

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2392

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 12-1809, Arizona Revised Statutes, is amended to
3 read:

4 12-1809. Injunction against harassment; petition; venue; fees;
5 notices; enforcement; definition

6 A. A person may file a verified petition with a magistrate, justice of
7 the peace or superior court judge for an injunction prohibiting harassment.
8 If the person is a minor, the parent, legal guardian or person who has legal
9 custody of the minor shall file the petition unless the court determines
10 otherwise. The petition shall name the parent, guardian or custodian as the
11 plaintiff, and the minor is a specifically designated person for the purposes
12 of subsection F of this section. If a person is either temporarily or
13 permanently unable to request an injunction, a third party may request an
14 injunction on behalf of the plaintiff. After the request, the judicial
15 officer shall determine if the third party is an appropriate requesting party
16 for the plaintiff. Notwithstanding the location of the plaintiff or
17 defendant, any court in this state may issue or enforce an injunction against
18 harassment.

19 B. An injunction against harassment shall not be granted:

20 1. Unless the party who requests the injunction files a written
21 verified petition for injunction.

22 2. Against a person who is less than twelve years of age unless the
23 injunction is granted by the juvenile division of the superior court.

24 3. Against more than one defendant.

25 C. The petition shall state all of the following:

26 1. The name of the plaintiff. The plaintiff's address shall be
27 disclosed to the court for purposes of service. If the address of the
28 plaintiff is unknown to the defendant, the plaintiff may request that the
29 address be protected. On the plaintiff's request, the address shall not be
30 listed on the petition. Whether the court issues an injunction against

1 harassment, the protected address shall be maintained in a separate document
2 or automated database and is not subject to release or disclosure by the
3 court or any form of public access except as ordered by the court.

4 2. The name and address, if known, of the defendant. A SUPPLEMENTAL
5 INFORMATION FORM THAT IS UTILIZED BY THE COURT OR A LAW ENFORCEMENT AGENCY
6 SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON THE DEFENDANT AND THAT
7 CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS CONFIDENTIAL.

8 3. A specific statement showing events and dates of the acts
9 constituting the alleged harassment.

10 4. The name of the court in which there was or is any prior or pending
11 proceeding or order concerning the conduct that is sought to be restrained.

12 5. The relief requested.

13 D. A fee shall not be charged for filing a petition under this
14 section. Fees for service of process may be deferred or waived under any
15 rule or law applicable to civil actions, except that fees for service of
16 process shall not be charged if the petition arises out of a dating
17 relationship. The court shall advise a plaintiff that the plaintiff may be
18 eligible for the deferral or waiver of these fees at the time the plaintiff
19 files a petition. The court shall not require the petitioner to perform
20 community restitution as a condition of the waiver or deferral of fees for
21 service of process. A law enforcement agency or constable shall not require
22 the advance payment of fees for service of process of injunctions against
23 harassment. If the court does not waive the fees, the serving agency may
24 assess the actual fees against the plaintiff. On request of the plaintiff,
25 an injunction against harassment that is issued by a municipal court may be
26 served by the police agency for that city if the defendant can be served
27 within the city. If the defendant cannot be served within the city, the
28 police agency in the city in which the defendant can be served may serve the
29 injunction. On request of the plaintiff, each injunction against harassment
30 that is issued by a justice of the peace shall be served by the constable for
31 that jurisdiction if the defendant can be served within the jurisdiction. If
32 the defendant cannot be served within that jurisdiction, the constable in the

1 jurisdiction in which the defendant can be served shall serve the injunction.
2 On request of the plaintiff, an injunction against harassment that is issued
3 by a superior court judge or commissioner may be served by the sheriff of the
4 county. If the defendant cannot be served within that jurisdiction, the
5 sheriff in the jurisdiction in which the defendant can be served may serve
6 the order. The court shall provide, without charge, forms for purposes of
7 this section for assisting parties without counsel.

