

REFERENCE TITLE: domestic violence offenses; firearm transfers

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1219

Introduced by
Senators Carter: Bowie, Brophy McGee; Representatives Friese, Hernandez D,
Longdon

AN ACT

AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 317, SECTION 1; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 232, SECTION 1; AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3601.03; AMENDING SECTION 13-3602, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 172, SECTION 3; AMENDING SECTION 13-3602, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 232, CHAPTER 4; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Section 12-284, Arizona Revised Statutes, as amended by
 3 Laws 2018, chapter 317, section 1, is amended to read:
 4 12-284. Fees
 5 A. Except as otherwise provided by law, the clerk of the superior
 6 court shall receive fees classified as follows:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Tax case	\$ 188.00
10	Filing complaint, notice of appeal	
11	under section 12-904 or petition	188.00
12	Filing intervenor	188.00
13	Additional plaintiffs	188.00
14	Filing foreign judgment	188.00
15	Ownership of real property becomes an	
16	issue plaintiff	188.00
17	Appellant	
18	(except under sections 12-1809 and 13-3602)	188.00
19	Change of venue to this county	188.00
20	Petition for change of name	188.00
21	Filing a process server application	188.00
22 B	Subsequent case filing fee	
23	Filing answer, notice of appearance	
24	under section 12-907 or initial appearance	\$ 100.00
25	Additional defendants	100.00
26	Notice of appeal to appellate courts	
27	(except under section 12-2107)	100.00
28	Cross-appeal by appellee (except under section	
29	12-2107)	100.00
30	Ownership of real property becomes an	
31	issue defendant	100.00
32	Jurisdiction exceeded appellee	
33	(within 20 days of filing)	100.00
34	Response to show cause that does one or more	
35	of the following:	
36	1. Requests affirmative relief or	
37	counterrelief	
38	2. Attacks the sufficiency of process	
39	or the proceedings	
40	3. Takes other affirmative action	100.00
41 C	Initial case filing fee	
42	Filing petition for annulment	\$ 149.00
43	Filing for dissolution/legal separation petition	149.00
44	Petition in formal testacy or appointment	
45	proceeding	149.00

1	Application for informal probate or informal	
2	appointment	149.00
3	Petition for supervised administration petition	
4	to appoint guardian	149.00
5	Petition to appoint conservator or make other	
6	protective order	149.00
7	Opposing petition in testacy or appointment	
8	proceedings or appointment of guardian or	
9	conservator	149.00
10	Single estate application or petition under	
11	title 14, chapter 3, section 14-3938	149.00
12	Domestic relations case for which a fee is not	
13	specifically prescribed	149.00
14	D Subsequent case filing fee	
15	Filing answer to annulment	\$ 74.00
16	Filing for dissolution/legal separation answer	74.00
17	Any person opposing contested petition if no	
18	prior payment made	74.00
19	Postadjudication petitions in	
20	domestic relations cases	74.00
21	Postjudgment activities in probate cases	74.00
22	E Minimum clerk fee	
23	Filing power of attorney	\$ 30.00
24	Change of venue to another county transmittal	
25	fee	30.00
26	Change of venue to another county pursuant to	
27	section 12-404 transmittal fee	30.00
28	Filing transcript and docketing judgment from	
29	any courts	30.00
30	Issuance of writs of: attachment, execution,	
31	possession, restitution, prohibition and	
32	enforcement of order of judgment-garnishment	30.00
33	Certified copy or abstract of marriage	
34	application or license	30.00
35	Certificate of correctness of copy of record	30.00
36	Justice of peace certificate	30.00
37	Each certificate of clerk to any matter in	
38	clerk's record not specifically provided	30.00
39	Filing any paper or performing any act for which	
40	a fee is not specifically prescribed	30.00
41	Subpoena - (civil)	30.00
42	Research in locating a document (per year or	
43	source researched)	30.00
44	Exemplification (per certification)	30.00
45	Authentication (per certification)	30.00

1	Seal a court file	30.00
2	Reopen a sealed court file	30.00
3	Retrieve bank records	30.00
4	Reel of film alpha index per year (plus per	
5	page fee below)	30.00
6	Payment history report	30.00
7	Certification under one document certification	30.00
8	Civil traffic appeal	30.00
9	F Per page fee	
10	Making copies (on appeal and on request)	
11	per page	\$.50
12	Making extra copies per page	.50
13	Making photographic or photostatic copies	
14	per page	.50
15	Comparison fee of papers furnished by applicant	
16	per page	.50
17	Alpha index per page	.50
18	G Special fees	
19	Small claim tax case	\$ 24.00
20	Marriage license and return of a	
21	marriage license	83.00
22	Postage and handling	7.00
23	Notary services	7.00
24	Stop payment on check	16.00

25 B. The clerk of the superior court shall receive the fees
 26 prescribed in subsection A of this section for the following services:
 27 1. Making copies of papers and records required to be made by the
 28 clerk on appeal, and copies of papers and records in the clerk's office
 29 made on request in other cases, for each legal size page of original.
 30 2. Making extra copies of the papers and records mentioned in
 31 paragraph 1 of this subsection, required or requested for each page of
 32 copy of such papers and records.
 33 3. In a clerk's office, in which a photographic or photostatic
 34 method of recording is used or is available for use in cooperation with
 35 other public offices, preparing copies enumerated in paragraphs 1 and 2 of
 36 this subsection for each page of copy or fraction of a page of copy.
 37 Portions of several pages of records may be combined in one page of copy.
 38 The clerk may prepare an abstract of marriage in lieu of a reproduction of
 39 the recorded marriage license. The fee shall apply to matters whether
 40 recorded in such office by longhand, typing, electronic, photographic or
 41 photostatic methods. The fees for copies are exclusive of the fees for
 42 certification or authentication.
 43 4. Issuing a certificate as to official capacity of a justice of
 44 the peace and affixing a seal to the certificate.

