

**Representative Ryan D. Wilcox** proposes the following substitute bill:

**DOMESTIC VIOLENCE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Ryan D. Wilcox

Cosponsor: Evan J. Vickers

---

---

**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



25 of a lethality assessment;

- 26 • create and maintain a database of lethality assessment data; and
- 27 • in coordination with the Administrative Office of the Courts, provide

28 information and training to certain court personnel regarding lethality

29 assessments;

- 30 ▶ includes a lethality assessment as part of the information that may be considered as
- 31 part of pretrial processes; and

- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 This bill appropriates:

- 35 ▶ to the Department of Public Safety -- Programs and Operations -- Department
- 36 Intelligence Center, as a one-time appropriation:

- 37 • from the General Fund, One-time, \$100,000; and

- 38 ▶ to the Department of Public Safety -- Programs and Operations -- Department
- 39 Intelligence Center, as an ongoing appropriation:

- 40 • from the General Fund, \$1,702,500.

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53-1-106**, as last amended by Laws of Utah 2021, Chapters 344, 360

46 **77-20-202**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4

47 **77-20-205**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4

48 **77-36-2.1**, as last amended by Laws of Utah 2020, Chapter 142

49 **77-36-2.2**, as last amended by Laws of Utah 2022, Chapter 430

50 **78B-7-120**, as enacted by Laws of Utah 2021, Chapter 180

51 **78B-7-803**, as last amended by Laws of Utah 2021, Chapter 159

52 ENACTS:

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



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

56 Section 1. Section **53-1-106** is amended to read:

57 **53-1-106. Department duties -- Powers.**

58 (1) In addition to the responsibilities contained in this title, the department shall:

59 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
60 Code, including:

61 (i) setting performance standards for towing companies to be used by the department,  
62 as required by Section [41-6a-1406](#); and

63 (ii) advising the Department of Transportation regarding the safe design and operation  
64 of school buses, as required by Section [41-6a-1304](#);

65 (b) make rules to establish and clarify standards pertaining to the curriculum and  
66 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);

67 (c) aid in enforcement efforts to combat drug trafficking;

68 (d) meet with the Division of Technology Services to formulate contracts, establish  
69 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

70 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for  
71 Victims of Crime in conducting research or monitoring victims' programs, as required by  
72 Section [63M-7-505](#);

73 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
74 Hospital Association;

75 (g) engage in emergency planning activities, including preparation of policy and  
76 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
77 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#);

78 (h) implement the provisions of Section [53-2a-402](#), the Emergency Management  
79 Assistance Compact;

80 (i) ensure that any training or certification required of a public official or public  
81 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
82 22, State Training and Certification Requirements, if the training or certification is required:

83 (i) under this title;

84 (ii) by the department; or

85 (iii) by an agency or division within the department;

86 (j) employ a law enforcement officer as a public safety liaison to be housed at the State

87 Board of Education who shall work with the State Board of Education to:

88 (i) support training with relevant state agencies for school resource officers as  
89 described in Section [53G-8-702](#);

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

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

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

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

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

101 (b) All fees not established in statute shall be established in accordance with Section  
102 [63J-1-504](#).

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

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

106 **53-1-122. Domestic violence advocate grant program.**

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

109 (2) The department shall:

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

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

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

118 **77-20-202. Collection of pretrial information.**

119 (1) On or after May 4, 2022, when an individual is arrested without a warrant for an  
120 offense and booked at a jail facility, an employee at the jail facility, or an employee of a pretrial  
121 services program, shall submit the following information to the court with the probable cause  
122 statement to the extent that the information is reasonably available to the employee:

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

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

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

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

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

128 (v) the individual's email address;

129 (b) the individual's residential address;

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

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

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

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

137 (i) the individual's current employer;

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

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

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

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

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

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

149 (g) any ties the individual has to the community, including:  
150 (i) the length of time that the individual has been at the individual's residential address;  
151 (ii) any enrollment in a local college, university, or trade school; and  
152 (iii) the name and contact information for any family member or friend that the  
153 individual believes would be willing to provide supervision of the individual[-]; and  
154 (h) the results of a lethality assessment completed in accordance with Section  
155 77-36-2.1, if any.

