c) demonstrates the abuse or domestic violence did not occur in self-defense.

273 (2) If the court issues mutual civil protective orders, the court shall include specific
274 findings of all elements of Subsection (1) in the court order justifying the entry of the court
275 order.

276 (3) (a) ~~[A]~~ Except as provided in Subsection (3)(b), a court may not grant [an order for
 277 protection to a civil petitioner] a civil protective order to a petitioner who is the respondent or
 278 defendant subject to a protective order, child protective order, or ex parte child protective
 279 order:

280 ~~[(a)]~~ (i) issued under:

281 ~~[(i) a foreign protection order enforceable under Chapter 7, Part 3, Uniform Interstate~~
 282 ~~Enforcement of Domestic Violence Protection Orders Act;]~~

283 ~~[(ii)]~~ (A) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;

284 ~~[(iii)]~~ (B) Title 78A, Chapter 6, Juvenile Court Act; ~~[or]~~

285 ~~[(iv) Chapter 7, Part 1, Cohabitant Abuse Act; and]~~

286 (C) Part 6, Cohabitant Abuse Protective Orders; or

287 (D) Part 8, Criminal Protective Orders; or

288 (ii) enforceable under Part 3, Uniform Interstate Enforcement of Domestic Violence
 289 Protection Orders Act.

290 (b) ~~[unless]~~ The court may grant a civil protective order to a petitioner described in
 291 Subsection (3)(a) if:

292 (i) the court determines that the requirements of Subsection (1) are met~~[-and-]; and~~ and

293 ~~[(i)]~~ (ii) (A) the same court ~~[issued the order for protection]~~ that issued the protective
 294 order, child protective order, or ex parte child protective order issues the civil protective order
 295 against the respondent; or

296 ~~[(ii)]~~ (B) if the matter is before a subsequent court, the subsequent court~~[-(A)]~~

297 determines it would be impractical for the original court to consider the matter~~[-]; or [(B)]~~

298 confers with the court that issued the ~~[order for protection]~~ protective order, child protective
 299 order, or ex parte child protective order.

300 Section 6. Section **78B-7-203** is amended to read:

301 **78B-7-203. Hearings.**

302 (1) (a) If an ex parte child protective order is granted, the court shall schedule a hearing
 303 to be held within ~~[20]~~ 21 days after the day on which the court makes the ex parte
 304 determination.

305 (b) If an ex parte child protective order is denied, the court, upon the request of the
 306 petitioner made within five days after the day on which the court makes the ex parte

307 determination, shall schedule a hearing to be held within [20] 21 days after the day on which
308 the petitioner makes the request.

309 (2) (a) The petition, ex parte child protective order, and notice of hearing shall be
310 served on the respondent, the child's parent or guardian, and, if appointed, the guardian ad
311 litem.

312 (b) The notice of hearing described in Subsection (2)(a) shall contain:

313 [~~(a)~~] (i) the name and address of the individual to whom the notice is directed;

314 [~~(b)~~] (ii) the date, time, and place of the hearing;

315 [~~(c)~~] (iii) the name of the child on whose behalf a petition is being brought; and

316 [~~(d)~~] (iv) a statement that an individual is entitled to have an attorney present at the
317 hearing.

318 (3) The court shall provide an opportunity for any person having relevant knowledge to
319 present evidence or information and may hear statements by counsel.

320 (4) An agent of the division served with a subpoena in compliance with the Utah Rules
321 of Civil Procedure shall testify in accordance with the Utah Rules of Evidence.

322 (5) The court shall issue a child protective order if the court determines, based on a
323 preponderance of the evidence, that:

324 (a) for a petition for a child protective order filed under Subsection [78B-7-202\(1\)\(a\)\(i\)](#),
325 the child is being abused or is in imminent danger of being abused; or

326 (b) for a petition for a protective order filed under Subsection [78B-7-202\(1\)\(a\)\(ii\)](#), the
327 child has been abused and the child protective order is necessary to protect the child.

328 (6) [~~With the exception of the provisions of~~] Except as provided in Section [78A-6-323](#),
329 a child protective order is not an adjudication of abuse, neglect, or dependency under Title
330 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

331 Section 7. Section **78B-7-405** is amended to read:

332 **78B-7-405. Hearings -- Expiration -- Extension.**

333 (1) (a) The court shall set a date for a hearing on the petition for a dating violence
334 protective order to be held within [20] 21 days after the day on which the court issues an ex
335 parte dating violence protective order.

336 (b) If, at the hearing described in Subsection (1)(a), the court does not issue a dating
337 violence protective order, the ex parte dating protective order shall expire, unless [~~the dating~~

338 ~~violence protective order is]~~ extended by the court.