1 5. Each subpoena issued in a civil proceeding or filing any paper
2 or performing any act for which a fee is not specifically prescribed by
3 law, but the clerk shall not charge for the clerk's services in
4 administering the oath in connection with any affidavit, petition, letters
5 or other pleading or document that, after administration of the oath, is
6 promptly filed by the clerk and becomes a part of a case or matter of
7 record in the office of the clerk.

8 C. In addition to the fees required by subsection A of this
9 section, the clerk shall charge and collect a surcharge of ~~fifteen dollars~~
10 \$15 for each filing of a postadjudication petition in a domestic relations
11 case for which a fee presently is charged under class D in subsection A of
12 this section. The surcharge shall be used exclusively to fund domestic
13 relations education and mediation programs established pursuant to section
14 25-413. Each month the clerk shall transmit the monies the clerk collects
15 pursuant to this subsection to the county treasurer for deposit in the
16 domestic relations education and mediation fund established by section
17 25-413.

18 D. Excluding the monies that are collected pursuant to subsection C
19 of this section, each month the clerk shall transmit seventy-five percent
20 of the monies collected for subsequent case filing fees for
21 postadjudication petitions in domestic relations cases under class D in
22 subsection A of this section to the county treasurer for deposit in the
23 expedited child support and parenting time fund established pursuant to
24 section 25-412. The remaining twenty-five percent of the monies collected
25 pursuant to this subsection shall be distributed pursuant to section
26 12-284.03.

27 E. At the commencement of each action for annulment, dissolution of
28 marriage, legal separation, maternity or paternity, the petitioner shall
29 pay to the clerk of the court the initial case filing fee for the action
30 provided in subsection A of this section. At the time of filing a
31 response, the respondent shall pay to the clerk of the court the
32 subsequent case filing fee for the action provided in subsection A of this
33 section. In each county where the superior court has established a
34 conciliation court, the petitioner and respondent shall each pay to the
35 clerk a sixty-five dollar fee. The monies from the additional fee shall
36 be used to carry out the purposes of the conciliation court pursuant to
37 title 25, chapter 3, article 7.

38 F. In garnishment matters:

39 1. A fee shall not be charged for filing an affidavit seeking only
40 the release of exempt wages.

41 2. A fee shall not be charged for filing a garnishee's answer, for
42 filing a judgment against the garnishee or for the issuance or return of
43 process incident to such a judgment.

44 3. For any contest relating to or any controversion of a
45 garnishment matter, unless the contesting party has paid an appearance fee

1 in that cause, the required appearance fee shall be paid, except that the
2 garnishee shall not pay a clerk's fee.

3 G. A person who is cited to appear and defend an order to show
4 cause shall not be charged an appearance fee. The person may stipulate to
5 or consent to the entry of an order without the payment of an appearance
6 fee. An appearance fee shall be paid if the person is present in person
7 or by an attorney and does one or more of the following:

- 8 1. Requests affirmative relief or counterrelief.
- 9 2. Attacks the sufficiency of process or the proceedings.
- 10 3. Takes other affirmative action.

11 H. A petitioner shall not be charged a fee for requesting an order
12 of protection pursuant to section 13-3602 or an injunction against
13 harassment pursuant to section 12-1809. A defendant shall not be charged
14 an answer fee in an order of protection action if the defendant requests a
15 hearing pursuant to section 13-3602, subsection ~~I~~ K or in an injunction
16 against harassment action if the defendant requests a hearing pursuant to
17 section 12-1809, subsection H.

18 I. A person who files a registrar's order pursuant to section
19 32-1166.06 shall not be charged a fee.

20 J. The clerk of the court shall charge and collect a forty-six
21 dollar filing fee for a petition for emancipation of a minor filed
22 pursuant to chapter 15 of this title. Each month the clerk shall transmit
23 the monies the clerk collects pursuant to this subsection to the county
24 treasurer for deposit in the emancipation administrative costs fund
25 established by section 12-2456.

26 K. Except for monies that are collected pursuant to subsections C,
27 D, E and J of this section, the clerk of the superior court shall transmit
28 monthly to the county treasurer all monies collected pursuant to this
29 section for distribution or deposit pursuant to section 12-284.03.

30 L. The supreme court may increase the fees prescribed in subsection
31 A of this section in an amount not to exceed the percent of change in the
32 average consumer price index as published by the United States department
33 of labor, bureau of labor statistics between that figure for the latest
34 calendar year and the calendar year in which the last fee increase
35 occurred.

36 Sec. 2. Section 12-284, Arizona Revised Statutes, as amended by
37 Laws 2018, chapter 232, section 1, is amended to read:

38 12-284. Fees

39 A. Except as otherwise provided by law, the clerk of the superior
40 court shall receive fees classified as follows:

41 Class	Description	Fee
42 A	Initial case filing fee	
43	Tax case	\$ 166.00
44	Filing complaint, notice of appeal	
45	under section 12-904 or petition	166.00

