

Senator Todd D. Weiler proposes the following substitute bill:

DOMESTIC VIOLENCE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends provisions relating to domestic violence

Highlighted Provisions:

This bill:

- ▶ requires a law enforcement officer to conduct a lethality assessment when responding to a report of domestic violence between intimate partners;
- ▶ describes the protocol for a lethality assessment;
- ▶ requires a law enforcement officer who conducts a lethality assessment to:
 - include the results of the assessment with a probable cause statement and incident report; and
 - submit the results to the Department of Public Safety;
- ▶ requires the Department of Public Safety to:
 - create a grant program for domestic violence victim services;
 - develop and maintain a reporting mechanism by which law enforcement can submit lethality assessment data;
 - provide analytical support to a law enforcement officer who submits the results of a lethality assessment;
 - create and maintain a database of lethality assessment data; and



- 26 • in coordination with the Administrative Office of the Courts, provide
- 27 information and training to certain court personnel regarding lethality
- 28 assessments;
- 29 ▶ includes a lethality assessment as part of the information that may be considered as
- 30 part of pretrial processes; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

- 33 This bill appropriates:
- 34 ▶ to the Department of Public Safety -- Programs and Operations -- Department
 - 35 Intelligence Center, as a one-time appropriation:
 - 36 • from the General Fund, One-time, \$100,000; and
 - 37 ▶ to the Department of Public Safety -- Programs and Operations -- Department
 - 38 Intelligence Center, as an ongoing appropriation:
 - 39 • from the General Fund, \$1,702,500.

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 **53-1-106**, as last amended by Laws of Utah 2021, Chapters 344, 360
- 45 **77-20-202**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4
- 46 **77-20-205**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4
- 47 **77-36-2.1**, as last amended by Laws of Utah 2020, Chapter 142
- 48 **77-36-2.2**, as last amended by Laws of Utah 2022, Chapter 430
- 49 **78B-7-120**, as enacted by Laws of Utah 2021, Chapter 180
- 50 **78B-7-803**, as last amended by Laws of Utah 2021, Chapter 159

51 ENACTS:

- 52 **53-1-122**, Utah Code Annotated 1953

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

- 55 Section 1. Section **53-1-106** is amended to read:
- 56 **53-1-106. Department duties -- Powers.**

- 57 (1) In addition to the responsibilities contained in this title, the department shall:
- 58 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
- 59 Code, including:
- 60 (i) setting performance standards for towing companies to be used by the department,
- 61 as required by Section 41-6a-1406; and
- 62 (ii) advising the Department of Transportation regarding the safe design and operation
- 63 of school buses, as required by Section 41-6a-1304;
- 64 (b) make rules to establish and clarify standards pertaining to the curriculum and
- 65 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;
- 66 (c) aid in enforcement efforts to combat drug trafficking;
- 67 (d) meet with the Division of Technology Services to formulate contracts, establish
- 68 priorities, and develop funding mechanisms for dispatch and telecommunications operations;
- 69 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
- 70 Victims of Crime in conducting research or monitoring victims' programs, as required by
- 71 Section 63M-7-505;
- 72 (f) develop sexual assault exam protocol standards in conjunction with the Utah
- 73 Hospital Association;
- 74 (g) engage in emergency planning activities, including preparation of policy and
- 75 procedure and rulemaking necessary for implementation of the federal Emergency Planning
- 76 and Community Right to Know Act of 1986, as required by Section 53-2a-702;
- 77 (h) implement the provisions of Section 53-2a-402, the Emergency Management
- 78 Assistance Compact;
- 79 (i) ensure that any training or certification required of a public official or public
- 80 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
- 81 22, State Training and Certification Requirements, if the training or certification is required:
- 82 (i) under this title;
- 83 (ii) by the department; or
- 84 (iii) by an agency or division within the department;
- 85 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
- 86 Board of Education who shall work with the State Board of Education to:
- 87 (i) support training with relevant state agencies for school resource officers as

88 described in Section [53G-8-702](#);

89 (ii) coordinate the creation of model policies and memorandums of understanding for a
90 local education agency and a local law enforcement agency; and

91 (iii) ensure cooperation between relevant state agencies, a local education agency, and
92 a local law enforcement agency to foster compliance with disciplinary related statutory
93 provisions, including Sections [53E-3-516](#) and [53G-8-211](#); [~~and~~]

94 (k) provide for the security and protection of public officials, public officials' staff, and
95 the capitol hill complex in accordance with the provisions of this part[-]; and

96 (l) fulfill the duties described in Sections [77-36-2.1](#) and [78B-7-120](#) related to lethality
97 assessments.