339 ~~(c) (i) [Extensions beyond the 20-day period may not be granted unless]~~ The court may
340 extend the 21-day period described in Subsection (1)(a) only if:

341 ~~[(i)]~~ (A) the petitioner is unable to be present at the hearing;

342 ~~[(ii)]~~ (B) the respondent has not been served; or

343 ~~[(iii)]~~ (C) exigent circumstances exist.

344 ~~[(e)]~~ (ii) Under no circumstances may an ex parte dating violence protective order be
345 extended beyond 180 days from the day on which the court issues the initial ex parte dating
346 violence protective order.

347 (d) If, at the hearing described in Subsection (1)(a), the court issues a dating violence
348 protective order, the ex parte dating violence protective order shall remain in effect until
349 service of process of the dating violence protective order is completed.

350 (e) A dating violence protective order ~~[issued after notice and a hearing shall remain]~~
351 remains in effect for three years after the day on which the ~~[order is issued]~~ court issues the
352 order.

353 (f) If the hearing ~~[on the petition is heard]~~ described in Subsection (1)(a) is held by a
354 commissioner, ~~[either]~~ the petitioner or respondent may file an objection within ~~[+0]~~ 14
355 calendar days after the day on which the ~~[recommended order is entered]~~ commissioner
356 recommends the order, and, if the petitioner or respondent requests a hearing be held, the
357 assigned judge shall hold a hearing on the objection within ~~[20]~~ 21 days after the day on which
358 the objection is filed.

359 (2) Upon a hearing under this section, the court may grant any of the relief permitted
360 under Section [78B-7-404](#), except the court shall not grant the relief described in Subsection
361 [78B-7-404](#)(3)(b) without providing the respondent notice and an opportunity to be heard.

362 (3) If ~~[a]~~ the court denies a petition for an ex parte dating violence protective order or a
363 petition to modify a dating violence protective order ex parte, the court shall, upon the
364 petitioner's request made within five days after the day on which the court denies the petition:

365 (a) set the matter for a hearing to be held within ~~[20]~~ 21 days after the day on which the
366 petitioner makes the request; and

367 (b) notify and serve the respondent.

368 (4) (a) A dating violence protective order automatically expires ~~[as described in]~~ under

369 Subsection (1)(e), unless the petitioner files a motion before the day on which the dating
 370 violence protective order expires requesting an extension of the dating violence protective
 371 order and demonstrates that:

372 ~~[(a)]~~ (i) there is a substantial likelihood the petitioner will be subjected to dating
 373 violence; or

374 ~~[(b)]~~ (ii) the respondent committed or was convicted of a violation of the dating
 375 violence protective order that the petitioner requests be extended or dating violence after the
 376 day on which the dating violence protective order is issued.

377 (b) (i) If the court denies the motion described in Subsection (4)(a), the dating violence
 378 protective order expires under Subsection (1)(e).

379 ~~[(5)(a)]~~ (ii) If the court grants the motion ~~[under]~~ described in Subsection (4)(a), the
 380 court shall set a new date on which the dating violence protective order expires.

381 ~~[(b) The dating violence protective order shall expire on the date set by the court unless~~
 382 ~~the petitioner files a motion described in Subsection (4) to extend the dating violence~~
 383 ~~protective order.]~~

384 Section 8. Section **78B-7-408** is amended to read:

385 **78B-7-408. Duties of law enforcement officers -- Notice to victims.**

386 (1) A law enforcement officer who responds to an allegation of dating violence shall
 387 use all reasonable means to protect the victim and prevent further violence, including:

388 (a) taking action that, in the officer's discretion, is reasonably necessary to provide for
 389 the safety of the victim and any family or household member;

390 (b) confiscating the weapon or weapons involved in the alleged dating violence;

391 (c) making arrangements for the victim and any child to obtain emergency housing or
 392 shelter;

393 (d) providing protection while the victim removes essential personal effects;

394 (e) arranging, facilitating, or providing for the victim and any child to obtain medical
 395 treatment; and

396 (f) arranging, facilitating, or providing the victim with immediate and adequate notice
 397 of the rights of victims and of the remedies and services available to victims of dating violence,
 398 in accordance with Subsection (2).

399 (2) (a) A law enforcement officer shall give written notice to the victim in simple

400 language, describing the rights and remedies available under this chapter.

401 (b) The written notice shall also include:

402 (i) a statement that the forms needed in order to obtain [~~an order for protection~~] a
403 protective order are available from the court clerk's office in the judicial district where the
404 victim resides or is temporarily domiciled; and

405 (ii) a list of shelters, services, and resources available in the appropriate community,
406 together with telephone numbers, to assist the victim in accessing any needed assistance.

407 (3) If a weapon is confiscated under this section, the law enforcement agency shall
408 return the weapon to the individual from whom the weapon is confiscated if a dating protective
409 order is not issued or once the dating protective order is terminated.