1	Filing intervenor	166.00
2	Additional plaintiffs	166.00
3	Filing foreign judgment	166.00
4	Ownership of real property becomes an	
5	issue plaintiff	166.00
6	Appellant	
7	(except under sections 12-1809 and 13-3602)	166.00
8	Change of venue to this county	166.00
9	Petition for change of name	166.00
10	Filing a process server application	166.00
11	B Subsequent case filing fee	
12	Filing answer, notice of appearance	
13	under section 12-907 or initial appearance	\$ 88.00
14	Additional defendants	88.00
15	Notice of appeal to appellate courts	
16	(except under section 12-2107)	88.00
17	Cross-appeal by appellee (except under section	
18	12-2107)	88.00
19	Ownership of real property becomes an	
20	issue defendant	88.00
21	Jurisdiction exceeded appellee	
22	(within 20 days of filing)	88.00
23	Response to show cause that does one or more	
24	of the following:	
25	1. Requests affirmative relief or	
26	counterrelief	
27	2. Attacks the sufficiency of process	
28	or the proceedings	
29	3. Takes other affirmative action	88.00
30	C Initial case filing fee	
31	Filing petition for annulment	\$ 131.00
32	Filing for dissolution/legal separation petition	131.00
33	Petition in formal testacy or appointment	
34	proceeding	131.00
35	Application for informal probate or informal	
36	appointment	131.00
37	Petition for supervised administration petition	
38	to appoint guardian	131.00
39	Petition to appoint conservator or make other	
40	protective order	131.00
41	Opposing petition in testacy or appointment	
42	proceedings or appointment of guardian or	
43	conservator	131.00
44	Single estate application or petition under	
45	title 14, chapter 3, section 14-3938	131.00

1		Domestic relations case for which a fee is not	
2		specifically prescribed	131.00
3	D	Subsequent case filing fee	
4		Filing answer to annulment	\$ 66.00
5		Filing for dissolution/legal separation answer	66.00
6		Any person opposing contested petition if no	
7		prior payment made	66.00
8		Postadjudication petitions in	
9		domestic relations cases	66.00
10		Postjudgment activities in probate cases	66.00
11	E	Minimum clerk fee	
12		Filing power of attorney	\$ 26.00
13		Change of venue to another county transmittal	
14		fee	26.00
15		Change of venue to another county pursuant to	
16		section 12-404 transmittal fee	26.00
17		Filing transcript and docketing judgment from	
18		any courts	26.00
19		Issuance of writs of: attachment, execution,	
20		possession, restitution, prohibition and	
21		enforcement of order of judgment-garnishment	26.00
22		Certified copy or abstract of marriage	
23		application or license	26.00
24		Certificate of correctness of copy of record	26.00
25		Justice of peace certificate	26.00
26		Each certificate of clerk to any matter in	
27		clerk's record not specifically provided	26.00
28		Filing any paper or performing any act for which	
29		a fee is not specifically prescribed	26.00
30		Subpoena - (civil)	26.00
31		Research in locating a document (per year or	
32		source researched)	26.00
33		Exemplification (per certification)	26.00
34		Authentication (per certification)	26.00
35		Seal a court file	26.00
36		Reopen a sealed court file	26.00
37		Retrieve bank records	26.00
38		Reel of film alpha index per year (plus per	
39		page fee below)	26.00
40		Payment history report	26.00
41		Certification under one document certification	26.00
42		Civil traffic appeal	26.00
43	F	Per page fee	
44		Making copies (on appeal and on request)	
45		per page	\$.50

1	Making extra copies per page	.50
2	Making photographic or photostatic copies	
3	per page	.50
4	Comparison fee of papers furnished by applicant	
5	per page	.50
6	Alpha index per page	.50
7	G Special fees	
8	Small claim tax case	\$ 22.00
9	Marriage license and return of a	
10	marriage license	72.00
11	Postage and handling	7.00
12	Notary services	7.00
13	Stop payment on check	14.00

14 B. The clerk of the superior court shall receive the fees
 15 prescribed in subsection A of this section for the following services:

16 1. Making copies of papers and records required to be made by the
 17 clerk on appeal, and copies of papers and records in the clerk's office
 18 made on request in other cases, for each legal size page of original.

19 2. Making extra copies of the papers and records mentioned in
 20 paragraph 1 of this subsection, required or requested for each page of
 21 copy of such papers and records.

22 3. In a clerk's office, in which a photographic or photostatic
 23 method of recording is used or is available for use in cooperation with
 24 other public offices, preparing copies enumerated in paragraphs 1 and 2 of
 25 this subsection for each page of copy or fraction of a page of copy.
 26 Portions of several pages of records may be combined in one page of copy.
 27 The clerk may prepare an abstract of marriage in lieu of a reproduction of
 28 the recorded marriage license. The fee shall apply to matters whether
 29 recorded in such office by longhand, typing, electronic, photographic or
 30 photostatic methods. The fees for copies are exclusive of the fees for
 31 certification or authentication.

32 4. Issuing a certificate as to official capacity of a justice of
 33 the peace and affixing a seal to the certificate.

34 5. Each subpoena issued in a civil proceeding or filing any paper
 35 or performing any act for which a fee is not specifically prescribed by
 36 law, but the clerk shall not charge for the clerk's services in
 37 administering the oath in connection with any affidavit, petition, letters
 38 or other pleading or document that, after administration of the oath, is
 39 promptly filed by the clerk and becomes a part of a case or matter of
 40 record in the office of the clerk.

41 C. In addition to the fees required by subsection A of this
 42 section, the clerk shall charge and collect a surcharge of ~~fifteen dollars~~
 43 \$15 for each filing of a postadjudication petition in a domestic relations
 44 case for which a fee presently is charged under class D in subsection A of
 45 this section. The surcharge shall be used exclusively to fund domestic

1 relations education and mediation programs established pursuant to section
2 25-413. Each month the clerk shall transmit the monies the clerk collects
3 pursuant to this subsection to the county treasurer for deposit in the
4 domestic relations education and mediation fund established by section
5 25-413.

6 D. Excluding the monies that are collected pursuant to subsection C
7 of this section, each month the clerk shall transmit seventy-five percent
8 of the monies collected for subsequent case filing fees for
9 postadjudication petitions in domestic relations cases under class D in
10 subsection A of this section to the county treasurer for deposit in the
11 expedited child support and parenting time fund established pursuant to
12 section 25-412. The remaining twenty-five percent of the monies collected
13 pursuant to this subsection shall be distributed pursuant to section
14 12-284.03.

