

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 172
HOUSE BILL 2392

AN ACT

AMENDING SECTIONS 12-1809, 12-1810 AND 13-3602, ARIZONA REVISED STATUTES;
RELATING TO CONFIDENTIAL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

34 2. The name and address, if known, of the defendant.

35 3. A specific statement showing events and dates of the acts
36 constituting the alleged harassment.

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

39 5. The relief requested.

40 D. A fee shall not be charged for filing a petition under this
41 section. Fees for service of process may be deferred or waived under any
42 rule or law applicable to civil actions, except that fees for service of
43 process shall not be charged if the petition arises out of a dating
44 relationship. The court shall advise a plaintiff that the plaintiff may be
45 eligible for the deferral or waiver of these fees at the time the plaintiff
46 files a petition. The court shall not require the petitioner to perform

1 community restitution as a condition of the waiver or deferral of fees for
2 service of process. A law enforcement agency or constable shall not require
3 the advance payment of fees for service of process of injunctions against
4 harassment. If the court does not waive the fees, the serving agency may
5 assess the actual fees against the plaintiff. On request of the plaintiff,
6 an injunction against harassment that is issued by a municipal court may be
7 served by the police agency for that city if the defendant can be served
8 within the city. If the defendant cannot be served within the city, the
9 police agency in the city in which the defendant can be served may serve the
10 injunction. On request of the plaintiff, each injunction against harassment
11 that is issued by a justice of the peace shall be served by the constable for
12 that jurisdiction if the defendant can be served within the jurisdiction. If
13 the defendant cannot be served within that jurisdiction, the constable in the
14 jurisdiction in which the defendant can be served shall serve the injunction.
15 On request of the plaintiff, an injunction against harassment that is issued
16 by a superior court judge or commissioner may be served by the sheriff of the
17 county. If the defendant cannot be served within that jurisdiction, the
18 sheriff in the jurisdiction in which the defendant can be served may serve
19 the order. The court shall provide, without charge, forms for purposes of
20 this section for assisting parties without counsel.

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

39 F. If the court issues an injunction, the court may do any of the
40 following:

41 1. Enjoin the defendant from committing a violation of one or more
42 acts of harassment.

43 2. Restrain the defendant from contacting the plaintiff or other
44 specifically designated persons and from coming near the residence, place of
45 employment or school of the plaintiff or other specifically designated
46 locations or persons.

1 service. On receiving these copies, the sheriff shall register the
2 injunction. Registration of an injunction means that a copy of the injunction
3 and a copy of the affidavit or certificate of service of process or
4 acceptance of service have been received by the sheriff's office. The
5 sheriff shall maintain a central repository for injunctions so that the
6 existence and validity of the injunctions can be easily verified. The
7 effectiveness of an injunction does not depend on its registration, and for
8 enforcement purposes pursuant to section 13-2810, a copy of an injunction,
9 whether or not registered, is presumed to be a valid existing order of the
10 court for a period of one year from the date of service of the injunction on
11 the defendant.

12 ~~L.~~ M. A peace officer, with or without a warrant, may arrest a person
13 if the peace officer has probable cause to believe that the person has
14 violated section 13-2810 by disobeying or resisting an injunction that is
15 issued pursuant to this section, whether or not the violation occurred in the
16 presence of the officer. The provisions for release under section 13-3903 do
17 not apply to an arrest made pursuant to this subsection. A person who is
18 arrested pursuant to this subsection may be released from custody in
19 accordance with the Arizona rules of criminal procedure or any other
20 applicable statute. An order for release, with or without an appearance
21 bond, shall include pretrial release conditions that are necessary to provide
22 for the protection of the alleged victim and other specifically designated
23 persons and may provide for additional conditions that the court deems
24 appropriate, including participation in any counseling programs available to
25 the defendant.

26 ~~M.~~ N. If a peace officer responds to a call alleging that harassment
27 has been or may be committed, the officer shall inform in writing any alleged
28 or potential victim of the procedures and resources available for the
29 protection of the victim including:

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

33 ~~N.~~ O. The remedies provided in this section for enforcement of the
34 orders of the court are in addition to any other civil and criminal remedies
35 available. The municipal court and the justice court may hear and decide all
36 matters arising pursuant to this section. After a hearing with notice to the
37 affected party, the court may enter an order requiring any party to pay the
38 costs of the action, including reasonable attorney fees, if any. An order
39 that is entered by a justice court or municipal court after a hearing
40 pursuant to this section may be appealed to the superior court as provided in
41 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
42 court rules of civil appellate procedure without regard to an amount in
43 controversy. No fee may be charged to either party for filing an appeal.

