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Utah Criminal Code

Utah Code -- Title 77 -- Chapter 36 -- Cohabitant Abuse Procedures Act

77-36-1. Definitions.

As used in this chapter:

- (1) "Cohabitant" has the same meaning as in Section **30-6-1**.
- (2) "Domestic violence" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another:
 - (a) aggravated assault, as described in Section **76-5-103**;
 - (b) assault, as described in Section **76-5-102**;
 - (c) criminal homicide, as described in Section **76-5-201**;
 - (d) harassment, as described in Section **76-5-106**;
 - (e) electronic communication harassment, as described in Section **76-9-201**;
 - (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in sections **76-5-301**, **76-5-301.1**, and **76-5-302**;

- (g) mayhem, as described in Section **76-5-105**;
 - (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Title 76, Chapter 5a, Sexual Exploitation of Children;
 - (i) stalking, as described in Section **76-5-106.5**;
 - (j) unlawful detention, as described in Section **76-5-304**;
 - (k) violation of a protective order or ex parte protective order, as described in Section **76-5-108**;
 - (l) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, 2, Burglary and Criminal Trespass, or 3, Robbery;
 - (m) possession of a deadly weapon with intent to assault, as described in Section **76-10-507**;
 - (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Section **76-10-508**;
 - (o) disorderly conduct, as defined in Section **76-9-102**, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offenses otherwise described in this Subsection (2). Conviction of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (2)(o), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the provisions of the federal Firearms Act, 18 U.S.C. Section 921 et seq.; or
 - (p) child abuse as described in Section **76-5-109.1**.
- (3) "Victim" means a cohabitant who has been subjected to domestic violence.

Amended by Chapter 46, 2006 General Session