15 E. At the commencement of each action for annulment, dissolution of
16 marriage, legal separation, maternity or paternity, the petitioner shall
17 pay to the clerk of the court the initial case filing fee for the action
18 provided in subsection A of this section. At the time of filing a
19 response, the respondent shall pay to the clerk of the court the
20 subsequent case filing fee for the action provided in subsection A of this
21 section. In each county where the superior court has established a
22 conciliation court, the petitioner and respondent shall each pay to the
23 clerk a sixty-five dollar fee. The monies from the additional fee shall
24 be used to carry out the purposes of the conciliation court pursuant to
25 title 25, chapter 3, article 7.

26 F. In garnishment matters:

27 1. A fee shall not be charged for filing an affidavit seeking only
28 the release of exempt wages.

29 2. A fee shall not be charged for filing a garnishee's answer, for
30 filing a judgment against the garnishee or for the issuance or return of
31 process incident to such a judgment.

32 3. For any contest relating to or any controversion of a
33 garnishment matter, unless the contesting party has paid an appearance fee
34 in that cause, the required appearance fee shall be paid, except that the
35 garnishee shall not pay a clerk's fee.

36 G. A person who is cited to appear and defend an order to show
37 cause shall not be charged an appearance fee. The person may stipulate to
38 or consent to the entry of an order without the payment of an appearance
39 fee. An appearance fee shall be paid if the person is present in person
40 or by an attorney and does one or more of the following:

41 1. Requests affirmative relief or counterrelief.

42 2. Attacks the sufficiency of process or the proceedings.

43 3. Takes other affirmative action.

44 H. A petitioner shall not be charged a fee for requesting an order
45 of protection pursuant to section 13-3602 or an injunction against

1 harassment pursuant to section 12-1809. A defendant shall not be charged
2 an answer fee in an order of protection action if the defendant requests a
3 hearing pursuant to section 13-3602, subsection ~~+~~ N or in an injunction
4 against harassment action if the defendant requests a hearing pursuant to
5 section 12-1809, subsection H.

6 I. A person who files a registrar's order pursuant to section
7 32-1166.06 shall not be charged a fee.

8 J. The clerk of the court shall charge and collect a forty-six
9 dollar filing fee for a petition for emancipation of a minor filed
10 pursuant to chapter 15 of this title. Each month the clerk shall transmit
11 the monies the clerk collects pursuant to this subsection to the county
12 treasurer for deposit in the emancipation administrative costs fund
13 established by section 12-2456.

14 K. Except for monies that are collected pursuant to subsections C,
15 D, E and J of this section, the clerk of the superior court shall transmit
16 monthly to the county treasurer all monies collected pursuant to this
17 section for distribution or deposit pursuant to section 12-284.03.

18 L. The supreme court may increase the fees prescribed in subsection
19 A of this section in an amount not to exceed the percent of change in the
20 average consumer price index as published by the United States department
21 of labor, bureau of labor statistics between that figure for the latest
22 calendar year and the calendar year in which the last fee increase
23 occurred.

24 Sec. 3. Section 13-3101, Arizona Revised Statutes, is amended to
25 read:

26 13-3101. Definitions

27 A. In this chapter, unless the context otherwise requires:

28 1. "Deadly weapon" means anything that is designed for lethal use.
29 The term includes a firearm.

30 2. "Deface" means to remove, alter or destroy the manufacturer's
31 serial number.

32 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
33 other similar explosive material, including plastic explosives. Explosive
34 does not include ammunition or ammunition components such as primers,
35 percussion caps, smokeless powder, black powder and black powder
36 substitutes used for hand loading purposes.

37 4. "Firearm" means any loaded or unloaded handgun, pistol,
38 revolver, rifle, shotgun or other weapon that will expel, is designed to
39 expel or may readily be converted to expel a projectile by the action of
40 an explosive. Firearm does not include a firearm in permanently inoperable
41 condition.

42 5. "Improvised explosive device" means a device that incorporates
43 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
44 chemicals and that is designed to destroy, disfigure, terrify or harass.

1 6. "Occupied structure" means any building, object, vehicle,
2 watercraft, aircraft or place with sides and a floor that is separately
3 securable from any other structure attached to it, that is used for
4 lodging, business, transportation, recreation or storage and in which one
5 or more human beings either are or are likely to be present or so near as
6 to be in equivalent danger at the time the discharge of a firearm occurs.
7 Occupied structure includes any dwelling house, whether occupied,
8 unoccupied or vacant.

9 7. "Prohibited possessor" means any person:

10 (a) Who has been found to constitute a danger to self or to others
11 or to have a persistent or acute disability or grave disability pursuant
12 to court order pursuant to section 36-540, and whose right to possess a
13 firearm has not been restored pursuant to section 13-925.

14 (b) Who has been convicted within or without this state of a felony
15 or who has been adjudicated delinquent for a felony and whose civil right
16 to possess or carry a gun or firearm has not been restored.

17 (c) Who is at the time of possession serving a term of imprisonment
18 in any correctional or detention facility.

19 (d) Who is at the time of possession serving a term of probation
20 pursuant to a conviction for a domestic violence offense as defined in
21 section 13-3601 or a felony offense, parole, community supervision, work
22 furlough, home arrest or release on any other basis or who is serving a
23 term of probation or parole pursuant to the interstate compact under title
24 31, chapter 3, article 4.1.