44 ~~O.~~ P. A peace officer who makes an arrest pursuant to this section is
45 not civilly or criminally liable for the arrest if the officer acts on

1 probable cause and without malice. A peace officer is not civilly liable for
2 noncompliance with subsection M of this section.

3 ~~P.~~ Q. This section does not apply to preliminary injunctions issued
4 pursuant to an action for dissolution of marriage or legal separation or for
5 protective orders against domestic violence.

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

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

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

21 12-1810. Injunction against workplace harassment; definitions

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

25 B. The court shall not grant an injunction against workplace
26 harassment against either:

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

29 2. More than one defendant.

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

31 1. The name of the employer.

32 2. The name and address, if known, of the defendant.

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

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

38 E. The court shall review the petition and any evidence offered by the
39 employer to determine whether to issue the injunction without further
40 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do
41 not apply to injunctions requested pursuant to this section. If the court
42 finds reasonable evidence of workplace harassment by the defendant or that
43 good cause exists to believe that great or irreparable harm would result to
44 the employer or any other person who enters the employer's property or who is
45 performing official work duties or if the injunction is not granted before
46 the defendant or the defendant's attorney can be heard in opposition and the

1 court finds specific facts that attest to the employer's efforts to give
2 notice to the defendant or reasons supporting the employer's claim that
3 notice should not be given, the court shall issue an injunction pursuant to
4 subsection F of this section. If the court denies the requested relief, the
5 court may schedule a further hearing within ten days with reasonable notice
6 to the defendant.

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

9 1. Restrain the defendant from coming near the employer's property or
10 place of business and restrain the defendant from contacting the employer or
11 other person while that person is on or at the employer's property or place
12 of business or is performing official work duties.

13 2. Grant any other relief necessary for the protection of the
14 employer, the workplace, the employer's employees or any other person who is
15 on or at the employer's property or place of business or who is performing
16 official work duties.

17 G. If the court issues an ex parte injunction pursuant to this
18 section, the injunction shall state on its face that the defendant is
19 entitled to a hearing on written request and shall include the name and
20 address of the judicial office in which the request may be filed. At any
21 time during the period that the injunction is in effect, the defendant may
22 request a hearing. The court shall hold the hearing within ten days after
23 the date of the written request unless the court finds compelling reasons to
24 continue the hearing. The hearing shall be held at the earliest possible
25 time. After the hearing, the court may modify, quash or continue the
26 injunction.

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

29 Warning

30 This is an official court order. If you disobey this order, you
31 may be arrested and prosecuted for the crime of interfering with
32 judicial proceedings and any other crime you may have committed
33 in disobeying this order.

34 I. A copy of the petition and the injunction shall be served on the
35 defendant within one year from the date the injunction is signed. An
36 injunction that is not served on the defendant within one year expires. The
37 injunction is effective on the defendant on service of a copy of the
38 injunction and petition and expires one year after service on the defendant.
39 A modified injunction is effective on service and expires one year after
40 service of the initial injunction and petition.

41 J. A SUPPLEMENTAL INFORMATION FORM THAT IS UTILIZED BY THE COURT OR A
42 LAW ENFORCEMENT AGENCY SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON THE
43 DEFENDANT AND THAT CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS
44 CONFIDENTIAL.

45 ~~J~~ K. Each affidavit, acceptance or return of service shall be filed
46 promptly with the clerk of the issuing court. The filing shall be completed

1 in person, made by fax or postmarked, if sent by mail, no later than the end
2 of the seventh court business day after the date of service. If the filing
3 is made by fax, the original affidavit, acceptance or return of service shall
4 be filed promptly with the court. Within twenty-four hours after the
5 affidavit, acceptance or return of service has been filed, excluding weekends
6 and holidays, the court that issued the injunction shall register a copy of
7 the injunction and a copy of the affidavit of service of process or
8 acceptance of service with the sheriff's office of the county in which the
9 employer is located. A copy of an injunction is presumed to be a valid
10 existing order of the court for one year after the date on which the
11 defendant was served. Any changes or modifications to the injunction are
12 effective on entry by the court and shall be registered with the sheriff
13 within twenty-four hours after the entry, excluding weekends and holidays.