8 E. The court shall review the petition, any other pleadings on file
9 and any evidence offered by the plaintiff, including any evidence of
10 harassment by electronic contact or communication, to determine whether the
11 injunction requested should issue without a further hearing. Rules 65(a)(1)
12 and 65(e) of the Arizona rules of civil procedure do not apply to injunctions
13 that are requested pursuant to this section. If the court finds reasonable
14 evidence of harassment of the plaintiff by the defendant during the year
15 preceding the filing of the petition or that good cause exists to believe
16 that great or irreparable harm would result to the plaintiff if the
17 injunction is not granted before the defendant or the defendant's attorney
18 can be heard in opposition and the court finds specific facts attesting to
19 the plaintiff's efforts to give notice to the defendant or reasons supporting
20 the plaintiff's claim that notice should not be given, the court shall issue
21 an injunction as provided for in subsection F of this section. If the court
22 denies the requested relief, it may schedule a further hearing within ten
23 days with reasonable notice to the defendant. For the purposes of
24 determining the one year period, any time that the defendant has been
25 incarcerated or out of this state shall not be counted.

26 F. If the court issues an injunction, the court may do any of the
27 following:

28 1. Enjoin the defendant from committing a violation of one or more
29 acts of harassment.

1 injunction and petition and expires one year after service on the defendant.
2 A modified injunction is effective upon service and expires one year after
3 service of the initial injunction and petition.

4 K. Each affidavit, acceptance or return of service shall be promptly
5 filed with the clerk of the issuing court. This filing shall be completed in
6 person, shall be made by fax or shall be postmarked, if sent by mail, no
7 later than the end of the seventh court business day after the date of
8 service. If the filing is made by fax, the original affidavit, acceptance or
9 return of service shall be promptly filed with the court. Within twenty-four
10 hours after the affidavit, acceptance or return of service has been filed,
11 excluding weekends and holidays, the court from which the injunction or any
12 modified injunction was issued shall forward to the sheriff of the county in
13 which the court is located a copy of the injunction and a copy of the
14 affidavit or certificate of service of process or acceptance of service. On
15 receiving these copies, the sheriff shall register the injunction.
16 Registration of an injunction means that a copy of the injunction and a copy
17 of the affidavit or certificate of service of process or acceptance of
18 service have been received by the sheriff's office. The sheriff shall
19 maintain a central repository for injunctions so that the existence and
20 validity of the injunctions can be easily verified. The effectiveness of an
21 injunction does not depend on its registration, and for enforcement purposes
22 pursuant to section 13-2810, a copy of an injunction, whether or not
23 registered, is presumed to be a valid existing order of the court for a
24 period of one year from the date of service of the injunction on the
25 defendant.

26 L. A peace officer, with or without a warrant, may arrest a person if
27 the peace officer has probable cause to believe that the person has violated
28 section 13-2810 by disobeying or resisting an injunction that is issued
29 pursuant to this section, whether or not the violation occurred in the
30 presence of the officer. The provisions for release under section 13-3903 do
31 not apply to an arrest made pursuant to this subsection. A person who is
32 arrested pursuant to this subsection may be released from custody in

1 accordance with the Arizona rules of criminal procedure or any other
2 applicable statute. An order for release, with or without an appearance
3 bond, shall include pretrial release conditions that are necessary to provide
4 for the protection of the alleged victim and other specifically designated
5 persons and may provide for additional conditions that the court deems
6 appropriate, including participation in any counseling programs available to
7 the defendant.

8 M. If a peace officer responds to a call alleging that harassment has
9 been or may be committed, the officer shall inform in writing any alleged or
10 potential victim of the procedures and resources available for the protection
11 of the victim including:

- 12 1. An injunction pursuant to this section.
- 13 2. The emergency telephone number for the local police agency.
- 14 3. Telephone numbers for emergency services in the local community.

15 N. The remedies provided in this section for enforcement of the orders
16 of the court are in addition to any other civil and criminal remedies
17 available. The municipal court and the justice court may hear and decide all
18 matters arising pursuant to this section. After a hearing with notice to the
19 affected party, the court may enter an order requiring any party to pay the
20 costs of the action, including reasonable attorney fees, if any. An order
21 that is entered by a justice court or municipal court after a hearing
22 pursuant to this section may be appealed to the superior court as provided in
23 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
24 court rules of civil appellate procedure without regard to an amount in
25 controversy. No fee may be charged to either party for filing an appeal.

