

SB0117S03 compared with SB0117S02

~~text~~ shows text that was in SB0117S02 but was deleted in SB0117S03.

text shows text that was not in SB0117S02 but was inserted into SB0117S03.

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~~Senator Todd~~Representative Ryan 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

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

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

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Department of Public Safety -- Programs and Operations -- Department Intelligence Center, as a one-time appropriation:
 - from the General Fund, One-time, \$100,000; and
- ▶ to the Department of Public Safety -- Programs and Operations -- Department Intelligence Center, as an ongoing appropriation:
 - from the General Fund, \$1,702,500.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

ENACTS:

53-1-122, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact;

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

(i) under this title;

(ii) by the department; or

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

(j) employ a law enforcement officer as a public safety liaison to be housed at the State Board of Education who shall work with the State Board of Education to:

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

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

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

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

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

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

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

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

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

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

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

(2) The department shall:

(a) establish and administer a grant program for primary purpose domestic violence

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organizations to increase access to domestic violence services for high-risk domestic violence victims; and

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

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

77-20-202. Collection of pretrial information.

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

- (a) identification information for the individual, including:
 - (i) the individual's legal name and any known aliases;
 - (ii) the individual's date of birth;
 - (iii) the individual's state identification number;
 - (iv) the individual's mobile phone number; and
 - (v) the individual's email address;
- (b) the individual's residential address;
- (c) any pending criminal charge or warrant for the individual, including the offense tracking number of the current offense for which the individual is booked;
- (d) the individual's probation or parole supervision status;
- (e) whether the individual was on pretrial release for another criminal offense prior to the booking of the individual for the current criminal offense;
- (f) the individual's financial circumstances to the best of the individual's knowledge at the time of booking, including:
 - (i) the individual's current employer;
 - (ii) the individual's monthly income, including any alimony or child support that contributes to the individual's monthly income;
 - (iii) the individual's monthly expenses, including any alimony or child support obligation that the individual is responsible for paying;

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- (iv) the individual's ownership of, or any interest in, personal or real property, including any savings or checking accounts or cash;
- (v) the number, ages, and relationships of any dependents;
- (vi) any financial support or benefit that the individual receives from a state or federal government; and
- (vii) any other information about the individual's financial circumstances that may be relevant; [~~and~~]
- (g) any ties the individual has to the community, including:
 - (i) the length of time that the individual has been at the individual's residential address;
 - (ii) any enrollment in a local college, university, or trade school; and
 - (iii) the name and contact information for any family member or friend that the individual believes would be willing to provide supervision of the individual[-]; and
- (h) the results of a lethality assessment completed in accordance with Section 77-36-2.1, if any.

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

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

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

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

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

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

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

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

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

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individual awaits trial or other resolution of criminal charges;

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

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

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

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

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

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

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

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

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

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

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

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

(ii) if a party requests a delay; or

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

(d) If a magistrate or judge delays the issuance of a pretrial status order under

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Subsection (2)(c), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.

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

- (a) the individual's appearance in court when required;
- (b) the safety of any witnesses or victims of the offense allegedly committed by the individual;
- (c) the safety and welfare of the public; and
- (d) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.

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

- (a) not commit a federal, state, or local offense during the period of pretrial release;
- (b) avoid contact with a victim of the alleged offense;
- (c) avoid contact with a witness who:
 - (i) may testify concerning the alleged offense; and
 - (ii) is named in the pretrial status order;
- (d) not consume alcohol or any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;
- (e) submit to drug or alcohol testing;
- (f) complete a substance abuse evaluation and comply with any recommended treatment or release program;
- (g) submit to electronic monitoring or location device tracking;
- (h) participate in inpatient or outpatient medical, behavioral, psychological, or psychiatric treatment;
- (i) maintain employment or actively seek employment if unemployed;
- (j) maintain or commence an education program;
- (k) comply with limitations on where the individual is allowed to be located or the times that the individual shall be, or may not be, at a specified location;

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

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

(n) comply with a specified curfew;

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

(p) if the individual is charged with an offense against a child, limit or prohibit access to any location or occupation where children are located, including any residence where children are on the premises, activities where children are involved, locations where children congregate, or where a reasonable person would know that children congregate;

(q) comply with requirements for house arrest;

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

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

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

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

(t) comply with a financial condition; or

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

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

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

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

(6) (a) If the magistrate or judge determines that a financial condition, other than an unsecured bond, is necessary to impose as a condition of release, the magistrate or judge shall

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consider the individual's ability to pay when determining the amount of the financial condition.