14 ~~K.~~ L. This section does not:

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

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

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

27 ~~L.~~ M. When the employer has knowledge that a specific person or
28 persons are the target of harassment as defined by this section, the employer
29 shall make a good faith effort to provide notice to the person or persons
30 that the employer intends to petition the court for an injunction against
31 workplace harassment.

32 ~~M.~~ N. Whether or not a violation occurs in the presence of a peace
33 officer, a peace officer, with or without a warrant, may arrest a person if
34 the peace officer has probable cause to believe that the person has violated
35 section 13-2810 by disobeying or resisting an injunction that was issued
36 pursuant to this section. The release provisions under section 13-3903 do
37 not apply to an arrest made pursuant to this subsection. A person who is
38 arrested pursuant to this subsection may be released from custody pursuant to
39 the Arizona rules of criminal procedure or any applicable statute. The court
40 shall include in an order for release any pretrial release conditions that
41 the court deems appropriate.

42 ~~N.~~ O. The remedies under this section for the enforcement of
43 protection orders are in addition to any other civil and criminal remedies
44 that are available. The municipal court and the justice court may hear and
45 decide all matters arising pursuant to this section. On notice to the
46 affected party and after a hearing, the court may enter an order that

1 requires any party to pay the costs of the action, including reasonable
2 attorney fees. A party may appeal an order entered by a justice court or
3 municipal court pursuant to section 22-261 or 22-425 and the superior court
4 rules of civil appellate procedure without regard to an amount in
5 controversy.

6 ~~Q.~~ P. A peace officer who makes an arrest pursuant to this section is
7 immune from civil or criminal liability if the officer acts on probable
8 cause.

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

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

19 ~~R.~~ S. For the purposes of this section:

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

25 2. "Harassment" means a single threat or act of physical harm or
26 damage or a series of acts over any period of time that would cause a
27 reasonable person to be seriously alarmed or annoyed and includes unlawful
28 picketing, trespassory assembly, unlawful mass assembly, concerted
29 interference with lawful exercise of business activity and engaging in a
30 secondary boycott as defined in section 23-1321 and defamation in violation
31 of section 23-1325.

32 Sec. 3. Section 13-3602, Arizona Revised Statutes, is amended to read:

33 13-3602. Order of protection; procedure; contents; arrest for
34 violation; penalty; protection order from another
35 jurisdiction

36 A. A person may file a verified petition, as in civil actions, with a
37 magistrate, justice of the peace or superior court judge for an order of
38 protection for the purpose of restraining a person from committing an act
39 included in domestic violence. If the person is a minor, the parent, legal
40 guardian or person who has legal custody of the minor shall file the petition
41 unless the court determines otherwise. The petition shall name the parent,
42 guardian or custodian as the plaintiff and the minor is a specifically
43 designated person for the purposes of subsection G of this section. If a
44 person is either temporarily or permanently unable to request an order, a
45 third party may request an order of protection on behalf of the plaintiff.
46 After the request, the judicial officer shall determine if the third party is

1 an appropriate requesting party for the plaintiff. For the purposes of this
2 section, notwithstanding the location of the plaintiff or defendant, any
3 court in this state may issue or enforce an order of protection.

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

5 1. Unless the party who requests the order files a written verified
6 petition for an order.

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

9 3. Against more than one defendant.

10 C. The petition shall state the:

11 1. Name of the plaintiff. The plaintiff's address shall be disclosed
12 to the court for purposes of service. If the address of the plaintiff is
13 unknown to the defendant, the plaintiff may request that the address be
14 protected. On the plaintiff's request, the address shall not be listed on
15 the petition. Whether the court issues an order of protection, the protected
16 address shall be maintained in a separate document or automated database and
17 is not subject to release or disclosure by the court or any form of public
18 access except as ordered by the court.

19 2. Name and address, if known, of the defendant.

20 3. Specific statement, including dates, of the domestic violence
21 alleged.

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

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

28 6. Desired relief.