26 O. A peace officer who makes an arrest pursuant to this section is not
27 civilly or criminally liable for the arrest if the officer acts on probable
28 cause and without malice. A peace officer is not civilly liable for
29 noncompliance with subsection M of this section.

30 P. This section does not apply to preliminary injunctions issued
31 pursuant to an action for dissolution of marriage or legal separation or for
32 protective orders against domestic violence.

1 Q. In addition to the persons who are authorized to serve process
2 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a
3 correctional officer as defined in section 41-1661 who is acting in the
4 officer's official capacity may serve an injunction against harassment that
5 is issued pursuant to this section.

6 R. For the purposes of this section, "harassment" means a series of
7 acts over any period of time that is directed at a specific person and that
8 would cause a reasonable person to be seriously alarmed, annoyed or harassed
9 and the conduct in fact seriously alarms, annoys or harasses the person and
10 serves no legitimate purpose. Harassment includes unlawful picketing,
11 trespassory assembly, unlawful mass assembly, concerted interference with
12 lawful exercise of business activity and engaging in a secondary boycott as
13 defined in section 23-1321 and defamation in violation of section 23-1325.

14 Sec. 2. Section 12-1810, Arizona Revised Statutes, is amended to read:

15 12-1810. Injunction against workplace harassment; definitions

16 A. An employer or an authorized agent of an employer may file a
17 written verified petition with a magistrate, justice of the peace or superior
18 court judge for an injunction prohibiting workplace harassment.

19 B. The court shall not grant an injunction against workplace
20 harassment against either:

21 1. A person who is under twelve years of age unless the injunction is
22 granted by the juvenile division of the superior court.

23 2. More than one defendant.

24 C. The petition shall state all of the following:

25 1. The name of the employer.

26 2. The name and address, if known, of the defendant. **A SUPPLEMENTAL**
27 **INFORMATION FORM THAT IS UTILIZED BY THE COURT OR A LAW ENFORCEMENT AGENCY**
28 **SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON THE DEFENDANT AND THAT**
29 **CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS CONFIDENTIAL.**

30 3. A specific statement showing the events and dates of the acts that
31 constitute harassment toward the employer or any person who enters the
32 employer's property or who is performing official work duties.

1 D. The filing fee for a petition that is filed pursuant to this
2 section is established pursuant to sections 12-284, 22-281 and 22-404.

3 E. The court shall review the petition and any evidence offered by the
4 employer to determine whether to issue the injunction without further
5 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do
6 not apply to injunctions requested pursuant to this section. If the court
7 finds reasonable evidence of workplace harassment by the defendant or that
8 good cause exists to believe that great or irreparable harm would result to
9 the employer or any other person who enters the employer's property or who is
10 performing official work duties or if the injunction is not granted before
11 the defendant or the defendant's attorney can be heard in opposition and the
12 court finds specific facts that attest to the employer's efforts to give
13 notice to the defendant or reasons supporting the employer's claim that
14 notice should not be given, the court shall issue an injunction pursuant to
15 subsection F of this section. If the court denies the requested relief, the
16 court may schedule a further hearing within ten days with reasonable notice
17 to the defendant.

18 F. If the court grants an injunction against workplace harassment, the
19 court may do any of the following:

20 1. Restrain the defendant from coming near the employer's property or
21 place of business and restrain the defendant from contacting the employer or
22 other person while that person is on or at the employer's property or place
23 of business or is performing official work duties.

24 2. Grant any other relief necessary for the protection of the
25 employer, the workplace, the employer's employees or any other person who is
26 on or at the employer's property or place of business or who is performing
27 official work duties.

28 G. If the court issues an ex parte injunction pursuant to this
29 section, the injunction shall state on its face that the defendant is
30 entitled to a hearing on written request and shall include the name and
31 address of the judicial office in which the request may be filed. At any
32 time during the period that the injunction is in effect, the defendant may

1 request a hearing. The court shall hold the hearing within ten days after
2 the date of the written request unless the court finds compelling reasons to
3 continue the hearing. The hearing shall be held at the earliest possible
4 time. After the hearing, the court may modify, quash or continue the
5 injunction.