98 (2) (a) The department shall establish a schedule of fees as required or allowed in this
99 title for services provided by the department.

100 (b) All fees not established in statute shall be established in accordance with Section
101 [63J-1-504](#).

102 (3) The department may establish or contract for the establishment of an Organ
103 Procurement Donor Registry in accordance with Section [26-28-120](#).

104 Section 2. Section **53-1-122** is enacted to read:

105 **53-1-122. Domestic violence advocate grant program.**

106 (1) As used in this section, "primary purpose domestic violence organization" means a
107 contract provider of domestic violence services as described in Section [80-2-301](#).

108 (2) The department shall:

109 (a) establish and administer a grant program for primary purpose domestic violence
110 organizations to increase access to domestic violence services for high-risk domestic violence
111 victims; and

112 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
113 make rules to establish requirements, including tracking and reporting requirements, for a
114 primary purpose domestic violence organization that receives a grant from the grant program
115 created under Subsection (2)(a).

116 Section 3. Section **77-20-202** is amended to read:

117 **77-20-202. Collection of pretrial information.**

118 (1) On or after May 4, 2022, when an individual is arrested without a warrant for an

119 offense and booked at a jail facility, an employee at the jail facility, or an employee of a pretrial
120 services program, shall submit the following information to the court with the probable cause
121 statement to the extent that the information is reasonably available to the employee:

122 (a) identification information for the individual, including:

123 (i) the individual's legal name and any known aliases;

124 (ii) the individual's date of birth;

125 (iii) the individual's state identification number;

126 (iv) the individual's mobile phone number; and

127 (v) the individual's email address;

128 (b) the individual's residential address;

129 (c) any pending criminal charge or warrant for the individual, including the offense
130 tracking number of the current offense for which the individual is booked;

131 (d) the individual's probation or parole supervision status;

132 (e) whether the individual was on pretrial release for another criminal offense prior to
133 the booking of the individual for the current criminal offense;

134 (f) the individual's financial circumstances to the best of the individual's knowledge at
135 the time of booking, including:

136 (i) the individual's current employer;

137 (ii) the individual's monthly income, including any alimony or child support that
138 contributes to the individual's monthly income;

139 (iii) the individual's monthly expenses, including any alimony or child support
140 obligation that the individual is responsible for paying;

141 (iv) the individual's ownership of, or any interest in, personal or real property,
142 including any savings or checking accounts or cash;

143 (v) the number, ages, and relationships of any dependents;

144 (vi) any financial support or benefit that the individual receives from a state or federal
145 government; and

146 (vii) any other information about the individual's financial circumstances that may be
147 relevant; [~~and~~]

148 (g) any ties the individual has to the community, including:

149 (i) the length of time that the individual has been at the individual's residential address;

150 (ii) any enrollment in a local college, university, or trade school; and
151 (iii) the name and contact information for any family member or friend that the
152 individual believes would be willing to provide supervision of the individual[-]; and
153 (h) the results of a lethality assessment completed in accordance with Section
154 77-36-2.1, if any.

155 (2) Upon request, the jail facility, or the pretrial services program, shall provide the
156 information described in Subsection (1) to the individual, the individual's attorney, or the
157 prosecuting attorney.

158 (3) Any information collected from an individual under Subsection (1) is inadmissible
159 in any court proceeding other than:

160 (a) a criminal proceeding addressing the individual's pretrial release or indigency for
161 the offense, or offenses, for which the individual was arrested or charged with; or

162 (b) another criminal proceeding regarding prosecution for providing a false statement
163 under Subsection (1).

164 (4) Nothing in this section prohibits a court and a county from entering into an
165 agreement regarding information to be submitted to the court with a probable cause statement.