25 (e) Who is an undocumented alien or a nonimmigrant alien traveling
26 with or without documentation in this state for business or pleasure or
27 who is studying in this state and who maintains a foreign residence
28 abroad. This subdivision does not apply to:

29 (i) Nonimmigrant aliens who possess a valid hunting license or
30 permit that is lawfully issued by a state in the United States.

31 (ii) Nonimmigrant aliens who enter the United States to participate
32 in a competitive target shooting event or to display firearms at a sports
33 or hunting trade show that is sponsored by a national, state or local
34 firearms trade organization devoted to the competitive use or other
35 sporting use of firearms.

36 (iii) Certain diplomats.

37 (iv) Officials of foreign governments or distinguished foreign
38 visitors who are designated by the United States department of state.

39 (v) Persons who have received a waiver from the United States
40 attorney general.

41 (f) Who has been found incompetent pursuant to rule 11, Arizona
42 rules of criminal procedure, and who subsequently has not been found
43 competent.

44 (g) Who is found guilty except insane.

1 (h) WHO HAS BEEN CONVICTED OF EITHER:

2 (i) A DOMESTIC VIOLENCE OFFENSE AS DEFINED IN SECTION 13-3601 IF
3 THE OFFENSE INVOLVED A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN
4 SECTION 13-705 OR AN OFFENSE PRESCRIBED IN SECTION 13-1102, 13-1103 OR
5 13-1104, SECTION 13-1202, SUBSECTION A, PARAGRAPH 1, SECTION 13-1203,
6 SUBSECTION A, PARAGRAPH 1 OR 3, SECTION 13-1204, SUBSECTION A, PARAGRAPH
7 1, 2, 3, 4 OR 7 OR SUBSECTION B, SECTION 13-1303, 13-1304 OR 13-1406 OR
8 SECTION 13-2904, SUBSECTION A, PARAGRAPH 1 OR 6.

9 (ii) ANY OTHER OFFENSE THAT WAS COMMITTED WITHIN OR WITHOUT THIS
10 STATE AND THAT INVOLVES THE USE OR ATTEMPTED USE OF PHYSICAL FORCE OR THE
11 THREATENED USE OF A DEADLY WEAPON IF SECTION 13-3601, SUBSECTION A,
12 PARAGRAPH 1, 2, 3, 4, 5 OR 6 APPLIES TO THE RELATIONSHIP BETWEEN THE
13 VICTIM AND THE DEFENDANT.

14 (i) WHO IS SUBJECT TO AN ORDER OF PROTECTION THAT WAS ISSUED
15 PURSUANT TO SECTION 13-3602 OR A SIMILAR LAW IN ANOTHER JURISDICTION, AND
16 THE ORDER WAS ISSUED AFTER THE PERSON RECEIVED NOTICE AND HAD AN
17 OPPORTUNITY TO PARTICIPATE IN THE PROCEEDINGS.

18 8. "Prohibited weapon":

19 (a) Includes the following:

20 (i) An item that is a bomb, grenade, rocket having a propellant
21 charge of more than four ounces or mine and that is explosive, incendiary
22 or poison gas.

23 (ii) A device that is designed, made or adapted to muffle the
24 report of a firearm.

25 (iii) A firearm that is capable of shooting more than one shot
26 automatically, without manual reloading, by a single function of the
27 trigger.

28 (iv) A rifle with a barrel length of less than sixteen inches, or
29 shotgun with a barrel length of less than eighteen inches, or any firearm
30 that is made from a rifle or shotgun and that, as modified, has an overall
31 length of less than twenty-six inches.

32 (v) An instrument, including a nunchaku, that consists of two or
33 more sticks, clubs, bars or rods to be used as handles, connected by a
34 rope, cord, wire or chain, in the design of a weapon used in connection
35 with the practice of a system of self-defense.

36 (vi) A breakable container that contains a flammable liquid with a
37 flash point of one hundred fifty degrees Fahrenheit or less and that has a
38 wick or similar device capable of being ignited.

39 (vii) A chemical or combination of chemicals, compounds or
40 materials, including dry ice, that is possessed or manufactured for the
41 purpose of generating a gas to cause a mechanical failure, rupture or
42 bursting or an explosion or detonation of the chemical or combination of
43 chemicals, compounds or materials.

44 (viii) An improvised explosive device.

1 (ix) Any combination of parts or materials that is designed and
2 intended for use in making or converting a device into an item set forth
3 in item (i), (vi) or (viii) of this subdivision.

4 (b) Does not include:

5 (i) Any fireworks that are imported, distributed or used in
6 compliance with state laws or local ordinances.

7 (ii) Any propellant, propellant actuated devices or propellant
8 actuated industrial tools that are manufactured, imported or distributed
9 for their intended purposes.

10 (iii) A device that is commercially manufactured primarily for the
11 purpose of illumination.

12 9. "Trafficking" means to sell, transfer, distribute, dispense or
13 otherwise dispose of a weapon or explosive to another person, or to buy,
14 receive, possess or obtain control of a weapon or explosive, with the
15 intent to sell, transfer, distribute, dispense or otherwise dispose of the
16 weapon or explosive to another person.

17 B. The items set forth in subsection A, paragraph 8, subdivision
18 (a), items (i), (ii), (iii) and (iv) of this section do not include any
19 firearms or devices that are possessed, manufactured or transferred in
20 compliance with federal law.