410 Section 9. Section **78B-7-505** is amended to read:

411 **78B-7-505. Hearings -- Expiration -- Extension.**

412 (1) (a) The court shall set a date for a hearing on the petition for a sexual violence
413 protective order to be held within [~~20~~] 21 days after the day on which the court issues an ex
414 parte protective order.

415 (b) If, at the hearing described in Subsection (1)(a), the court does not issue a sexual
416 violence protective order, the ex parte sexual protective order expires, unless extended by the
417 [~~district~~] court.

418 (c) The court may extend the [~~20-day~~] 21-day period described in Subsection (1)(a)
419 only if:

420 (i) a party is unable to be present at the hearing for good cause, established by the
421 party's sworn affidavit;

422 (ii) the respondent has not been served; or

423 (iii) exigent circumstances exist.

424 (d) If, at the hearing described in Subsection (1)(a), the court issues a sexual violence
425 protective order, the ex parte sexual violence protective order remains in effect until service of
426 process of the sexual violence protective order is completed.

427 (e) A sexual violence protective order remains in effect for three years after the day on
428 which the court issues the order.

429 (f) If the hearing described in Subsection (1)(a) is held by a commissioner, the
430 petitioner or respondent may file an objection within [~~10~~] 14 calendar days after the day on

431 which the commissioner [~~enters the recommended~~] recommends the order, and, if the petitioner
432 or respondent requests a hearing be held, the assigned judge shall hold a hearing on the
433 objection within [~~20~~] 21 days after the day on which the objection is filed.

434 (2) If the court denies a petition for an ex parte sexual violence protective order or a
435 petition to modify a sexual violence protective order ex parte, the court shall, upon the
436 petitioner's request made within five days after the day on which the court denies the petition:

437 (a) set the matter for hearing to be held within [~~20~~] 21 days after the day on which the
438 petitioner makes the request; and

439 (b) notify and serve the respondent.

440 (3) (a) A sexual violence protective order automatically expires under Subsection
441 (1)(e) unless the petitioner files a motion before the day on which the sexual violence
442 protective order expires requesting an extension of the sexual violence protective order and
443 demonstrates that:

444 (i) there is a substantial likelihood the petitioner will be subjected to sexual violence;
445 or

446 (ii) the respondent committed or was convicted of a violation of the sexual violence
447 protective order that the petitioner requests be extended or a sexual violence offense after the
448 day on which the sexual violence protective order is issued.

449 (b) (i) If the court denies the motion described in Subsection (3)(a), the sexual violence
450 protective order expires under Subsection (1)(e).

451 (ii) If the court grants the motion described in Subsection (3)(a), the court shall set a
452 new date on which the sexual violence protective order expires.

453 (iii) A sexual violence protective order that is extended under this Subsection (3), may
454 not be extended for more than three years after the day on which the court issues the order for
455 extension.

456 (c) After the day on which the court issues an extension of a sexual violence protective
457 order, the court shall take the action described in Subsection [78B-7-504\(6\)](#).

458 (4) Nothing in this part prohibits a petitioner from seeking another protective order
459 after the day on which the petitioner's protective order expires.

460 Section 10. Section **78B-7-603** is amended to read:

461 **78B-7-603. Cohabitant abuse protective orders -- Ex parte cohabitant abuse**

462 **protective orders -- Modification and dismissal of orders -- Service of process -- Duties of**
463 **the court.**

464 (1) If it appears from a petition for a protective order or a petition to modify a
465 protective order that domestic violence or abuse has occurred, that there is a substantial
466 likelihood domestic violence or abuse will occur, or that a modification of a protective order is
467 required, a court may:

468 (a) without notice, immediately issue an ex parte cohabitant abuse protective order or
469 modify a protective order ex parte as the court considers necessary to protect the petitioner and
470 all parties named to be protected in the petition; or

471 (b) upon notice, issue a protective order or modify an order after a hearing, regardless
472 of whether the respondent appears.

473 (2) A court may grant the following relief without notice in a protective order or a
474 modification issued ex parte:

475 (a) enjoin the respondent from threatening to commit domestic violence or abuse,
476 committing domestic violence or abuse, or harassing the petitioner or any designated family or
477 household member;

478 (b) prohibit the respondent from telephoning, contacting, or otherwise communicating
479 with the petitioner or any designated family or household member, directly or indirectly, with
480 the exception of any parent-time provisions in the ex parte order;

481 (c) subject to Subsection (2)(e), prohibit the respondent from being within a specified
482 distance of the petitioner;

483 (d) subject to Subsection (2)(e), order that the respondent is excluded from and is to
484 stay away from the following places and their premises:

485 (i) the petitioner's residence or any designated family or household member's residence;

486 (ii) the petitioner's school or any designated family or household member's school;

487 (iii) the petitioner's or any designated family or household member's place of

488 employment;