166 Section 4. Section **77-20-205** is amended to read:

167 **77-20-205. Pretrial release by a magistrate or judge.**

168 (1) (a) At the time that a magistrate issues a warrant of arrest, or finds there is probable
169 cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal Procedure,
170 the magistrate shall issue a temporary pretrial status order that:

171 (i) releases the individual on the individual's own recognizance during the time the
172 individual awaits trial or other resolution of criminal charges;

173 (ii) designates a condition, or a combination of conditions, to be imposed upon the
174 individual's release during the time the individual awaits trial or other resolution of criminal
175 charges; or

176 (iii) orders the individual be detained during the time the individual awaits trial or
177 other resolution of criminal charges.

178 (b) At the time that a magistrate issues a summons, the magistrate may issue a
179 temporary pretrial status order that:

180 (i) releases the individual on the individual's own recognizance during the time the

181 individual awaits trial or other resolution of criminal charges; or

182 (ii) designates a condition, or a combination of conditions, to be imposed upon the
183 individual's release during the time the individual awaits trial or other resolution of criminal
184 charges.

185 (2) (a) Except as provided in Subsection (2)(c), at an individual's first appearance
186 before the court, the magistrate or judge shall issue a pretrial status order that:

187 (i) releases the individual on the individual's own recognizance during the time the
188 individual awaits trial or other resolution of criminal charges;

189 (ii) designates a condition, or a combination of conditions, to be imposed upon the
190 individual's release during the time the individual awaits trial or other resolution of criminal
191 charges; or

192 (iii) orders the individual be detained during the time the individual awaits trial or
193 other resolution of criminal charges.

194 (b) In making a determination under Subsection (2)(a), the magistrate or judge may not
195 give any deference to a magistrate's decision in a temporary pretrial status order.

196 (c) The magistrate or judge shall delay the issuance of a pretrial status order described
197 in Subsection (2)(a):

198 (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for
199 pretrial detention as described in Section [77-20-206](#);

200 (ii) if a party requests a delay; or

201 (iii) if there is good cause to delay the issuance.

202 (d) If a magistrate or judge delays the issuance of a pretrial status order under
203 Subsection (2)(c), the magistrate or judge shall extend the temporary pretrial status order until
204 the issuance of a pretrial status order.

205 (3) In making a determination about pretrial release under Subsection (1) or (2), a
206 magistrate or judge shall impose only conditions of release that are reasonably available and
207 necessary to reasonably ensure:

208 (a) the individual's appearance in court when required;

209 (b) the safety of any witnesses or victims of the offense allegedly committed by the
210 individual;

211 (c) the safety and welfare of the public; and

212 (d) that the individual will not obstruct, or attempt to obstruct, the criminal justice
213 process.

214 (4) Except as provided in Subsection (5), a magistrate or judge may impose a
215 condition, or combination of conditions, under Subsection (1) or (2) that requires an individual
216 to:

217 (a) not commit a federal, state, or local offense during the period of pretrial release;

218 (b) avoid contact with a victim of the alleged offense;

219 (c) avoid contact with a witness who:

220 (i) may testify concerning the alleged offense; and

221 (ii) is named in the pretrial status order;

222 (d) not consume alcohol or any narcotic drug or other controlled substance unless
223 prescribed by a licensed medical practitioner;

224 (e) submit to drug or alcohol testing;

225 (f) complete a substance abuse evaluation and comply with any recommended
226 treatment or release program;

227 (g) submit to electronic monitoring or location device tracking;

228 (h) participate in inpatient or outpatient medical, behavioral, psychological, or
229 psychiatric treatment;

230 (i) maintain employment or actively seek employment if unemployed;

231 (j) maintain or commence an education program;

232 (k) comply with limitations on where the individual is allowed to be located or the
233 times that the individual shall be, or may not be, at a specified location;

234 (l) comply with specified restrictions on personal associations, place of residence, or
235 travel;

236 (m) report to a law enforcement agency, pretrial services program, or other designated
237 agency at a specified frequency or on specified dates;

238 (n) comply with a specified curfew;

239 (o) forfeit or refrain from possession of a firearm or other dangerous weapon;

240 (p) if the individual is charged with an offense against a child, limit or prohibit access
241 to any location or occupation where children are located, including any residence where
242 children are on the premises, activities where children are involved, locations where children

243 congregate, or where a reasonable person would know that children congregate;

244 (q) comply with requirements for house arrest;

245 (r) return to custody for a specified period of time following release for employment,
246 schooling, or other limited purposes;

247 (s) remain in custody of one or more designated individuals who agree to:

248 (i) supervise and report on the behavior and activities of the individual; and

249 (ii) encourage compliance with all court orders and attendance at all required court
250 proceedings;

251 (t) comply with a financial condition; or

252 (u) comply with any other condition that is reasonably available and necessary to
253 ensure compliance with Subsection (3).