6 H. An injunction against workplace harassment that is issued pursuant
7 to this section shall include the following statement:

8 Warning

9 This is an official court order. If you disobey this order, you
10 may be arrested and prosecuted for the crime of interfering with
11 judicial proceedings and any other crime you may have committed
12 in disobeying this order.

13 I. A copy of the petition and the injunction shall be served on the
14 defendant within one year from the date the injunction is signed. An
15 injunction that is not served on the defendant within one year expires. The
16 injunction is effective on the defendant on service of a copy of the
17 injunction and petition and expires one year after service on the defendant.
18 A modified injunction is effective on service and expires one year after
19 service of the initial injunction and petition.

20 J. Each affidavit, acceptance or return of service shall be filed
21 promptly with the clerk of the issuing court. The filing shall be completed
22 in person, made by fax or postmarked, if sent by mail, no later than the end
23 of the seventh court business day after the date of service. If the filing
24 is made by fax, the original affidavit, acceptance or return of service shall
25 be filed promptly with the court. Within twenty-four hours after the
26 affidavit, acceptance or return of service has been filed, excluding weekends
27 and holidays, the court that issued the injunction shall register a copy of
28 the injunction and a copy of the affidavit of service of process or
29 acceptance of service with the sheriff's office of the county in which the
30 employer is located. A copy of an injunction is presumed to be a valid
31 existing order of the court for one year after the date on which the
32 defendant was served. Any changes or modifications to the injunction are

1 effective on entry by the court and shall be registered with the sheriff
2 within twenty-four hours after the entry, excluding weekends and holidays.

3 K. This section does not:

4 1. Expand, diminish, alter or modify the duty of an employer to
5 provide a safe workplace for its employees and other persons.

6 2. Permit a court to issue a temporary restraining order or injunction
7 that prohibits speech or other activities that are constitutionally protected
8 or otherwise protected by law, including actions involving organized labor
9 disputes that do not involve unlawful picketing, trespassory assembly,
10 unlawful mass assembly, concerted interference with lawful exercise of
11 business activity and engaging in a secondary boycott as defined in section
12 23-1321, defamation in violation of section 23-1325 or any actual or
13 threatened misrepresentation, fraud, duress, violence or breach of the peace.

14 3. Preclude either party from being represented by private counsel or
15 appearing on the party's own behalf.

16 L. When the employer has knowledge that a specific person or persons
17 are the target of harassment as defined by this section, the employer shall
18 make a good faith effort to provide notice to the person or persons that the
19 employer intends to petition the court for an injunction against workplace
20 harassment.

21 M. Whether or not a violation occurs in the presence of a peace
22 officer, a peace officer, with or without a warrant, may arrest a person if
23 the peace officer has probable cause to believe that the person has violated
24 section 13-2810 by disobeying or resisting an injunction that was issued
25 pursuant to this section. The release provisions under section 13-3903 do
26 not apply to an arrest made pursuant to this subsection. A person who is
27 arrested pursuant to this subsection may be released from custody pursuant to
28 the Arizona rules of criminal procedure or any applicable statute. The court
29 shall include in an order for release any pretrial release conditions that
30 the court deems appropriate.

31 N. The remedies under this section for the enforcement of protection
32 orders are in addition to any other civil and criminal remedies that are

1 available. The municipal court and the justice court may hear and decide all
2 matters arising pursuant to this section. On notice to the affected party
3 and after a hearing, the court may enter an order that requires any party to
4 pay the costs of the action, including reasonable attorney fees. A party may
5 appeal an order entered by a justice court or municipal court pursuant to
6 section 22-261 or 22-425 and the superior court rules of civil appellate
7 procedure without regard to an amount in controversy.

8 O. A peace officer who makes an arrest pursuant to this section is
9 immune from civil or criminal liability if the officer acts on probable
10 cause.

11 P. An employer is immune from civil liability for seeking or failing
12 to seek an injunction under this section unless the employer is seeking an
13 injunction primarily to accomplish a purpose for which the injunction was not
14 designed. Any action or statement by an employer under this section shall
15 not be deemed an admission by the employer of any fact. An action or
16 statement by an employer under this section may be used for impeachment
17 purposes.

18 Q. In addition to the persons who are authorized to serve process
19 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer may
20 serve an injunction against workplace harassment pursuant to this section.