489 (iv) the petitioner's place of worship or any designated family or household member's
490 place of worship; or

491 (v) any specified place frequented by the petitioner or any designated family or
492 household member;

493 (e) if the petitioner or designated family or household member attends the same school
494 as the respondent, is employed at the same place of employment as the respondent, or attends
495 the same place of worship, the court:

496 (i) may not enter an order under Subsection (2)(c) or (d) that excludes the respondent
497 from the respondent's school, place of employment, or place of worship; and

498 (ii) may enter an order governing the respondent's conduct at the respondent's school,
499 place of employment, or place of worship;

500 (f) upon finding that the respondent's use or possession of a weapon may pose a serious
501 threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a
502 firearm or other weapon specified by the court;

503 (g) order possession and use of an automobile and other essential personal effects, and
504 direct the appropriate law enforcement officer to accompany the petitioner to the residence of
505 the parties to ensure that the petitioner is safely restored to possession of the residence,
506 automobile, and other essential personal effects, or to supervise the petitioner's or respondent's
507 removal of personal belongings;

508 (h) order the respondent to maintain an existing wireless telephone contract or account;

509 (i) grant to the petitioner or someone other than the respondent temporary custody of a
510 minor child of the parties;

511 (j) order the appointment of an attorney guardian ad litem under Sections [78A-2-703](#)
512 and [78A-6-902](#);

513 (k) order any further relief that the court considers necessary to provide for the safety
514 and welfare of the petitioner and any designated family or household member; and

515 (l) if the petition requests child support or spousal support, at the hearing on the
516 petition order both parties to provide verification of current income, including year-to-date pay
517 stubs or employer statements of year-to-date or other period of earnings, as specified by the
518 court, and complete copies of tax returns from at least the most recent year.

519 (3) A court may grant the following relief in a cohabitant abuse protective order or a
520 modification of an order after notice and hearing, regardless of whether the respondent appears:

521 (a) grant the relief described in Subsection (2); and

522 (b) specify arrangements for parent-time of any minor child by the respondent and
523 require supervision of that parent-time by a third party or deny parent-time if necessary to

524 protect the safety of the petitioner or child.

525 (4) In addition to the relief granted under Subsection (3), the court may order the
526 transfer of a wireless telephone number in accordance with Section 78B-7-117.

527 (5) Following the cohabitant abuse protective order hearing, the court shall:

528 (a) as soon as possible, deliver the order to the county sheriff for service of process;

529 (b) make reasonable efforts to ensure that the cohabitant abuse protective order is
530 understood by the petitioner, and the respondent, if present;

531 (c) transmit electronically, by the end of the next business day after the order is issued,
532 a copy of the cohabitant abuse protective order to the local law enforcement agency or agencies
533 designated by the petitioner;

534 (d) transmit a copy of the order to the statewide domestic violence network described
535 in Section 78B-7-113; and

536 (e) if the individual is a respondent or defendant subject to a court order that meets the
537 qualifications outlined in 18 U.S.C. Sec. 922(g)(8), transmit within 48 hours, excluding
538 Saturdays, Sundays, and legal holidays, a record of the order to the Bureau of Criminal
539 Identification that includes:

540 (i) an agency record identifier;

541 (ii) the individual's name, sex, race, and date of birth;

542 (iii) the issue date, conditions, and expiration date for the protective order; and

543 (iv) if available, the individual's social security number, government issued driver
544 license or identification number, alien registration number, government passport number, state
545 identification number, or FBI number.

546 (6) Each protective order shall include two separate portions, one for provisions, the
547 violation of which are criminal offenses, and one for provisions, the violation of which are civil
548 ~~[violations]~~ offenses, as follows:

549 (a) criminal offenses are those under Subsections (2)(a) through (g), and under
550 Subsection (3)(a) as it refers to Subsections (2)(a) through (g); and

551 (b) civil offenses are those under Subsections (2)(h)~~[-(j), -(k), and]~~ through (l), ~~[and]~~
552 Subsection (3)(a) as it refers to Subsections (2)(h)~~[-(j), -(k), and (l)]~~ through (l), and Subsection
553 (3)(b).

554 (7) Child support and spouse support orders issued as part of a protective order are

555 subject to mandatory income withholding under Title 62A, Chapter 11, Part 4, Income
556 Withholding in IV-D Cases, and Title 62A, Chapter 11, Part 5, Income Withholding in Non
557 IV-D Cases, except when the protective order is issued ex parte.

558 (8) (a) The county sheriff that receives the order from the court, under Subsection [(6)]
559 (5), shall provide expedited service for protective orders issued in accordance with this part,
560 and shall transmit verification of service of process, when the order has been served, to the
561 statewide domestic violence network described in Section 78B-7-113.