21 Sec. 4. Title 13, chapter 36, Arizona Revised Statutes, is amended
22 by adding section 13-3601.03, to read:

23 13-3601.03. Domestic violence; prohibited possessor; firearm
24 transfer order; firearm disposal; immunity;
25 search warrant; definition

26 A. AT THE TIME OF SENTENCING, THE COURT SHALL INFORM, EITHER ORALLY
27 OR IN WRITING, A PERSON WHO IS A PROHIBITED POSSESSOR AS DEFINED IN
28 SECTION 13-3101, SUBSECTION A, PARAGRAPH 7, SUBDIVISION (h) THAT THE
29 PERSON IS PROHIBITED FROM OWNING OR POSSESSING A FIREARM. THE COURT SHALL
30 INDICATE ON THE RECORD OF CONVICTION THAT THE CONVICTION PROHIBITS THE
31 PERSON FROM POSSESSING A FIREARM PURSUANT TO SECTION 13-3101, SUBSECTION
32 A, PARAGRAPH 7, SUBDIVISION (h) AND SECTION 13-3102, SUBSECTION A,
33 PARAGRAPH 4 AND ORDER THE PERSON TO TRANSFER ALL FIREARMS THAT THE PERSON
34 OWNS OR POSSESSES TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY
35 LICENSED FIREARMS DEALER WITHIN TWENTY-FOUR HOURS AFTER THE COURT ISSUES
36 THE ORDER.

37 B. THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER
38 THAT TAKES POSSESSION OF A TRANSFERRED FIREARM SHALL PROVIDE A PROOF OF
39 TRANSFER TO THE PERSON WHO SURRENDERED THE FIREARM. THE PROOF OF TRANSFER
40 SHALL INCLUDE THE NAME OF THE FIREARM OWNER OR POSSESSOR, THE DATE OF THE
41 TRANSFER AND THE SERIAL NUMBER AND MAKE AND MODEL OF THE TRANSFERRED
42 FIREARM.

43 C. WITHIN FORTY-EIGHT HOURS AFTER THE PERSON IS SERVED WITH A
44 TRANSFER ORDER, THE PERSON SHALL EITHER:

1 1. ATTEST TO THE COURT THAT THE PERSON DID NOT OWN OR POSSESS ANY
2 FIREARM AT THE TIME OF CONVICTION AND DOES NOT CURRENTLY OWN OR POSSESS
3 ANY FIREARM.

4 2. FILE A PROOF OF TRANSFER WITH THE SENTENCING COURT AND ATTEST TO
5 THE COURT THAT ALL FIREARMS OWNED OR POSSESSED BY THE PERSON WERE
6 TRANSFERRED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY
7 LICENSED FIREARMS DEALER.

8 D. AFTER PROVIDING NOTICE TO THE OWNER OF A TRANSFERRED FIREARM,
9 THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER THAT
10 RECEIVES A TRANSFERRED FIREARM MAY DISPOSE OF THE FIREARM IN ACCORDANCE
11 WITH STATE AND FEDERAL LAW. THE LAW ENFORCEMENT AGENCY OR FEDERALLY
12 LICENSED FIREARMS DEALER MUST PROVIDE ALL MONIES RECEIVED FROM THE
13 DISPOSAL OF THE FIREARM TO THE ORIGINAL FIREARM OWNER EXCEPT FOR ANY COSTS
14 ASSOCIATED WITH TAKING POSSESSION, STORING AND DISPOSING OF THE FIREARM.

15 E. A PERSON WHO IS SUBJECT TO A TRANSFER ORDER MAY NOT BE
16 PROSECUTED FOR POSSESSING, CARRYING OR TRANSPORTING A FIREARM IF ALL OF
17 THE FOLLOWING APPLY:

18 1. THE PERSON POSSESSES THE WRITTEN TRANSFER ORDER.

19 2. THE FIREARM IS UNLOADED.

20 3. THE PERSON IS TRANSPORTING THE FIREARM DIRECTLY TO THE
21 APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
22 DEALER.

23 F. IF THE PETITIONER OR A PEACE OFFICER FILES AN AFFIDAVIT ALLEGING
24 THAT THE PERSON HAS FAILED TO TRANSFER A FIREARM, THE COURT SHALL
25 DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON HAS
26 FAILED TO TRANSFER A FIREARM THAT THE PERSON OWNS OR POSSESSES. IF THE
27 COURT FINDS THAT PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A WARRANT
28 THAT DESCRIBES THE FIREARM POSSESSED BY THE PERSON AND THAT AUTHORIZES A
29 SEARCH OF THE LOCATION WHERE THE FIREARM IS REASONABLY BELIEVED TO BE AND
30 THE SEIZURE OF ANY FIREARM THAT IS OWNED OR POSSESSED BY THE PERSON AND
31 DISCOVERED PURSUANT TO THE SEARCH. THE FAILURE TO COMPLY WITH THE
32 SURRENDER OF A FIREARM IS GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT.

33 G. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC VIOLENCE OFFENSE"
34 MEANS AN OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION
35 13-3601.

36 Sec. 5. Section 13-3602, Arizona Revised Statutes, as amended by
37 Laws 2013, chapter 172, section 3, is amended to read:

38 13-3602. Order of protection; procedure; contents; arrest for
39 violation; penalty; protection order from another
40 jurisdiction; firearm transfer order; immunity;
41 search warrant

42 A. A person may file a verified petition, as in civil actions, with
43 a magistrate, justice of the peace or superior court judge for an order of
44 protection for the purpose of restraining a person from committing an act
45 included in domestic violence. If the person is a minor, the parent,

1 legal guardian or person who has legal custody of the minor shall file the
2 petition unless the court determines otherwise. The petition shall name
3 the parent, guardian or custodian as the plaintiff and the minor is a
4 specifically designated person for the purposes of subsection G of this
5 section. If a person is either temporarily or permanently unable to
6 request an order, a third party may request an order of protection on
7 behalf of the plaintiff. After the request, the judicial officer shall
8 determine if the third party is an appropriate requesting party for the
9 plaintiff. For the purposes of this section, notwithstanding the location
10 of the plaintiff or defendant, any court in this state may issue or
11 enforce an order of protection.

