

**CRIMINAL OFFENSES THAT CAN BE  
CHARGED AS DV OFFENSES. See 77-36-1(4)**

(NOTE: Parenthetical's are to offense level of code, not elements.)

OFFENSE	U.C.A.	LEVEL
Arson	76-6-102	
Over \$1500		See Code
\$501-1500	76-6-102(c)	MA
\$1-500	76-6-102(d)	MB
Aggravated Arson	76-6-103	F1
Assault	76-5-102	
Bodily injury	76-5-102(2)	MB
Subst'l bodily injury	76-5-102(3)	MA
Pregnant Victim	76-5-102(3)	MA
Aggravated Assault	76-5-103(2)(a)	F3
Subst'l Bodily Injury	76-5-103(2)(b)	F2
Burglary	76-6-202(2)	F3
of Building	76-6-202(2)	F2
Aggravated Burglary	76-6-203	F1
Burglary of a Vehicle	76-6-204	MA
Criminal Mischief	76-6-106	
Over \$1500		See Code
\$501-1500	76-6-106(3)	MA
\$1-500	76-6-106(3)	MB
Damage/Intrrpt Comm Dev	76-6-108	MB
Discharge of Firearm	76-10-508	MB
Electronic Comm Hrsmnt	76-9-201	MB
If Child victim	76-9-201(3)	MA
Harassment	76-5-106	MB
Homicide	76-5-201	See Code
Kidnapping	76-5-301	See Code
Aggravated Kidnapping	76-5-302	See Code
Child Kidnapping	76-5-301.1	See Code
Mayhem	76-5-105	F2
Poss Deadly Weapon		
w/Intent to Assault	76-10-507	MA
Robbery	76-6-301	F2
Aggravated Robbery	76-6-302	F1
Sexual Exploitation Minor	76-5b-201	See Code

Sexual Offenses	76-5-401 <i>et.al.</i>	See Code
Stalking	76-5-106.5	
First Violation	76-5-106.5(6)	MA
Violate Stalking Injctn	76-5-106.5(6)	MA
Previous Convict Stlknng	76-5-106.5(7)	F3
Violate Perm Stlknng Injt	76-5-106.5(7)	F3
Additional Qualifiers	76-5-106.5(7)	F3
Use Dangerous Weapon	76-5-106.5(8)	F2
2 or More Stalk Convicts	76-5-106.5(8)	F2
Additional Qualifiers	76-5-106.5(8)	F2

Trespass	76-6-206	MB
of Dwelling	76-6-206(3)	MA

Unlaw Detain Adult/Minor	76-5-304	MB
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Violation of <b><i>Ex Parte</i></b> PO	76-5-108	MA
Subsequent Violations		
Enhanced Per:	77-36-1.1	F3, F2, F1

Violation <b><i>Protective Order</i></b>	76-5-108	MA
Subsequent Violations		
Enhanced Per:	77-36-1.1	F3, F2, F1

NOTE: ***Disorderly Conduct*** ***CANNOT*** be charged as a DV offense. It only becomes a DV offense when negotiated down to Disorderly Conduct (DV). See 77-36-1.1(o).

NOTE: ***Domestic Violence in the Presence of a Child*** is considered a child abuse charge. It is its own separate offense. Charge one count per child that was present. This charge is separate and distinct from the underlying DV charge. Either or both offenses may be charged. See U.C.A. 76-5-109.1(4), (5). This charge is ***NOT*** a class A misdemeanor unless it is enhanced due to prior convictions.

DV Presence of Child	76-5-109.1	
Criminal Homicide	76-5-109.1(3)(a)	F3
Serious Bodily		
Injury, Weapon	76-5-109.1(3)(a)	F3
<b>All other Acts of DV</b>	<b>76-5-109.1(3)(b)</b>	<b>MB</b>

NOTE: DV offenses can be enhanced one level if defendant has prior DV conviction(s) or DV "plea in abeyance" in the last 5 years; i.e. class C can be enhanced to class B, class B to class A, class A to 3<sup>rd</sup> degree felony. See 77-36-1.1 for guidance but do NOT cite this section as the violation.

NOTE: DV offense is any offense committed by one co-habitant against another co-habitant; spouse, former spouse, living as if spouse, related by blood or marriage, child(ren) in common, parent, reside in same residence. See 78B-7-102(2).