29 D. A fee shall not be charged for filing a petition under this section
30 or for service of process. On request of the plaintiff, each order of
31 protection that is issued by a municipal court shall be served by the police
32 agency for that city if the defendant can be served within the city. If the
33 defendant cannot be served within the city, the police agency in the city in
34 which the defendant can be served shall serve the order. If the order cannot
35 be served within a city, the sheriff shall serve the order. On request of
36 the plaintiff, each order of protection that is issued by a justice of the
37 peace shall be served by the constable or sheriff for that jurisdiction if
38 the defendant can be served within the jurisdiction. If the defendant cannot
39 be served within that jurisdiction, the constable or sheriff in the
40 jurisdiction in which the defendant can be served shall serve the order. On
41 request of the plaintiff, each order of protection that is issued by a
42 superior court judge or commissioner shall be served by the sheriff of the
43 county. If the defendant cannot be served within that jurisdiction, the
44 sheriff in the jurisdiction in which the defendant can be served shall serve
45 the order. Each court shall provide, without charge, forms for purposes of
46 this section for assisting parties without counsel. The court shall make

1 reasonable efforts to provide to both parties an appropriate information
2 sheet on emergency and counseling services that are available in the local
3 area.

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

10 1. The defendant may commit an act of domestic violence.

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

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

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

21 1. Enjoin the defendant from committing a violation of one or more of
22 the offenses included in domestic violence.

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

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

35 4. If the court finds that the defendant is a credible threat to the
36 physical safety of the plaintiff or other specifically designated persons,
37 prohibit the defendant from possessing or purchasing a firearm for the
38 duration of the order. If the court prohibits the defendant from possessing
39 a firearm, the court shall also order the defendant to transfer any firearm
40 owned or possessed by the defendant immediately after service of the order to
41 the appropriate law enforcement agency for the duration of the order. If the
42 defendant does not immediately transfer the firearm, the defendant shall
43 transfer the firearm within twenty-four hours after service of the order.

44 5. If the order was issued after notice and a hearing at which the
45 defendant had an opportunity to participate, require the defendant to
46 complete a domestic violence offender treatment program that is provided by a

1 facility approved by the department of health services or a probation
2 department or any other program deemed appropriate by the court.

3 6. Grant relief that is necessary for the protection of the alleged
4 victim and other specifically designated persons and that is proper under the
5 circumstances.

6 7. Grant the petitioner the exclusive care, custody or control of any
7 animal that is owned, possessed, leased, kept or held by the petitioner, the
8 respondent or a minor child residing in the residence or household of the
9 petitioner or the respondent, and order the respondent to stay away from the
10 animal and forbid the respondent from taking, transferring, encumbering,
11 concealing, committing an act of cruelty or neglect in violation of section
12 13-2910 or otherwise disposing of the animal.

13 H. The court shall not grant a mutual order of protection. If
14 opposing parties separately file verified petitions for an order of
15 protection, the courts after consultation between the judges involved may
16 consolidate the petitions of the opposing parties for hearing. This does not
17 prohibit a court from issuing cross orders of protection.

18 I. At any time during the period during which the order is in effect,
19 a party who is under an order of protection or who is restrained from
20 contacting the other party is entitled to one hearing on written request. No
21 fee may be charged for requesting a hearing. A hearing that is requested by
22 a party who is under an order of protection or who is restrained from
23 contacting the other party shall be held within ten days from the date
24 requested unless the court finds good cause to continue the hearing. If
25 exclusive use of the home is awarded, the hearing shall be held within five
26 days from the date requested. The hearing shall be held at the earliest
27 possible time. An ex parte order that is issued under this section shall
28 state on its face that the defendant is entitled to a hearing on written
29 request and shall include the name and address of the judicial office where
30 the request may be filed. After the hearing, the court may modify, quash or
31 continue the order.

32 J. The order shall include the following statement:

33 Warning

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

38 K. A copy of the petition and the order shall be served on the
39 defendant within one year from the date the order is signed. An order of
40 protection that is not served on the defendant within one year expires. An
41 order is effective on the defendant on service of a copy of the order and
42 petition. An order expires one year after service on the defendant. A
43 modified order is effective on service and expires one year after service of
44 the initial order and petition.

