

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 1 amends Section 40-13-1.1 of the Family Violence Protection Act (FVPA) entitled “Legislative Findings – State Policy – Dual Arrests” to replace all instances of “domestic abuse” with “abuse”.

Section 2 amends Section 40-13-2 entitled “Definitions” of the FVPA to replace all instances of “domestic abuse” to “abuse” and expand the definition of “abuse” to also include threats to disclose immigration status; severe emotional distress; harassment through the internet or other digital or electronic means (the current definition includes only telephone harassment); harm or threatened harm to children or an animal; unauthorized distribution of sensitive images; exploitation or forced criminal activity; and kidnapping, false imprisonment or restriction or prohibition of movement. It also expands the definitions of criminal damage to property; criminal trespass; and physical harm. This new expanded definition of abuse is now Subsection A and replaces the old Subsection D, which defined “domestic abuse”, which is eliminated.

This section also replaces all instances of “domestic abuse” with “abuse”.

Section 3 amends Section 40-13-3 of the FVPA entitled “Petition for Order of Protection – Contents – Standard Forms” to replace all instances of “domestic abuse” with “abuse.”

Section 4 amends Section 40-13-3.1 of the FVPA entitled “Forbearance of Costs Associated with Domestic Abuse Offenses” to replace all instances of “domestic abuse” with “abuse”, including in the title.

Section 5 amends Section 40-13-3.2 of the FVPA entitled “Ex Parte Emergency Orders of Protection” to replace all instances of “domestic abuse” with “abuse”.

Section 6 amends Section 40-13-3.2 of the FVPA entitled “Temporary Order of Protection – Hearing – Dismissal” to replace all instances of “domestic abuse” with “abuse”.

Section 7 amends Section 40-13-5 of the FVPA entitled “Order of Protection – Contents – Remedies – Title to Property Not Affected – Mutual Order of Protection” to replace all instances of “domestic abuse” with “abuse”. It also adds a new subsection 5 to grant a party “exclusive or shared possession or control of an animal” or to prohibit a party from taking, concealing, mistreating, or disposing of an animal.

Section 8 amends Section 40-13-6” of the FVPA entitled “Service of Order – Duration – Penalties – Remedies Not Exclusive” to replace all instances of “domestic abuse” with “abuse”.

Section 9 amends Section 40-13-7 of the FVPA entitled “Law Enforcement Officers – Emergency Assistance – Limited Liability – Providing Notification to Victims When An Alleged Perpetrator is Released from Detention – Statement in Judgement and Sentence Document” to replace all instances of “domestic abuse” with “abuse.”

Section 10 amends Section 40-13-7.1 of the FVPA entitled “Medical Personnel – Documentation of Domestic Abuse” to replace all instances of “domestic abuse” with “abuse”, including in the title.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be

reported in this section.

None for this agency.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 94 amends criminal domestic violence offenses to provide that a person convicted and sentenced shall participate in a domestic violence offender treatment or intervention program.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a