254 (5) (a) If a county or municipality has established a pretrial services program, the
255 magistrate or judge shall consider the services that the county or municipality has identified as
256 available in determining what conditions of release to impose.

257 (b) The magistrate or judge may not order conditions of release that would require the
258 county or municipality to provide services that are not currently available from the county or
259 municipality.

260 (c) Notwithstanding Subsection (5)(a), the magistrate or judge may impose conditions
261 of release not identified by the county or municipality so long as the condition does not require
262 assistance or resources from the county or municipality.

263 (6) (a) If the magistrate or judge determines that a financial condition, other than an
264 unsecured bond, is necessary to impose as a condition of release, the magistrate or judge shall
265 consider the individual's ability to pay when determining the amount of the financial condition.

266 (b) If the magistrate or judge determines that a financial condition is necessary to
267 impose as a condition of release, and a bail commissioner fixed a financial condition for the
268 individual under Section [77-20-204](#), the magistrate or judge may not give any deference to:

269 (i) the bail commissioner's action to fix a financial condition; or

270 (ii) the amount of the financial condition that the individual was required to pay for
271 pretrial release.

272 (c) If a magistrate or judge orders a financial condition as a condition of release, the
273 judge or magistrate shall set the financial condition at a single amount per case.

274 (7) In making a determination about pretrial release under this section, the magistrate
275 or judge may:

276 (a) rely upon information contained in:

277 (i) the indictment or information;

278 (ii) any sworn or probable cause statement or other information provided by law
279 enforcement;

280 (iii) a pretrial risk assessment;

281 (iv) an affidavit of indigency described in Section [78B-22-201.5](#);

282 (v) witness statements or testimony; [or]

283 (vi) the results of a lethality assessment completed in accordance with Section
284 [77-36-2.1](#); or

285 [~~(vi)~~] (vii) any other reliable record or source, including proffered evidence; and

286 (b) consider:

287 (i) the nature and circumstances of the offense, or offenses, that the individual was
288 arrested for, or charged with, including:

289 (A) whether the offense is a violent offense; and

290 (B) the vulnerability of a witness or alleged victim;

291 (ii) the nature and circumstances of the individual, including the individual's:

292 (A) character;

293 (B) physical and mental health;

294 (C) family and community ties;

295 (D) employment status or history;

296 (E) financial resources;

297 (F) past criminal conduct;

298 (G) history of drug or alcohol abuse; and

299 (H) history of timely appearances at required court proceedings;

300 (iii) the potential danger to another individual, or individuals, posed by the release of
301 the individual;

302 (iv) whether the individual was on probation, parole, or release pending an upcoming
303 court proceeding at the time the individual allegedly committed the offense or offenses;

304 (v) the availability of:

- 305 (A) other individuals who agree to assist the individual in attending court when
306 required; or
307 (B) supervision of the individual in the individual's community;
308 (vi) the eligibility and willingness of the individual to participate in various treatment
309 programs, including drug treatment; or
310 (vii) other evidence relevant to the individual's likelihood of fleeing or violating the
311 law if released.

312 (8) An individual arrested for violation of a jail release agreement, or a jail release
313 court order, issued in accordance with Section [78B-7-802](#):

314 (a) may not be released before the individual's first appearance before a magistrate or
315 judge; and

316 (b) may be denied pretrial release by the magistrate or judge under Subsection (2).
317 Section 5. Section **77-36-2.1** is amended to read:

318 **77-36-2.1. Duties of law enforcement officers -- Notice to victims -- Lethality**
319 **assessments.**

320 (1) For purposes of this section:

321 (a) (i) "Dating relationship" means a social relationship of a romantic or intimate
322 nature, or a relationship which has romance or intimacy as a goal by one or both parties,
323 regardless of whether the relationship involves sexual intimacy.

324 (ii) "Dating relationship" does not include casual fraternization in a business,
325 educational, or social context.