21 R. For the purposes of this section:

22 1. "Employer" means an individual, partnership, association or
23 corporation or a person or group of persons who act, directly or indirectly,
24 on behalf of or in the interest of an employer and with the consent of the
25 employer. Employer includes this state, a political subdivision of this
26 state and any school district or other special district.

27 2. "Harassment" means a single threat or act of physical harm or
28 damage or a series of acts over any period of time that would cause a
29 reasonable person to be seriously alarmed or annoyed and includes unlawful
30 picketing, trespassory assembly, unlawful mass assembly, concerted
31 interference with lawful exercise of business activity and engaging in a

1 secondary boycott as defined in section 23-1321 and defamation in violation
2 of section 23-1325.

3 Sec. 3. Section 13-3602, Arizona Revised Statutes, is amended to read:
4 13-3602. Order of protection; procedure; contents; arrest for
5 violation; penalty; protection order from another
6 jurisdiction

7 A. A person may file a verified petition, as in civil actions, with a
8 magistrate, justice of the peace or superior court judge for an order of
9 protection for the purpose of restraining a person from committing an act
10 included in domestic violence. If the person is a minor, the parent, legal
11 guardian or person who has legal custody of the minor shall file the petition
12 unless the court determines otherwise. The petition shall name the parent,
13 guardian or custodian as the plaintiff and the minor is a specifically
14 designated person for the purposes of subsection G of this section. If a
15 person is either temporarily or permanently unable to request an order, a
16 third party may request an order of protection on behalf of the plaintiff.
17 After the request, the judicial officer shall determine if the third party is
18 an appropriate requesting party for the plaintiff. For the purposes of this
19 section, notwithstanding the location of the plaintiff or defendant, any
20 court in this state may issue or enforce an order of protection.

21 B. An order of protection shall not be granted:

22 1. Unless the party who requests the order files a written verified
23 petition for an order.

24 2. Against a person who is less than twelve years of age unless the
25 order is granted by the juvenile division of the superior court.

26 3. Against more than one defendant.

27 C. The petition shall state the:

28 1. Name of the plaintiff. The plaintiff's address shall be disclosed
29 to the court for purposes of service. If the address of the plaintiff is
30 unknown to the defendant, the plaintiff may request that the address be
31 protected. On the plaintiff's request, the address shall not be listed on
32 the petition. Whether the court issues an order of protection, the protected

1 address shall be maintained in a separate document or automated database and
2 is not subject to release or disclosure by the court or any form of public
3 access except as ordered by the court.

4 2. Name and address, if known, of the defendant. A SUPPLEMENTAL
5 INFORMATION FORM THAT IS UTILIZED BY THE COURT OR A LAW ENFORCEMENT AGENCY
6 SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON THE DEFENDANT AND THAT
7 CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS CONFIDENTIAL.

8 3. Specific statement, including dates, of the domestic violence
9 alleged.

10 4. Relationship between the parties pursuant to section 13-3601,
11 subsection A and whether there is pending between the parties an action for
12 maternity or paternity, annulment, legal separation or dissolution of
13 marriage.

14 5. Name of the court in which any prior or pending proceeding or order
15 was sought or issued concerning the conduct that is sought to be restrained.

16 6. Desired relief.

17 D. A fee shall not be charged for filing a petition under this section
18 or for service of process. On request of the plaintiff, each order of
19 protection that is issued by a municipal court shall be served by the police
20 agency for that city if the defendant can be served within the city. If the
21 defendant cannot be served within the city, the police agency in the city in
22 which the defendant can be served shall serve the order. If the order cannot
23 be served within a city, the sheriff shall serve the order. On request of
24 the plaintiff, each order of protection that is issued by a justice of the
25 peace shall be served by the constable or sheriff for that jurisdiction if
26 the defendant can be served within the jurisdiction. If the defendant cannot
27 be served within that jurisdiction, the constable or sheriff in the
28 jurisdiction in which the defendant can be served shall serve the order. On
29 request of the plaintiff, each order of protection that is issued by a
30 superior court judge or commissioner shall be served by the sheriff of the
31 county. If the defendant cannot be served within that jurisdiction, the
32 sheriff in the jurisdiction in which the defendant can be served shall serve

1 the order. Each court shall provide, without charge, forms for purposes of
2 this section for assisting parties without counsel. The court shall make
3 reasonable efforts to provide to both parties an appropriate information
4 sheet on emergency and counseling services that are available in the local
5 area.