562 (b) This section does not prohibit any law enforcement agency from providing service
563 of process if that law enforcement agency:

564 (i) has contact with the respondent and service by that law enforcement agency is
565 possible; or

566 (ii) determines that under the circumstances, providing service of process on the
567 respondent is in the best interests of the petitioner.

568 (9) (a) When an order is served on a respondent in a jail or other holding facility, the
569 law enforcement agency managing the facility shall make a reasonable effort to provide notice
570 to the petitioner at the time the respondent is released from incarceration.

571 (b) Notification of the petitioner shall consist of a good faith reasonable effort to
572 provide notification, including mailing a copy of the notification to the last-known address of
573 the victim.

574 (10) A court may modify or vacate a protective order or any provisions in the
575 protective order after notice and hearing, except that the criminal provisions of a cohabitant
576 abuse protective order may not be vacated within two years of issuance unless the petitioner:

577 (a) is personally served with notice of the hearing, as provided in the Utah Rules of
578 Civil Procedure, and the petitioner personally appears, in person or through court video
579 conferencing, before the court and gives specific consent to the vacation of the criminal
580 provisions of the cohabitant abuse protective order; or

581 (b) submits a verified affidavit, stating agreement to the vacation of the criminal
582 provisions of the cohabitant abuse protective order.

583 (11) A protective order may be modified without a showing of substantial and material
584 change in circumstances.

585 (12) A civil provision of a [~~cohabitant abuse~~] protective order described in Subsection

586 (6) may be dismissed or modified at any time in a divorce, parentage, custody, or guardianship
587 proceeding that is pending between the parties to the [~~cohabitant abuse~~] protective order action
588 [~~after 150 days after the day on which the cohabitant abuse protective order is issued~~] if:

589 (a) the parties stipulate in writing or on the record to dismiss or modify a civil
590 provision of the [~~cohabitant abuse~~] protective order; or

591 (b) the court in the divorce, parentage, custody, or guardianship proceeding finds good
592 cause to dismiss or modify the civil provision.

593 Section 11. Section **78B-7-604** is amended to read:

594 **78B-7-604. Hearings.**

595 (1) (a) [~~When a court issues an ex parte cohabitant abuse protective order the~~] The
596 court shall set a date for a hearing on the petition for a cohabitant abuse protective order to be
597 held within [~~20~~] 21 days after the day on which the court issues an ex parte cohabitant abuse
598 protective order [~~is issued~~].

599 (b) If, at [~~that~~] the hearing described in Subsection (1)(a), the court does not issue a
600 protective order, the ex parte cohabitant abuse protective order [~~shall expire, unless the~~
601 ~~cohabitant abuse protective order is otherwise extended by the court. Extensions beyond the~~
602 ~~20-day period may not be granted unless:~~] expires, unless extended by the court.

603 (c) (i) The court may extend the 21-day period described in Subsection (1)(a) only if:

604 [(i)] (A) the petitioner is unable to be present at the hearing;

605 [(ii)] (B) the respondent has not been served;

606 [(iii)] (C) the respondent has had the opportunity to present a defense at the hearing;

607 [(iv)] (D) the respondent requests that the ex parte cohabitant abuse protective order be
608 extended; or

609 [(v)] (E) exigent circumstances exist.

610 [(vi)] (ii) Under no circumstances may an ex parte cohabitant abuse protective order be
611 extended beyond 180 days from the day on which the court issues the initial ex parte cohabitant
612 abuse protective order.

613 (d) If, at that hearing described in Subsection (1)(a), the court issues a cohabitant abuse
614 protective order, the ex parte cohabitant abuse protective order remains in effect until service of
615 process of the protective order is completed.

616 (e) A cohabitant abuse protective order issued after notice and a hearing is effective

617 until further order of the court.

618 (f) If the hearing [~~on the petition is heard~~] described in Subsection (1)(a) is held by a
619 commissioner, [~~either~~] the petitioner or respondent may file an objection within [~~10~~] 14 days
620 after the day on which the [~~recommended~~] commissioner recommends the order, and, if the
621 petitioner or respondent requests a hearing be held, the assigned judge shall hold a hearing
622 within [~~20~~] 21 days after the day on which the objection is filed.

623 (2) Upon a hearing under this section, the court may grant any of the relief described in
624 Section 78B-7-603.

625 (3) [~~When a court denies a petition~~] If the court denies a petition for an ex parte
626 cohabitant abuse protective order or a petition to modify a protective order ex parte, the court
627 shall, upon the request of the petitioner made within five days after the day on which the court
628 denies the petition[~~, the court shall~~]:

629 (a) set the matter for hearing to be held within [~~20~~] 21 days after the day on which the
630 petitioner makes the request; and

631 (b) notify [~~the petitioner~~] and serve the respondent.