326 (b) "Intimate partner" means an emancipated individual under Section [15-2-1](#) or an
327 individual who is 16 years old or older who:

328 (i) is or was a spouse of the other party;

329 (ii) is or was living as if a spouse of the other party;

330 (iii) has or had one or more children in common with the other party;

331 (iv) is the biological parent of the other party's unborn child;

332 (v) is or was in a consensual sexual relationship with the other party; or

333 (vi) is or was in a dating relationship with the other party.

334 (c) "Nongovernment organization victim advocate" means the same as that term is
335 defined in Section [77-38-403](#).

336 (d) "Primary purpose domestic violence organization" means a contract provider of
337 domestic violence services as described in Section [80-2-301](#).

338 (2) A law enforcement officer who responds to an allegation of domestic violence
339 shall:

340 (a) use all reasonable means to protect the victim and prevent further violence,
341 including:

342 ~~[(a)]~~ (i) taking the action that, in the officer's discretion, is reasonably necessary to
343 provide for the safety of the victim and any family or household member;

344 ~~[(b)]~~ (ii) confiscating the weapon or weapons involved in the alleged domestic
345 violence;

346 ~~[(c)]~~ (iii) making arrangements for the victim and any child to obtain emergency
347 housing or shelter;

348 ~~[(d)]~~ (iv) providing protection while the victim removes essential personal effects;

349 ~~[(e)]~~ (v) arrange, facilitate, or provide for the victim and any child to obtain medical
350 treatment; and

351 ~~[(f)]~~ (vi) arrange, facilitate, or provide the victim with immediate and adequate notice
352 of the rights of victims and of the remedies and services available to victims of domestic
353 violence, in accordance with Subsection ~~[(2)-]~~ (3); and

354 (b) if the allegation of domestic violence is against an intimate partner, complete the
355 lethality assessment protocols described in this section.

356 ~~[(2)]~~ (3) (a) A law enforcement officer shall give written notice to the victim in simple
357 language, describing the rights and remedies available under this chapter, Title 78B, Chapter 7,
358 Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part 2, Child Protective
359 Orders.

360 (b) The written notice shall also include:

361 (i) a statement that the forms needed in order to obtain an order for protection are
362 available from the court clerk's office in the judicial district where the victim resides or is
363 temporarily domiciled;

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

366 (iii) the information required to be provided to both parties in accordance with

367 Subsections 78B-7-802(8) and (9) .

368 [~~3~~] (4) If a weapon is confiscated under this section, the law enforcement agency
369 shall return the weapon to the individual from whom the weapon is confiscated if a domestic
370 violence protective order is not issued or once the domestic violence protective order is
371 terminated.

372 (5) A law enforcement officer shall complete a lethality assessment form by asking the
373 victim:

374 (a) if the aggressor has ever used a weapon against the victim or threatened the victim
375 with a weapon;

376 (b) if the aggressor has ever threatened to kill the victim or the victim's children;

377 (c) if the victim believes the aggressor will try to kill the victim;

378 (d) if the aggressor has a gun or could easily get a gun;

379 (e) if the aggressor has ever tried to choke the victim;

380 (f) if the aggressor is violently or constantly jealous, or controls most of the daily
381 activities of the victim;

382 (g) if the victim left or separated from the aggressor after they were living together or
383 married;

384 (h) if the aggressor is unemployed;

385 (i) if the aggressor has ever attempted suicide, to the best of the victim's knowledge;

386 (j) if the victim has a child that the aggressor believes is not the aggressor's biological
387 child;

388 (k) if the aggressor follows or spies on the victim, or leaves threatening messages for
389 the victim; and

390 (l) if there is anything else that worries the victim about the victim's safety and, if so,
391 what worries the victim.

392 (6) A law enforcement officer shall comply with Subsection (7) if:

393 (a) the victim answers affirmatively to any of the questions in Subsections (5)(a)
394 through (c);

395 (b) the victim answers negatively to the questions in Subsections (5)(a) through (c), but
396 affirmatively to at least four of the questions in Subsections (5)(d) through (k); or

397 (c) as a result of the victim's response to the question in Subsection (5)(l), the law

398 enforcement officer believes the victim is in a potentially lethal situation.

399 (7) If the criteria in Subsections (6)(a), (b), or (c) are met, the law enforcement officer
400 shall:

401 (a) advise the victim of the results of the assessment; and

402 (b) refer the victim to a nongovernment organization victim advocate at a primary
403 purpose domestic violence organization.