45 L. A SUPPLEMENTAL INFORMATION FORM THAT IS UTILIZED BY THE COURT OR A
46 LAW ENFORCEMENT AGENCY SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON THE

1 DEFENDANT AND THAT CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS
2 CONFIDENTIAL.

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

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

40 ~~N~~ O. A person who is arrested pursuant to subsection M of this
41 section may be released from custody in accordance with the Arizona rules of
42 criminal procedure or any other applicable statute. An order for release,
43 with or without an appearance bond, shall include pretrial release conditions
44 that are necessary to provide for the protection of the alleged victim and
45 other specifically designated persons and may provide for any other
46 additional conditions that the court deems appropriate, including

1 participation in any counseling programs available to the defendant. The
2 agency with custody of the defendant shall make reasonable efforts to contact
3 the victim and other specifically designated persons in the order of
4 protection, if known to the custodial agency, who requested notification
5 immediately on release of the arrested person from custody.

6 ~~0.~~ P. The remedies provided in this section for enforcement of the
7 orders of the court are in addition to any other civil and criminal remedies
8 available. The superior court shall have exclusive jurisdiction to issue
9 orders of protection in all cases if it appears from the petition that an
10 action for maternity or paternity, annulment, legal separation or dissolution
11 of marriage is pending between the parties. A municipal court or justice
12 court shall not issue an order of protection if it appears from the petition
13 that an action for maternity or paternity, annulment, legal separation or
14 dissolution of marriage is pending between the parties. After issuance of an
15 order of protection, if the municipal court or justice court determines that
16 an action for maternity or paternity, annulment, legal separation or
17 dissolution of marriage is pending between the parties, the municipal court
18 or justice court shall stop further proceedings in the action and forward all
19 papers, together with a certified copy of docket entries or any other record
20 in the action, to the superior court where they shall be docketed in the
21 pending superior court action and shall proceed as though the petition for an
22 order of protection had been originally brought in the superior court.
23 Notwithstanding any other law and unless prohibited by an order of the
24 superior court, a municipal court or justice court may hold a hearing on all
25 matters relating to its ex parte order of protection if the hearing was
26 requested before receiving written notice of the pending superior court
27 action. No order of protection shall be invalid or determined to be
28 ineffective merely because it was issued by a lower court at a time when an
29 action for maternity or paternity, annulment, legal separation or dissolution
30 of marriage was pending in a higher court. After a hearing with notice to
31 the affected party, the court may enter an order requiring any party to pay
32 the costs of the action, including reasonable attorney fees, if any. An
33 order that is entered by a justice court or municipal court after a hearing
34 pursuant to this section may be appealed to the superior court as provided in
35 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
36 court rules of civil appellate procedure without regard to an amount in
37 controversy. No fee may be charged to either party for filing an appeal.
38 For the purposes of this subsection, "pending" means, with respect to an
39 action for annulment, legal separation or dissolution of marriage or for
40 maternity or paternity, either that:

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

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

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

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

11 ~~R.~~ S. A valid protection order that is related to domestic or family
12 violence and that is issued by a court in another state, a court of a United
13 States territory or a tribal court shall be accorded full faith and credit
14 and shall be enforced as if it were issued in this state for as long as the
15 order is effective in the issuing jurisdiction. For the purposes of this
16 subsection:

17 1. A protection order includes any injunction or other order that is
18 issued for the purpose of preventing violent or threatening acts or
19 harassment against, contact or communication with or physical proximity to
20 another person. A protection order includes temporary and final orders other
21 than support or child custody orders that are issued by civil and criminal
22 courts if the order is obtained by the filing of an independent action or is
23 a pendente lite order in another proceeding. The civil order shall be issued
24 in response to a complaint, petition or motion that was filed by or on behalf
25 of a person seeking protection.

26 2. A protection order is valid if the issuing court had jurisdiction
27 over the parties and the matter under the laws of the issuing state, a United
28 States territory or an Indian tribe and the person against whom the order was
29 issued had reasonable notice and an opportunity to be heard. If the order is
30 issued ex parte, the notice and opportunity to be heard shall be provided
31 within the time required by the laws of the issuing state, a United States
32 territory or an Indian tribe and within a reasonable time after the order was
33 issued.

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

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

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

43 4. A peace officer may presume the validity of and rely on a copy of a
44 protection order that is issued by another state, a United States territory
45 or an Indian tribe if the order was given to the officer by any source. A
46 peace officer may also rely on the statement of any person who is protected

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1 by the order that the order remains in effect. A peace officer who acts in
2 good faith reliance on a protection order is not civilly or criminally liable
3 for enforcing the protection order pursuant to this section.

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FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2013.