632 (4) (a) A respondent who has been served with an ex parte cohabitant abuse protective
633 order may seek to vacate the ex parte cohabitant abuse protective order [~~under~~] described in
634 Subsection (1)(a) by filing a verified motion to vacate before the day on which the hearing is
635 set.

636 (b) The respondent's verified motion to vacate described in Subsection (4)(a) and a
637 notice of hearing on [~~that~~] the motion shall be personally served on the petitioner at least two
638 days before the day on which the hearing on the motion to vacate is set.

639 Section 12. Section **78B-7-605** is amended to read:

640 **78B-7-605. Dismissal.**

641 (1) The court may amend or dismiss a protective order issued in accordance with this
642 part that has been in effect for at least one year if the court finds that:

643 (a) the basis for the issuance of the protective order no longer exists;

644 (b) the petitioner has repeatedly acted in contravention of the protective order
645 provisions to intentionally or knowingly induce the respondent to violate the protective order;
646 and

647 (c) the petitioner's actions demonstrate that the petitioner no longer has a reasonable

648 fear of the respondent.

649 (2) The court shall enter sanctions against either party if the court determines that
650 either party acted:

651 (a) in bad faith; or

652 (b) with intent to harass or intimidate the other party.

653 (3) [~~Except as provided in Subsection (4), if~~] If a divorce proceeding is pending
654 between parties to a protective order action, the court shall dismiss the protective order [~~shall~~
655 ~~be dismissed~~] when the court issues a decree of divorce for the parties if:

656 (a) the respondent files a motion to dismiss a protective order in both the divorce
657 action and the protective order action and personally serves the petitioner; and

658 (b) (i) the parties stipulate in writing or on the record to dismiss the protective order; or

659 (ii) based on evidence at the divorce trial, the court determines that the petitioner no
660 longer has a reasonable fear of future harm, abuse, or domestic violence.

661 (4) When the court dismisses a protective order, the court shall immediately:

662 (a) issue an order of dismissal to be filed in the protective order action; and

663 (b) transmit a copy of the order of dismissal to the statewide domestic violence

664 network as described in Section [78B-7-113](#).

665 Section 13. Section ~~78B-7-606~~ is amended to read:

666 **78B-7-606. Expiration -- Extension.**

667 (1) (a) [~~Subject~~] Except as provided in Subsection (1)(b) and subject to the other
668 provisions of this section, a cohabitant abuse protective order automatically expires three years
669 after the day on which the cohabitant abuse protective order is entered.

670 (b) (i) The civil provisions of a cohabitant abuse protective order described in Section
671 [78B-7-603](#) expires 150 days after the day on which the cohabitant abuse protective order is
672 entered, unless the court finds good cause for extending the expiration date of the civil
673 provisions.

674 (ii) Unless a motion under this section is granted, a court may not extend the civil
675 provisions of a protective order for more than three years after the day on which the cohabitant
676 abuse protective order is entered.

677 (2) A cohabitant abuse protective order automatically expires [~~as described in~~] under
678 Subsection (1), unless the petitioner files a motion before the day on which the cohabitant

679 abuse protective order expires and demonstrates that:

680 (a) the petitioner has a current reasonable fear of future harm, abuse, or domestic
681 violence; or

682 (b) the respondent committed or was convicted of a cohabitant abuse protective order
683 violation or a qualifying domestic violence offense, as defined in Section 77-36-1.1,
684 subsequent to the issuance of the cohabitant abuse protective order.

685 (3) (a) If the court grants the motion under Subsection (2), the court shall set a new
686 date on which the cohabitant abuse protective order expires.

687 (b) The cohabitant abuse protective order will expire on the date set by the court unless
688 the petitioner files a motion described in Subsection (2) to extend the cohabitant abuse
689 protective order.

690 Section 14. Section 78B-7-801 is amended to read:

691 **78B-7-801. Definitions.**

692 As used in this part:

693 (1) "Jail release agreement" means a written agreement that is entered into by an
694 ~~[arrested]~~ individual who is arrested or issued a citation, regardless of whether the individual is
695 booked into jail:

696 (a) under which the arrested or cited individual agrees to not engage in any of the
697 following:

698 ~~[(i) have personal contact with the alleged victim;]~~

699 (i) telephoning, contacting, or otherwise communicating with the alleged victim,
700 directly or indirectly;

701 ~~(ii) [threaten or harass]~~ threatening or harassing the alleged victim; or

702 ~~(iii) knowingly [enter on]~~ entering onto the premises of the alleged victim's residence
703 or on premises temporarily occupied by the alleged victim; and

704 (b) that specifies other conditions of release from jail or arrest.