404 (8) If a victim does not or is unable to provide information to a law enforcement officer
405 sufficient to allow the law enforcement officer to complete a lethality assessment form, or does
406 not speak or is unable to speak with a nongovernment organization victim advocate, the law
407 enforcement officer shall document this information on the lethality assessment form and
408 submit the information to the Department of Public Safety under Subsection (9).

409 (9) (a) Except as provided in Subsection (9)(b), a law enforcement officer shall submit
410 the results of a lethality assessment to the Department of Public Safety while on scene.

411 (b) If a law enforcement officer is not reasonably able to submit the results of a
412 lethality assessment while on scene, the law enforcement officer shall submit the results of the
413 lethality assessment to the Department of Public Safety as soon as practicable.

414 (c) (i) Before the reporting mechanism described in Subsection (10)(a) is developed, a
415 law enforcement officer shall submit the results of a lethality assessment to the Department of
416 Public Safety using means prescribed by the Department of Public Safety.

417 (ii) After the reporting mechanism described in Subsection (10)(a) is developed, a law
418 enforcement officer shall submit the results of a lethality assessment to the Department of
419 Public Safety using that reporting mechanism.

420 (10) The Department of Public Safety shall:

421 (a) as soon as practicable, develop and maintain a reporting mechanism by which a law
422 enforcement officer will submit the results of a lethality assessment as required by Subsection
423 (9);

424 (b) provide prompt analytical support to a law enforcement officer who submits the
425 results of a lethality assessment using the reporting mechanism described in Subsection (10)(a);
426 and

427 (c) create and maintain a database of lethality assessment data provided under this
428 section.

429 (11) (a) Subject to Subsection (11)(b), a law enforcement officer shall include the
430 results of a lethality assessment and any related, relevant analysis provided by the Department
431 of Public Safety under Subsection (10), with:

432 (i) a probable cause statement submitted in accordance with Rule 9 of the Utah Rules
433 of Criminal Procedure; and

434 (ii) an incident report prepared in accordance with Section [77-36-2.2](#).

435 (b) In a probable cause statement or incident report, a law enforcement officer may not
436 include information about how or where a victim was referred under Subsection (7)(b).

437 Section 6. Section [77-36-2.2](#) is amended to read:

438 **[77-36-2.2. Powers and duties of law enforcement officers to arrest -- Reports of](#)**
439 **[domestic violence cases -- Reports of parties' marital status.](#)**

440 (1) The primary duty of law enforcement officers responding to a domestic violence
441 call is to protect the victim and enforce the law.

442 (2) (a) In addition to the arrest powers described in Section [77-7-2](#), when a peace
443 officer responds to a domestic violence call and has probable cause to believe that an act of
444 domestic violence has been committed, the peace officer shall arrest without a warrant or shall
445 issue a citation to any person that the peace officer has probable cause to believe has committed
446 an act of domestic violence.

447 (b) (i) If the peace officer has probable cause to believe that there will be continued
448 violence against the alleged victim, or if there is evidence that the perpetrator has either
449 recently caused serious bodily injury or used a dangerous weapon in the domestic violence
450 offense, the officer shall arrest and take the alleged perpetrator into custody, and may not
451 utilize the option of issuing a citation under this section.

452 (ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous
453 weapon" mean the same as those terms are defined in Section [76-1-101.5](#).

454 (c) If a peace officer does not immediately exercise arrest powers or initiate criminal
455 proceedings by citation or otherwise, the officer shall notify the victim of the right to initiate a
456 criminal proceeding and of the importance of preserving evidence, in accordance with the
457 requirements of Section [77-36-2.1](#).

458 (3) If a law enforcement officer receives complaints of domestic violence from two or
459 more opposing persons, the officer shall evaluate each complaint separately to determine who

460 the predominant aggressor was. If the officer determines that one person was the predominant
461 physical aggressor, the officer need not arrest the other person alleged to have committed
462 domestic violence. In determining who the predominant aggressor was, the officer shall
463 consider:

- 464 (a) any prior complaints of domestic violence;
- 465 (b) the relative severity of injuries inflicted on each person;
- 466 (c) the likelihood of future injury to each of the parties; and
- 467 (d) whether one of the parties acted in self defense.