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

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

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

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

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

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

168 **77-20-205. Pretrial release by a magistrate or judge.**

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

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

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

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

179 (b) At the time that a magistrate issues a summons, the magistrate may issue a

180 temporary pretrial status order that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 individual;

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

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

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

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

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

220 (c) avoid contact with a witness who:

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

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

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

225 (e) submit to drug or alcohol testing;

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

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

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

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

232 (j) maintain or commence an education program;

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

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

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

239 (n) comply with a specified curfew;

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

241 (p) if the individual is charged with an offense against a child, limit or prohibit access

242 to any location or occupation where children are located, including any residence where  
243 children are on the premises, activities where children are involved, locations where children  
244 congregate, or where a reasonable person would know that children congregate;

245 (q) comply with requirements for house arrest;

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

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

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

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

252 (t) comply with a financial condition; or

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

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

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

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

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

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

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

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

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

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

277 (a) rely upon information contained in:

278 (i) the indictment or information;

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

281 (iii) a pretrial risk assessment;

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

283 (v) witness statements or testimony; [~~or~~]

284 (vi) the results of a lethality assessment completed in accordance with Section

285 [77-36-2.1](#); or

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

287 (b) consider:

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

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

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

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

293 (A) character;

294 (B) physical and mental health;

295 (C) family and community ties;

296 (D) employment status or history;

297 (E) financial resources;

298 (F) past criminal conduct;

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

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

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

303 (iv) whether the individual was on probation, parole, or release pending an upcoming

304 court proceeding at the time the individual allegedly committed the offense or offenses;

305 (v) the availability of:

306 (A) other individuals who agree to assist the individual in attending court when  
307 required; or

308 (B) supervision of the individual in the individual's community;

309 (vi) the eligibility and willingness of the individual to participate in various treatment  
310 programs, including drug treatment; or

311 (vii) other evidence relevant to the individual's likelihood of fleeing or violating the  
312 law if released.

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

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

317 (b) may be denied pretrial release by the magistrate or judge under Subsection (2).

318 Section 5. Section **77-36-2.1** is amended to read:

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

321 (1) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 ~~(d)~~ (iv) providing protection while the victim removes essential personal effects;

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

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

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

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

361 (b) The written notice shall also include:

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

365 (ii) a list of shelters, services, and resources available in the appropriate community,

366 together with telephone numbers, to assist the victim in accessing any needed assistance; and

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

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

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

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

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

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

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

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

380 (e) if the aggressor has a gun or could easily get a gun;

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

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

385 (h) if the aggressor is unemployed;

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

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

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

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

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

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

396 (b) the victim answers negatively to the questions in Subsections (5)(a) through (d), but

397 affirmatively to at least four of the questions in Subsections (5)(e) through (k); or

398 (c) as a result of the victim's response to the question in Subsection (5)(l), the law  
399 enforcement officer believes the victim is in a potentially lethal situation.

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

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

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

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

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

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

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

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

421 (10) The Department of Public Safety shall:

422 (a) as soon as practicable, develop and maintain a reporting mechanism by which a law  
423 enforcement officer will submit the results of a lethality assessment as required by Subsection  
424 (9);

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

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

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

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

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

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

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

439 **77-36-2.2. Powers and duties of law enforcement officers to arrest -- Reports of**  
440 **domestic violence cases -- Reports of parties' marital status.**

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

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

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

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

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

459 (3) If a law enforcement officer receives complaints of domestic violence from two or  
460 more opposing persons, the officer shall evaluate each complaint separately to determine who  
461 the predominant aggressor was. If the officer determines that one person was the predominant  
462 physical aggressor, the officer need not arrest the other person alleged to have committed  
463 domestic violence. In determining who the predominant aggressor was, the officer shall  
464 consider:

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

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

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

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

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

- 479 (i) the officer's disposition of the case[-]; and
- 480 (ii) the results of any lethality assessment completed in accordance with Section  
481 [77-36-2.1](#).