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

13 1. Unless the party who requests the order files a written verified
14 petition for an order.

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

17 3. Against more than one defendant.

18 C. The petition shall state the:

19 1. Name of the plaintiff. The plaintiff's address shall be
20 disclosed to the court for purposes of service. If the address of the
21 plaintiff is unknown to the defendant, the plaintiff may request that the
22 address be protected. On the plaintiff's request, the address shall not
23 be listed on the petition. Whether the court issues an order of
24 protection, the protected address shall be maintained in a separate
25 document or automated database and is not subject to release or disclosure
26 by the court or any form of public access except as ordered by the court.

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

28 3. Specific statement, including dates, of the domestic violence
29 alleged.

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

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

37 6. Desired relief.

38 D. A fee shall not be charged for filing a petition under this
39 section or for service of process. On request of the plaintiff, each
40 order of protection that is issued by a municipal court shall be served by
41 the police agency for that city if the defendant can be served within the
42 city. If the defendant cannot be served within the city, the police
43 agency in the city in which the defendant can be served shall serve the
44 order. If the order cannot be served within a city, the sheriff shall
45 serve the order. On request of the plaintiff, each order of protection

1 that is issued by a justice of the peace shall be served by the constable
2 or sheriff for that jurisdiction if the defendant can be served within the
3 jurisdiction. If the defendant cannot be served within that jurisdiction,
4 the constable or sheriff in the jurisdiction in which the defendant can be
5 served shall serve the order. On request of the plaintiff, each order of
6 protection that is issued by a superior court judge or commissioner shall
7 be served by the sheriff of the county. If the defendant cannot be served
8 within that jurisdiction, the sheriff in the jurisdiction in which the
9 defendant can be served shall serve the order. Each court shall provide,
10 without charge, forms for purposes of this section for assisting parties
11 without counsel. The court shall make reasonable efforts to provide to
12 both parties an appropriate information sheet on emergency and counseling
13 services that are available in the local area.

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

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

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

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

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

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

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

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

1 4. If THE ORDER OF PROTECTION WAS ISSUED BEFORE NOTICE AND A
2 HEARING AT WHICH THE DEFENDANT HAD AN OPPORTUNITY TO PARTICIPATE AND the
3 court finds that the defendant is a credible threat to the physical safety
4 of the plaintiff or other specifically designated persons, prohibit the
5 defendant from possessing or purchasing a firearm for the duration of the
6 order. If the court prohibits the defendant from possessing a firearm,
7 the court shall also order the defendant to transfer any firearm owned or
8 possessed by the defendant immediately after service of the order to the
9 appropriate law enforcement agency OR A FEDERALLY LICENSED FIREARMS DEALER
10 for the duration of the order. If the defendant does not immediately
11 transfer the firearm, the defendant shall transfer the firearm within
12 twenty-four hours after service of the order IN ACCORDANCE WITH THE
13 REQUIREMENTS IN SUBSECTION I OF THIS SECTION.

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

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

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

30 H. IF THE COURT ISSUES AN ORDER OF PROTECTION AFTER NOTICE AND A
31 HEARING AT WHICH THE DEFENDANT HAD AN OPPORTUNITY TO PARTICIPATE, THE
32 COURT SHALL PROHIBIT THE DEFENDANT FROM POSSESSING OR PURCHASING A FIREARM
33 AND SHALL ORDER THE DEFENDANT TO TRANSFER ANY FIREARM OWNED OR POSSESSED
34 BY THE DEFENDANT IMMEDIATELY AFTER SERVICE OF THE ORDER TO THE APPROPRIATE
35 LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER FOR THE
36 DURATION OF THE ORDER. IF THE DEFENDANT DOES NOT IMMEDIATELY TRANSFER THE
37 FIREARM, THE DEFENDANT SHALL TRANSFER THE FIREARM WITHIN TWENTY-FOUR HOURS
38 AFTER SERVICE OF THE TRANSFER ORDER.

39 I. IF A DEFENDANT IS ORDERED TO TRANSFER A FIREARM TO THE
40 APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER
41 PURSUANT TO SUBSECTION G, PARAGRAPH 4 OR SUBSECTION H OF THIS SECTION, ALL
42 OF THE FOLLOWING APPLY:

43 1. THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER
44 THAT TAKES POSSESSION OF A TRANSFERRED FIREARM SHALL PROVIDE A PROOF OF
45 TRANSFER TO THE DEFENDANT WHO SURRENDERED THE FIREARM. THE PROOF OF

1 TRANSFER SHALL INCLUDE THE NAME OF THE FIREARM OWNER OR POSSESSOR, THE
2 DATE OF THE TRANSFER AND THE SERIAL NUMBER AND MAKE AND MODEL OF THE
3 TRANSFERRED FIREARM.

4 2. WITHIN FORTY-EIGHT HOURS AFTER SERVICE OF THE TRANSFER ORDER,
5 THE DEFENDANT SHALL EITHER:

6 (a) ATTEST TO THE COURT THAT THE DEFENDANT DID NOT OWN OR POSSESS
7 ANY FIREARM WHEN THE DEFENDANT RECEIVED THE TRANSFER ORDER AND DOES NOT
8 CURRENTLY OWN OR POSSESS ANY FIREARM.

9 (b) FILE A PROOF OF TRANSFER WITH THE COURT AND ATTEST TO THE COURT
10 THAT ALL FIREARMS OWNED OR POSSESSED BY THE DEFENDANT WERE TRANSFERRED TO
11 THE APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
12 DEALER.