6 E. The court shall review the petition, any other pleadings on file
7 and any evidence offered by the plaintiff, including any evidence of
8 harassment by electronic contact or communication, to determine whether the
9 orders requested should issue without further hearing. The court shall issue
10 an order of protection under subsection G of this section if the court
11 determines that there is reasonable cause to believe any of the following:

- 12 1. The defendant may commit an act of domestic violence.
- 13 2. The defendant has committed an act of domestic violence within the
14 past year or within a longer period of time if the court finds that good
15 cause exists to consider a longer period.

16 F. For the purposes of determining the period of time under subsection
17 E, paragraph 2 of this section, any time that the defendant has been
18 incarcerated or out of this state shall not be counted. If the court denies
19 the requested relief, it may schedule a further hearing within ten days, with
20 reasonable notice to the defendant.

21 G. If a court issues an order of protection, the court may do any of
22 the following:

- 23 1. Enjoin the defendant from committing a violation of one or more of
24 the offenses included in domestic violence.

- 25 2. Grant one party the use and exclusive possession of the parties'
26 residence on a showing that there is reasonable cause to believe that
27 physical harm may otherwise result. If the other party is accompanied by a
28 law enforcement officer, the other party may return to the residence on one
29 occasion to retrieve belongings. A law enforcement officer is not liable for
30 any act or omission in the good faith exercise of the officer's duties under
31 this paragraph.

1 3. Restrain the defendant from contacting the plaintiff or other
2 specifically designated persons and from coming near the residence, place of
3 employment or school of the plaintiff or other specifically designated
4 locations or persons on a showing that there is reasonable cause to believe
5 that physical harm may otherwise result.

6 4. If the court finds that the defendant is a credible threat to the
7 physical safety of the plaintiff or other specifically designated persons,
8 prohibit the defendant from possessing or purchasing a firearm for the
9 duration of the order. If the court prohibits the defendant from possessing
10 a firearm, the court shall also order the defendant to transfer any firearm
11 owned or possessed by the defendant immediately after service of the order to
12 the appropriate law enforcement agency for the duration of the order. If the
13 defendant does not immediately transfer the firearm, the defendant shall
14 transfer the firearm within twenty-four hours after service of the order.

15 5. If the order was issued after notice and a hearing at which the
16 defendant had an opportunity to participate, require the defendant to
17 complete a domestic violence offender treatment program that is provided by a
18 facility approved by the department of health services or a probation
19 department or any other program deemed appropriate by the court.

20 6. Grant relief that is necessary for the protection of the alleged
21 victim and other specifically designated persons and that is proper under the
22 circumstances.

23 7. Grant the petitioner the exclusive care, custody or control of any
24 animal that is owned, possessed, leased, kept or held by the petitioner, the
25 respondent or a minor child residing in the residence or household of the
26 petitioner or the respondent, and order the respondent to stay away from the
27 animal and forbid the respondent from taking, transferring, encumbering,
28 concealing, committing an act of cruelty or neglect in violation of section
29 13-2910 or otherwise disposing of the animal.

30 H. The court shall not grant a mutual order of protection. If
31 opposing parties separately file verified petitions for an order of
32 protection, the courts after consultation between the judges involved may

1 consolidate the petitions of the opposing parties for hearing. This does not
2 prohibit a court from issuing cross orders of protection.

3 I. At any time during the period during which the order is in effect,
4 a party who is under an order of protection or who is restrained from
5 contacting the other party is entitled to one hearing on written request. No
6 fee may be charged for requesting a hearing. A hearing that is requested by
7 a party who is under an order of protection or who is restrained from
8 contacting the other party shall be held within ten days from the date
9 requested unless the court finds good cause to continue the hearing. If
10 exclusive use of the home is awarded, the hearing shall be held within five
11 days from the date requested. The hearing shall be held at the earliest
12 possible time. An ex parte order that is issued under this section shall
13 state on its face that the defendant is entitled to a hearing on written
14 request and shall include the name and address of the judicial office where
15 the request may be filed. After the hearing, the court may modify, quash or
16 continue the order.