705 (2) "Jail release court order" means a written court order that:

706 (a) orders an arrested or cited individual not to engage in any of the following:

707 ~~[(i) have personal contact with the alleged victim;]~~

708 (i) telephoning, contacting, or otherwise communicating with the alleged victim,
709 directly or indirectly;

- 710 (ii) [~~threaten or harass~~] threatening or harassing the alleged victim; or
- 711 (iii) knowingly [~~enter on~~] entering onto the premises of the alleged victim's residence
- 712 or on premises temporarily occupied by the alleged victim; and
- 713 (b) specifies other conditions of release from jail.
- 714 (3) "Minor" means an unemancipated individual who is younger than 18 years of age.
- 715 (4) "Offense against a child or vulnerable adult" means the commission or attempted
- 716 commission of an offense described in Section [76-5-109](#), [76-5-109.1](#), [76-5-110](#), [~~or~~] [76-5-111](#),₂
- 717 or [76-9-702.1](#).
- 718 (5) "Qualifying offense" means:
- 719 (a) domestic violence;
- 720 (b) an offense against a child or vulnerable adult; or
- 721 (c) the commission or attempted commission of an offense described in Section
- 722 [76-9-702.1](#) or Title 76, Chapter 5, Part 4, Sexual Offenses.
- 723 Section 15. Section **78B-7-802** is amended to read:
- 724 **78B-7-802. Conditions for release after arrest for domestic violence and other**
- 725 **offenses -- Jail release agreements -- Jail release court orders.**
- 726 (1) Upon arrest or issuance of a citation for a qualifying offense and before the
- 727 individual is released on bail, recognizance, or otherwise, the individual may not [~~personally~~
- 728 ~~contact the alleged victim~~] telephone, contact, or otherwise communicate with the alleged
- 729 victim, directly or indirectly.
- 730 (2) (a) After an individual is arrested or issued a citation for a qualifying offense, the
- 731 individual may not be released before:
- 732 (i) the matter is submitted to a magistrate in accordance with Section [77-7-23](#); or
- 733 (ii) the individual signs a jail release agreement.
- 734 (b) [~~The~~] If an arrested individual is booked into jail, the arresting officer shall ensure
- 735 that the information presented to the magistrate includes whether the alleged victim has made a
- 736 waiver described in Subsection (5)(a).
- 737 (c) (i) If the magistrate determines there is probable cause to support the charge or
- 738 charges of one or more qualifying offenses, the magistrate shall determine whether the arrested
- 739 individual may be held without bail, in accordance with Section [77-20-1](#).
- 740 (ii) If the magistrate determines that the arrested individual has the right to be admitted

741 to bail, the magistrate shall determine:

742 (A) whether any release conditions, including electronic monitoring, are necessary to
743 protect the alleged victim; and

744 (B) any bail that is required to guarantee the arrested individual's subsequent
745 appearance in court.

746 (d) The magistrate may not release an individual arrested for a qualifying offense
747 unless the magistrate issues a jail release court order or the arrested individual signs a jail
748 release agreement.

749 (3) (a) If an individual charged with a qualifying offense fails to either schedule an
750 initial appearance or to appear at the time scheduled by the magistrate within 96 hours after the
751 time of arrest, the individual shall comply with the release conditions of a jail release
752 agreement or jail release court order until the individual makes an initial appearance.

753 (b) If the prosecutor has not filed charges against an individual who was arrested for a
754 qualifying offense and who appears in court at the time scheduled by the magistrate under
755 Subsection (2), or by the court under Subsection (3)(b)(ii), the court:

756 (i) may, upon the motion of the prosecutor and after allowing the individual an
757 opportunity to be heard on the motion, extend the release conditions described in the jail
758 release court order or the jail release agreement by no more than three court days; and

759 (ii) if the court grants the motion described in Subsection (3)(b)(i), shall order the
760 arrested individual to appear at a time scheduled before the end of the granted extension.

761 (c) (i) If the prosecutor determines that there is insufficient evidence to file charges
762 before an initial appearance scheduled under Subsection (3)(a), the prosecutor shall transmit a
763 notice of declination to either the magistrate who signed the jail release court order or, if the
764 releasing agency obtains a jail release agreement from the released arrestee, to the statewide
765 domestic violence network described in Section [78B-7-113](#).

766 (ii) A prosecutor's notice of declination transmitted under this Subsection (3)(c) is
767 considered a motion to dismiss a jail release court order and a notice of expiration of a jail
768 release agreement.

769 (4) Except as provided in Subsection (3) or otherwise ordered by a court, a jail release
770 agreement or jail release court order expires at midnight after the earlier of:

771 (a) the arrested or cited individual's initial scheduled court appearance described in

772 Subsection (3)(a);

773 (b) the day on which the prosecutor transmits the notice of the declination under

774 Subsection (3)(c); or

775 (c) 30 days after the day on which the ~~[arrested]~~ individual is arrested or issued a
776 citation.

