

# Utah Code § 78B-7-803 — Criminal Protective Order — Pretrial

*Source: Utah State Legislature (le.utah.gov), official current text, retrieved 2026-06-02.*

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 (5), 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) The 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 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)
  - (a) If a court orders the removal and exclusion of the alleged perpetrator from the victim's residence
    - ↪ in a pretrial protective order described in Subsection (2), the court shall include a
    - ↪ provision in the pretrial protective order:
  - (i) prohibiting the alleged perpetrator from terminating any utility service to the victim's residence
    - ↪ for at least 60 days from the day on which the pretrial protective order is issued; or
  - (ii) if appropriate, ordering the alleged perpetrator to restore any utility service to the
    - ↪ victim's residence.
  - (b) A provision in a pretrial protective order described Subsection (3)(a)(i) or (ii) is not a
    - ↪ determination that the alleged perpetrator is responsible for the costs of a utility service
    - ↪ to a victim's residence.
  - (c) If the court includes a provision described in Subsection (3)(a) in a pretrial protective order,
    - ↪ the court may include:
  - (i) a provision in the pretrial protective order addressing the party responsible for paying the costs
    - ↪ of a utility service to the victim's residence; or
  - (ii) a provision in the pretrial protective order requiring the alleged perpetrator to pay the
    - ↪ costs of restoring a utility service if the court includes the provision described in
    - ↪ Subsection (3)(a)(ii).
- (4) 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.
- (5) 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 alleged perpetrator is served with an order issued under Section 78B-7-804 or  
↳ 78B-7-805;
- (b) the day on which the court makes a disposition of the alleged perpetrator's case under Title 80,  
↳ Chapter 6, Part 7, Adjudication and Disposition; or
- (c) the day on which the juvenile court terminates jurisdiction.
- (6) A pretrial protective order issued under this section against an alleged perpetrator who is not a  
↳ minor expires on the earliest of:
  - (a) the day on which the court dismisses the case;
  - (b) the day on which the court dismisses the pretrial protective order; or
  - (c) the day on which the alleged perpetrator is served with an order issued under Section 78B-7-804 or  
↳ 78B-7-805.

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