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

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

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

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

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

(a) rely upon information contained in:

(i) the indictment or information;

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

(iii) a pretrial risk assessment;

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

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

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

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

(b) consider:

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

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

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

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

(A) character;

(B) physical and mental health;

(C) family and community ties;

(D) employment status or history;

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- (E) financial resources;
 - (F) past criminal conduct;
 - (G) history of drug or alcohol abuse; and
 - (H) history of timely appearances at required court proceedings;
 - (iii) the potential danger to another individual, or individuals, posed by the release of the individual;
 - (iv) whether the individual was on probation, parole, or release pending an upcoming court proceeding at the time the individual allegedly committed the offense or offenses;
 - (v) the availability of:
 - (A) other individuals who agree to assist the individual in attending court when required; or
 - (B) supervision of the individual in the individual's community;
 - (vi) the eligibility and willingness of the individual to participate in various treatment programs, including drug treatment; or
 - (vii) other evidence relevant to the individual's likelihood of fleeing or violating the law if released.
- (8) An individual arrested for violation of a jail release agreement, or a jail release court order, issued in accordance with Section 78B-7-802:
- (a) may not be released before the individual's first appearance before a magistrate or judge; and

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

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

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

(1) For purposes of this section:

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

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

(b) "Intimate partner" means an emancipated individual under Section 15-2-1 or an

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individual who is 16 years old or older who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(2)]~~ (3) (a) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this chapter, Title 78B, Chapter 7,

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Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part 2, Child Protective Orders.

(b) The written notice shall also include:

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

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

(iii) the information required to be provided to both parties in accordance with Subsections 78B-7-802(8) and (9) .

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

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

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

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

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

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

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

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

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

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

(h) if the aggressor is unemployed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) After the reporting mechanism described in Subsection (10)(a) is developed, a law enforcement officer shall submit the results of a lethality assessment to the Department of

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Public Safety using that reporting mechanism.

(10) The Department of Public Safety shall:

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

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

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

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

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

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

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

Section 6. Section **77-36-2.2** is amended to read:

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

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

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

(b) (i) If the peace officer has probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence

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offense, the officer shall arrest and take the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this section.

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

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

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

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

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

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

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

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

(i) the officer's disposition of the case[-]; and

(ii) the results of any lethality assessment completed in accordance with Section 77-36-2.1.

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

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

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

- (i) shall be reported monthly to the department;
- (ii) shall be reported as numerical data that contains no personal identifiers; and
- (iii) is a public record as defined in Section 63G-2-103.

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

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

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

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

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

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

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

- (a) recognizing the symptoms of domestic violence and trauma;
- (b) an evidence-based assessment to identify victims of domestic violence who may be at a high risk of being killed by a perpetrator;
- (c) lethality assessment protocols and interviewing techniques, including indicators of

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strangulation;

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

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

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

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

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

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

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

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

(c) standards for report writing.

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

(a) lethality assessments;

(b) the prevalence of stalking;

(c) strangulation;

(d) violence in the presence of children; and

(e) threats of suicide or homicide.

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

(7) The Department of Public Safety and the Administrative Office of the Courts shall

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coordinate to provide information and training on the lethality assessment protocols described in Section 77-36-2.1 to all judges, commissioners, and court staff who may encounter lethality assessment data in the courses of their duties.

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

78B-7-803. Pretrial protective orders.

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

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

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

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

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

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

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

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

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

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

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

(f) an order identifying and requiring an individual designated by the victim to

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communicate between the alleged perpetrator and the victim if and to the extent necessary for family related matters;

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

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

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

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

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

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

Section 9. **Appropriation.**

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

ITEM 1

To Department of Public Safety -- Programs and Operations

<u>From General Fund, One-time</u>	<u>100,000</u>
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Schedule of Programs:

<u>Department Intelligence Center</u>	<u>100,000</u>
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The Legislature intends that the Department of Public Safety use appropriations under this item to develop, administer, and maintain a lethality assessment reporting mechanism and database.

ITEM 2

SB0117S03 compared with SB0117S02

To Department of Public Safety -- Programs and Operations

From General Fund 1,702,500

Schedule of Programs:

Department Intelligence Center 1,702,500

The Legislature intends that:

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

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

(3) under Section 63J-1-603, the appropriation under this item not lapse at the close of fiscal year 2024 and the use of any nonlapsing funds is limited to the purposes described in Subsections (1) and (2) of this item.