17 J. The order shall include the following statement:

18 Warning

19 This is an official court order. If you disobey this
20 order, you will be subject to arrest and prosecution for the
21 crime of interfering with judicial proceedings and any other
22 crime you may have committed in disobeying this order.

23 K. A copy of the petition and the order shall be served on the
24 defendant within one year from the date the order is signed. An order of
25 protection that is not served on the defendant within one year expires. An
26 order is effective on the defendant on service of a copy of the order and
27 petition. An order expires one year after service on the defendant. A
28 modified order is effective on service and expires one year after service of
29 the initial order and petition.

30 L. Each affidavit, acceptance or return of service shall be promptly
31 filed with the clerk of the issuing court. This filing shall be completed in
32 person, shall be made by fax or shall be postmarked, if sent by mail, no

1 later than the end of the seventh court business day after the date of
2 service. If the filing is made by fax, the original affidavit, acceptance or
3 return of service shall be promptly filed with the court. Within twenty-four
4 hours after the affidavit, acceptance or return of service has been filed,
5 excluding weekends and holidays, the court from which the order or any
6 modified order was issued shall forward to the sheriff of the county in which
7 the court is located a copy of the order of protection and a copy of the
8 affidavit or certificate of service of process or acceptance of service. On
9 receiving these copies, the sheriff shall register the order. Registration
10 of an order means that a copy of the order of protection and a copy of the
11 affidavit or acceptance of service have been received by the sheriff's
12 office. The sheriff shall maintain a central repository for orders of
13 protection so that the existence and validity of the orders can be easily
14 verified. The effectiveness of an order does not depend on its registration,
15 and for enforcement purposes pursuant to section 13-2810, a copy of an order
16 of the court, whether or not registered, is presumed to be a valid existing
17 order of the court for a period of one year from the date of service of the
18 order on the defendant.

19 M. A peace officer, with or without a warrant, may arrest a person if
20 the peace officer has probable cause to believe that the person has violated
21 section 13-2810 by disobeying or resisting an order that is issued in any
22 jurisdiction in this state pursuant to this section, whether or not such
23 violation occurred in the presence of the officer. Criminal violations of an
24 order issued pursuant to this section shall be referred to an appropriate law
25 enforcement agency. The law enforcement agency shall request that a
26 prosecutorial agency file the appropriate charges. A violation of an order
27 of protection shall not be adjudicated by a municipal or justice court unless
28 a complaint has been filed or other legal process has been requested by the
29 prosecuting agency. The provisions for release under section 13-3883,
30 subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made
31 pursuant to this section. For the purposes of this section, any court in
32 this state has jurisdiction to enforce a valid order of protection that is

1 issued in this state and that has been violated in any jurisdiction in this
2 state.

3 N. A person who is arrested pursuant to subsection M of this section
4 may be released from custody in accordance with the Arizona rules of criminal
5 procedure or any other applicable statute. An order for release, with or
6 without an appearance bond, shall include pretrial release conditions that
7 are necessary to provide for the protection of the alleged victim and other
8 specifically designated persons and may provide for any other additional
9 conditions that the court deems appropriate, including participation in any
10 counseling programs available to the defendant. The agency with custody of
11 the defendant shall make reasonable efforts to contact the victim and other
12 specifically designated persons in the order of protection, if known to the
13 custodial agency, who requested notification immediately on release of the
14 arrested person from custody.

15 O. The remedies provided in this section for enforcement of the orders
16 of the court are in addition to any other civil and criminal remedies
17 available. The superior court shall have exclusive jurisdiction to issue
18 orders of protection in all cases if it appears from the petition that an
19 action for maternity or paternity, annulment, legal separation or dissolution
20 of marriage is pending between the parties. A municipal court or justice
21 court shall not issue an order of protection if it appears from the petition
22 that an action for maternity or paternity, annulment, legal separation or
23 dissolution of marriage is pending between the parties. After issuance of an
24 order of protection, if the municipal court or justice court determines that
25 an action for maternity or paternity, annulment, legal separation or
26 dissolution of marriage is pending between the parties, the municipal court
27 or justice court shall stop further proceedings in the action and forward all
28 papers, together with a certified copy of docket entries or any other record
29 in the action, to the superior court where they shall be docketed in the
30 pending superior court action and shall proceed as though the petition for an
31 order of protection had been originally brought in the superior court.
32 Notwithstanding any other law and unless prohibited by an order of the