468 (4) A law enforcement officer may not threaten, suggest, or otherwise indicate the
469 possible arrest of all parties in order to discourage any party's request for intervention by law
470 enforcement.

471 (5) (a) A law enforcement officer who does not make an arrest after investigating a
472 complaint of domestic violence, or who arrests two or more parties, shall submit a detailed,
473 written report specifying the grounds for not arresting any party or for arresting both parties.

474 (b) A law enforcement officer who does not make an arrest shall notify the victim of
475 the right to initiate a criminal proceeding and of the importance of preserving evidence.

476 (6) (a) A law enforcement officer responding to a complaint of domestic violence shall
477 prepare an incident report that includes:

- 478 (i) the officer's disposition of the case[-]; and
- 479 (ii) the results of any lethality assessment completed in accordance with Section
480 [77-36-2.1](#).

481 (b) From January 1, 2009, until December 31, 2013, any law enforcement officer
482 employed by a city of the first or second class responding to a complaint of domestic violence
483 shall also report, either as a part of an incident report or on a separate form, the following
484 information:

- 485 (i) marital status of each of the parties involved;
 - 486 (ii) social, familial, or legal relationship of the suspect to the victim; and
 - 487 (iii) whether or not an arrest was made.
- 488 (c) The information obtained in Subsection (6)(b):
- 489 (i) shall be reported monthly to the department;
 - 490 (ii) shall be reported as numerical data that contains no personal identifiers; and

491 (iii) is a public record as defined in Section [63G-2-103](#).

492 (d) The incident report shall be made available to the victim, upon request, at no cost.

493 (e) The law enforcement agency shall forward a copy of the incident report to the
494 appropriate prosecuting attorney within five days after the complaint of domestic violence
495 occurred.

496 (7) The department shall compile the information described in Subsections (6)(b) and
497 (c) into a report and present that report to the Law Enforcement and Criminal Justice Interim
498 Committee during the 2013 interim, no later than May 31, 2013.

499 (8) Each law enforcement agency shall, as soon as practicable, make a written record
500 and maintain records of all incidents of domestic violence reported to it, and shall be identified
501 by a law enforcement agency code for domestic violence.

502 Section 7. Section **78B-7-120** is amended to read:

503 **78B-7-120. Law enforcement -- Training -- Domestic violence -- Lethality**
504 **assessments.**

505 (1) [~~The~~] In accordance with Section [77-36-2.1](#), the Department of Public Safety shall
506 develop training in domestic violence responses and lethality assessment protocols, which
507 include the following:

508 (a) recognizing the symptoms of domestic violence and trauma;

509 (b) an evidence-based assessment to identify victims of domestic violence who may be
510 at a high risk of being killed by a perpetrator;

511 (c) lethality assessment protocols and interviewing techniques, including indicators of
512 strangulation;

513 (d) responding to the needs and concerns of a victim of domestic violence;

514 (e) delivering services to victims of domestic violence in a compassionate, sensitive,
515 and professional manner; and

516 (f) understanding cultural perceptions and common myths of domestic violence.

517 (2) The department shall develop and offer an online training course in domestic
518 violence issues to all certified law enforcement officers in the state.

519 (3) Training in domestic violence issues shall be incorporated into training offered by
520 the Peace Officer Standards and Training division to all persons seeking certification as a peace
521 officer.

522 (4) The department shall develop specific training curriculums that meet the
523 requirements of this section, including:

524 (a) response to domestic violence incidents, including trauma-informed and
525 victim-centered interview techniques;

526 (b) lethality assessment protocols which have been demonstrated to minimize
527 retraumatizing victims; and

528 (c) standards for report writing.

529 (5) The Department of Public Safety, in partnership with the Division of Child and
530 Family Services and the Commission on Criminal and Juvenile Justice, shall work to identify
531 aggregate domestic violence data to include:

532 (a) lethality assessments;

533 (b) the prevalence of stalking;

534 (c) strangulation;

535 (d) violence in the presence of children; and

536 (e) threats of suicide or homicide.

537 (6) The Department of Public Safety, with support from the Commission on Criminal
538 and Juvenile Justice and the Division of Child and Family Services shall provide
539 recommendations to the Law Enforcement and Criminal Justice Interim Committee not later
540 than July 31 of each year and in the commission's annual report required by Section
541 [63M-7-205](#).