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

- 486 (i) marital status of each of the parties involved;
- 487 (ii) social, familial, or legal relationship of the suspect to the victim; and
- 488 (iii) whether or not an arrest was made.

489 (c) The information obtained in Subsection (6)(b):

- 490 (i) shall be reported monthly to the department;
- 491 (ii) shall be reported as numerical data that contains no personal identifiers; and
- 492 (iii) is a public record as defined in Section [63G-2-103](#).
- 493 (d) The incident report shall be made available to the victim, upon request, at no cost.
- 494 (e) The law enforcement agency shall forward a copy of the incident report to the
- 495 appropriate prosecuting attorney within five days after the complaint of domestic violence
- 496 occurred.

497 (7) The department shall compile the information described in Subsections (6)(b) and

498 (c) into a report and present that report to the Law Enforcement and Criminal Justice Interim

499 Committee during the 2013 interim, no later than May 31, 2013.

500 (8) Each law enforcement agency shall, as soon as practicable, make a written record

501 and maintain records of all incidents of domestic violence reported to it, and shall be identified

502 by a law enforcement agency code for domestic violence.

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

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

505 **assessments.**

506 (1) [~~The~~] In accordance with Section [77-36-2.1](#), the Department of Public Safety shall

507 develop training in domestic violence responses and lethality assessment protocols, which

508 include the following:

- 509 (a) recognizing the symptoms of domestic violence and trauma;
- 510 (b) an evidence-based assessment to identify victims of domestic violence who may be
- 511 at a high risk of being killed by a perpetrator;
- 512 (c) lethality assessment protocols and interviewing techniques, including indicators of
- 513 strangulation;
- 514 (d) responding to the needs and concerns of a victim of domestic violence;
- 515 (e) delivering services to victims of domestic violence in a compassionate, sensitive,
- 516 and professional manner; and
- 517 (f) understanding cultural perceptions and common myths of domestic violence.

518 (2) The department shall develop and offer an online training course in domestic

519 violence issues to all certified law enforcement officers in the state.

520 (3) Training in domestic violence issues shall be incorporated into training offered by

521 the Peace Officer Standards and Training division to all persons seeking certification as a peace  
522 officer.

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

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

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

529 (c) standards for report writing.

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

533 (a) lethality assessments;

534 (b) the prevalence of stalking;

535 (c) strangulation;

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

537 (e) threats of suicide or homicide.

538 (6) The Department of Public Safety, with support from the Commission on Criminal  
539 and Juvenile Justice and the Division of Child and Family Services shall provide  
540 recommendations to the Law Enforcement and Criminal Justice Interim Committee not later  
541 than July 31 of each year and in the commission's annual report required by Section  
542 [63M-7-205](#).

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

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

548 **78B-7-803. Pretrial protective orders.**

549 (1) (a) When an alleged perpetrator is charged with a crime involving a qualifying  
550 offense, the court shall, at the time of the alleged perpetrator's court appearance under Section  
551 [77-36-2.6](#):

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

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

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

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

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

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

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

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

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

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

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

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

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

582 (3) If the court issues a pretrial protective order, the court shall determine whether to

583 allow provisions for transfer of personal property to decrease the need for contact between the  
584 parties.

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

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

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

591 Section 9. **Appropriation.**

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

597 ITEM 1

598 To Department of Public Safety -- Programs and Operations

599 From General Fund, One-time 100,000

600 Schedule of Programs:

601 Department Intelligence Center 100,000

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

605 ITEM 2

606 To Department of Public Safety -- Programs and Operations

607 From General Fund 1,702,500

608 Schedule of Programs:

609 Department Intelligence Center 1,702,500

610 The Legislature intends that:

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

613 (2) the Department of Public Safety use \$497,500 of the appropriations provided under

614 this item to award grants for domestic violence services under Section [53-1-122](#); and  
615 (3) under Section [63J-1-603](#), the appropriation under this item not lapse at the close of  
616 fiscal year 2024 and the use of any nonlapsing funds is limited to the purposes described in  
617 Subsections (1) and (2) of this item.