777 (5) (a) (i) After an individual is arrested or issued a citation for a qualifying offense, an
778 alleged victim who is not a minor may waive in writing any condition of a jail release
779 agreement by:

780 (A) appearing in person to the law enforcement agency that arrested the individual or
781 issued the citation to the individual for the qualifying offense;

782 (B) appearing in person to the jail or correctional facility that released the arrested
783 individual from custody; or

784 (C) appearing in person to the clerk at the court of the jurisdiction where the charges
785 are filed.

786 ~~[(5) (a) (i) After an arrest for a qualifying offense, an]~~ (ii) An alleged victim who is not
787 a minor may waive in writing the release conditions prohibiting:

788 ~~[(A) personal contact with the alleged victim; or]~~

789 (A) telephoning, contacting, or otherwise communicating with the alleged victim,
790 directly or indirectly; or

791 (B) knowingly entering on the premises of the alleged victim's residence or on
792 premises temporarily occupied by the alleged victim.

793 (iii) A parent or guardian may not, without the approval of the court, waive the release
794 conditions of the jail release agreement on behalf of an alleged victim who is a minor.

795 ~~[(iii)]~~ (iv) Upon waiver, the release conditions described in Subsection (5)(a)[(iii)](ii) do
796 not apply to the arrested or cited individual.

797 (b) A court or magistrate may modify a jail release agreement or a jail release court
798 order in writing or on the record, and only for good cause shown.

799 (6) (a) When an ~~[arrested]~~ individual is arrested or issued a citation and subsequently
800 released in accordance with Subsection (2), the releasing agency shall:

801 (i) notify the arresting law enforcement agency of the release, conditions of release, and
802 any available information concerning the location of the alleged victim;

803 (ii) make a reasonable effort to notify the alleged victim of the release; and
804 (iii) before releasing the [~~arrested~~] individual who is arrested or issued a citation, give
805 the arrested or cited individual a copy of the jail release agreement or the jail release court
806 order.

807 (b) (i) When an individual arrested or issued a citation for domestic violence is
808 released under this section based on a jail release agreement, the releasing agency shall transmit
809 that information to the statewide domestic violence network described in Section 78B-7-113.

810 (ii) When an individual arrested or issued a citation for domestic violence is released
811 under this section based upon a jail release court order or if a jail release agreement is modified
812 under Subsection (5)(b), the court shall transmit that order to the statewide domestic violence
813 network described in Section 78B-7-113.

814 (c) This Subsection (6) does not create or increase liability of a law enforcement officer
815 or agency, and the good faith immunity provided by Section 77-36-8 is applicable.

816 (7) An individual who is arrested for a qualifying offense that is a felony and released
817 in accordance with this section may subsequently be held without bail if there is substantial
818 evidence to support a new felony charge against the individual.

819 (8) At the time an arrest is made or a citation is issued for a qualifying offense, the
820 arresting officer shall provide the alleged victim with written notice containing:

821 (a) the release conditions described in this section, and notice that the alleged
822 perpetrator will not be released, before appearing before the court with jurisdiction over the
823 offense for which the alleged perpetrator was arrested, unless:

824 (i) the alleged perpetrator enters into a jail release agreement to comply with the release
825 conditions; or

826 (ii) the magistrate issues a jail release order that specifies the release conditions;

827 (b) notification of the penalties for violation of any jail release agreement or jail release
828 court order;

829 (c) the address of the appropriate court in the district or county in which the alleged
830 victim resides;

831 (d) the availability and effect of any waiver of the release conditions; and

832 (e) information regarding the availability of and procedures for obtaining civil and
833 criminal protective orders with or without the assistance of an attorney.

834 (9) At the time an arrest is made or a citation is issued for a qualifying offense, the
835 arresting officer shall provide the alleged perpetrator with written notice containing:

836 (a) notification that the alleged perpetrator may not contact the alleged victim before
837 being released, including telephoning, contacting, or otherwise communicating with the alleged
838 victim, directly or indirectly;

839 (b) the release conditions described in this section and notice that the alleged
840 perpetrator will not be released, before appearing before the court with jurisdiction over the
841 offense for which the alleged perpetrator was arrested, unless:

842 (i) the alleged perpetrator enters into a jail release agreement to comply with the release
843 conditions; or

844 (ii) the magistrate issues a jail release court order;

845 (c) notification of the penalties for violation of any jail release agreement or jail release
846 court order; and

847 (d) notification that the alleged perpetrator is to personally appear in court on the next
848 day the court is open for business after the day of the arrest.

849 (10) (a) A pretrial or sentencing protective order issued under this part supersedes a jail
850 release agreement or jail release court order.

851 (b) If a court dismisses the charges for the qualifying offense that gave rise to a jail
852 release agreement or jail release court order, the court shall dismiss the jail release agreement
853 or jail release court order.

854 (11) This section does not apply if the individual arrested for the qualifying offense is a
855 minor, unless the qualifying offense is domestic violence.