542 (7) The Department of Public Safety and the Administrative Office of the Courts shall
543 coordinate to provide information and training on the lethality assessment protocols described
544 in Section [77-36-2.1](#) to all judges, commissioners, and court staff who may encounter lethality
545 assessment data in the courses of their duties.

546 Section 8. Section **78B-7-803** is amended to read:

547 **78B-7-803. Pretrial protective orders.**

548 (1) (a) When an alleged perpetrator is charged with a crime involving a qualifying
549 offense, the court shall, at the time of the alleged perpetrator's court appearance under Section
550 [77-36-2.6](#):

551 (i) determine the necessity of imposing a pretrial protective order or other condition of
552 pretrial release; and

553 (ii) state the court's findings and determination in writing.

554 (b) Except as provided in Subsection (4), in any criminal case, the court may, during
555 any court hearing where the alleged perpetrator is present, issue a pretrial protective order,
556 pending trial.

557 (c) When determining the necessity of imposing a pretrial protective order or other
558 condition of pretrial release, a court may consider the results of any relevant lethality
559 assessment conducted in accordance with Section [77-36-2.1](#).

560 (2) A court may include any of the following provisions in a pretrial protective order:

561 (a) an order enjoining the alleged perpetrator from threatening to commit or
562 committing acts of domestic violence or abuse against the victim and any designated family or
563 household member;

564 (b) an order prohibiting the alleged perpetrator from harassing, telephoning, contacting,
565 or otherwise communicating with the victim, directly or indirectly;

566 (c) an order removing and excluding the alleged perpetrator from the victim's residence
567 and the premises of the residence;

568 (d) an order requiring the alleged perpetrator to stay away from the victim's residence,
569 school, or place of employment, and the premises of any of these, or any specified place
570 frequented by the victim and any designated family member;

571 (e) an order for any other relief that the court considers necessary to protect and
572 provide for the safety of the victim and any designated family or household member;

573 (f) an order identifying and requiring an individual designated by the victim to
574 communicate between the alleged perpetrator and the victim if and to the extent necessary for
575 family related matters;

576 (g) an order requiring the alleged perpetrator to participate in an electronic or other
577 type of monitoring program; and

578 (h) if the alleged victim and the alleged perpetrator share custody of one or more minor
579 children, an order for indirect or limited contact to temporarily facilitate parent visitation with a
580 minor child.

581 (3) If the court issues a pretrial protective order, the court shall determine whether to
582 allow provisions for transfer of personal property to decrease the need for contact between the
583 parties.

584 (4) A pretrial protective order issued under this section against an alleged perpetrator
585 who is a minor expires on the earlier of:

586 (a) the day on which the court issues an order against the alleged perpetrator under
587 Section 78B-7-804 or 78B-7-805 or otherwise makes a disposition of the alleged perpetrator's
588 case under Title 80, Chapter 6, Part 7, Adjudication and Disposition; or

589 (b) the day on which the juvenile court terminates jurisdiction.

590 Section 9. **Appropriation.**

591 The following sums of money are appropriated for the fiscal year beginning July 1,
592 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
593 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
594 Act, the Legislature appropriates the following sums of money from the funds or accounts
595 indicated for the use and support of the government of the state of Utah.

596 ITEM 1

597 To Department of Public Safety -- Programs and Operations

598 From General Fund, One-time 100,000

599 Schedule of Programs:

600 Department Intelligence Center 100,000

601 The Legislature intends that the Department of Public Safety use appropriations under
602 this item to develop, administer, and maintain a lethality assessment reporting mechanism and
603 database.

604 ITEM 2

605 To Department of Public Safety -- Programs and Operations

606 From General Fund 1,702,500

607 Schedule of Programs:

608 Department Intelligence Center 1,702,500

609 The Legislature intends that:

610 (1) the Department of Public Safety use \$1,205,000 of the appropriations provided
611 under this item to develop, administer, and maintain lethality assessment tools and services;

612 (2) the Department of Public Safety use \$497,500 of the appropriations provided under
613 this item to award grants for domestic violence services under Section 53-1-122; and

614 (3) under Section 63J-1-603, the appropriation under this item not lapse at the close of

615 fiscal year 2024 and the use of any nonlapsing funds is limited to the purposes described in
616 Subsections (1) and (2) of this item.