1 superior court, a municipal court or justice court may hold a hearing on all
2 matters relating to its ex parte order of protection if the hearing was
3 requested before receiving written notice of the pending superior court
4 action. No order of protection shall be invalid or determined to be
5 ineffective merely because it was issued by a lower court at a time when an
6 action for maternity or paternity, annulment, legal separation or dissolution
7 of marriage was pending in a higher court. After a hearing with notice to
8 the affected party, the court may enter an order requiring any party to pay
9 the costs of the action, including reasonable attorney fees, if any. An
10 order that is entered by a justice court or municipal court after a hearing
11 pursuant to this section may be appealed to the superior court as provided in
12 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
13 court rules of civil appellate procedure without regard to an amount in
14 controversy. No fee may be charged to either party for filing an appeal.
15 For the purposes of this subsection, "pending" means, with respect to an
16 action for annulment, legal separation or dissolution of marriage or for
17 maternity or paternity, either that:

18 1. An action has been commenced but a final judgment, decree or order
19 has not been entered.

20 2. A post-decree proceeding has been commenced but a judgment, decree
21 or order finally determining the proceeding has not been entered.

22 P. A peace officer who makes an arrest pursuant to this section or
23 section 13-3601 is not civilly or criminally liable for the arrest if the
24 officer acts on probable cause and without malice.

25 Q. In addition to persons authorized to serve process pursuant to rule
26 4(d) of the Arizona rules of civil procedure, a peace officer or a
27 correctional officer as defined in section 41-1661 who is acting in the
28 officer's official capacity may serve an order of protection that is issued
29 pursuant to this section. Service of the order of protection has priority
30 over other service of process that does not involve an immediate threat to
31 the safety of a person.

1 R. A valid protection order that is related to domestic or family
2 violence and that is issued by a court in another state, a court of a United
3 States territory or a tribal court shall be accorded full faith and credit
4 and shall be enforced as if it were issued in this state for as long as the
5 order is effective in the issuing jurisdiction. For the purposes of this
6 subsection:

7 1. A protection order includes any injunction or other order that is
8 issued for the purpose of preventing violent or threatening acts or
9 harassment against, contact or communication with or physical proximity to
10 another person. A protection order includes temporary and final orders other
11 than support or child custody orders that are issued by civil and criminal
12 courts if the order is obtained by the filing of an independent action or is
13 a pendente lite order in another proceeding. The civil order shall be issued
14 in response to a complaint, petition or motion that was filed by or on behalf
15 of a person seeking protection.

16 2. A protection order is valid if the issuing court had jurisdiction
17 over the parties and the matter under the laws of the issuing state, a United
18 States territory or an Indian tribe and the person against whom the order was
19 issued had reasonable notice and an opportunity to be heard. If the order is
20 issued ex parte, the notice and opportunity to be heard shall be provided
21 within the time required by the laws of the issuing state, a United States
22 territory or an Indian tribe and within a reasonable time after the order was
23 issued.

24 3. A mutual protection order that is issued against both the party who
25 filed a petition or a complaint or otherwise filed a written pleading for
26 protection against abuse and the person against whom the filing was made is
27 not entitled to full faith and credit if either:

28 (a) The person against whom an initial order was sought has not filed
29 a cross or counter petition or other written pleading seeking a protection
30 order.

31 (b) The issuing court failed to make specific findings supporting the
32 entitlement of both parties to be granted a protection order.

1 4. A peace officer may presume the validity of and rely on a copy of a
2 protection order that is issued by another state, a United States territory
3 or an Indian tribe if the order was given to the officer by any source. A
4 peace officer may also rely on the statement of any person who is protected
5 by the order that the order remains in effect. A peace officer who acts in
6 good faith reliance on a protection order is not civilly or criminally liable
7 for enforcing the protection order pursuant to this section."

8 Amend title to conform

JUSTIN PIERCE

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