13 3. AFTER THE ORDER OF PROTECTION EXPIRES AND ON THE DEFENDANT'S
14 REQUEST, THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER
15 SHALL RETURN ANY TEMPORARILY TRANSFERRED FIREARM TO THE DEFENDANT UNLESS
16 THE ORDER IS EXTENDED OR THE DEFENDANT IS OTHERWISE PROHIBITED FROM
17 POSSESSING A FIREARM PURSUANT TO FEDERAL OR STATE LAW. BEFORE RETURNING A
18 FIREARM TO THE DEFENDANT, THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED
19 FIREARMS DEALER MUST CONDUCT A CHECK OF AVAILABLE RECORDS AND CONTACT THE
20 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM TO ENSURE THAT THE
21 DEFENDANT IS NO LONGER PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO
22 FEDERAL OR STATE LAW.

23 4. A DEFENDANT WHO IS SUBJECT TO A TRANSFER ORDER MAY NOT BE
24 PROSECUTED FOR POSSESSING, CARRYING OR TRANSPORTING A FIREARM IF ALL OF
25 THE FOLLOWING APPLY:

26 (a) THE DEFENDANT POSSESSES THE WRITTEN TRANSFER ORDER.

27 (b) THE FIREARM IS UNLOADED.

28 (c) THE DEFENDANT IS TRANSPORTING THE FIREARM DIRECTLY TO THE
29 APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
30 DEALER.

31 5. IF THE PETITIONER OR A PEACE OFFICER FILES AN AFFIDAVIT ALLEGING
32 THAT THE DEFENDANT HAS FAILED TO TRANSFER A FIREARM, THE COURT SHALL
33 DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE DEFENDANT HAS
34 FAILED TO TRANSFER A FIREARM THAT THE DEFENDANT OWNS OR POSSESSES. IF THE
35 COURT FINDS THAT PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A WARRANT
36 THAT DESCRIBES THE FIREARM POSSESSED BY THE DEFENDANT AND THAT AUTHORIZES
37 A SEARCH OF THE LOCATION WHERE THE FIREARM IS REASONABLY BELIEVED TO BE
38 AND THE SEIZURE OF ANY FIREARM THAT IS OWNED OR POSSESSED BY THE DEFENDANT
39 AND DISCOVERED PURSUANT TO THE SEARCH. THE FAILURE TO COMPLY WITH THE
40 SURRENDER OF A FIREARM IS GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT.

41 ~~H~~ J. The court shall not grant a mutual order of protection. If
42 opposing parties separately file verified petitions for an order of
43 protection, the courts after consultation between the judges involved may
44 consolidate the petitions of the opposing parties for hearing. This does
45 not prohibit a court from issuing cross orders of protection.

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

15 ~~J.~~ L. The order shall include the following statement:

16 Warning

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

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

28 ~~L.~~ N. A supplemental information form that is utilized by the
 29 court or a law enforcement agency solely for the purposes of service of
 30 process on the defendant and that contains information provided by the
 31 plaintiff is confidential.

32 ~~M.~~ O. Each affidavit, acceptance or return of service shall be
 33 promptly filed with the clerk of the issuing court. This filing shall be
 34 completed in person, shall be made by fax or shall be postmarked, if sent
 35 by mail, no later than the end of the seventh court business day after the
 36 date of service. If the filing is made by fax, the original affidavit,
 37 acceptance or return of service shall be promptly filed with the court.
 38 Within twenty-four hours after the affidavit, acceptance or return of
 39 service has been filed, excluding weekends and holidays, the court from
 40 which the order or any modified order was issued shall forward to the
 41 sheriff of the county in which the court is located a copy of the order of
 42 protection and a copy of the affidavit or certificate of service of
 43 process or acceptance of service. On receiving these copies, the sheriff
 44 shall register the order. Registration of an order means that a copy of
 45 the order of protection and a copy of the affidavit or acceptance of

1 service have been received by the sheriff's office. The sheriff shall
2 maintain a central repository for orders of protection so that the
3 existence and validity of the orders can be easily verified. The
4 effectiveness of an order does not depend on its registration, and for
5 enforcement purposes pursuant to section 13-2810, a copy of an order of
6 the court, whether or not registered, is presumed to be a valid existing
7 order of the court for a period of one year from the date of service of
8 the order on the defendant.

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

25 ~~O~~. Q. A person who is arrested pursuant to subsection ~~M~~ P of this
26 section may be released from custody in accordance with the Arizona rules
27 of criminal procedure or any other applicable statute. An order for
28 release, with or without an appearance bond, shall include pretrial
29 release conditions that are necessary to provide for the protection of the
30 alleged victim and other specifically designated persons and may provide
31 for any other additional conditions that the court deems appropriate,
32 including participation in any counseling programs available to the
33 defendant. The agency with custody of the defendant shall make reasonable
34 efforts to contact the victim and other specifically designated persons in
35 the order of protection, if known to the custodial agency, who requested
36 notification immediately on release of the arrested person from custody.

37 ~~P~~. R. The remedies provided in this section for enforcement of the
38 orders of the court are in addition to any other civil and criminal
39 remedies available. The superior court shall have exclusive jurisdiction
40 to issue orders of protection in all cases if it appears from the petition
41 that an action for maternity or paternity, annulment, legal separation or
42 dissolution of marriage is pending between the parties. A municipal court
43 or justice court shall not issue an order of protection if it appears from
44 the petition that an action for maternity or paternity, annulment, legal
45 separation or dissolution of marriage is pending between the parties.

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

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

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

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

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

43 ~~S.~~ U. A valid protection order that is related to domestic or
 44 family violence and that is issued by a court in another state, a court of
 45 a United States territory or a tribal court shall be accorded full faith

1 and credit and shall be enforced as if it were issued in this state for as
2 long as the order is effective in the issuing jurisdiction. For the
3 purposes of this subsection:

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

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

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

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

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

30 4. A peace officer may presume the validity of and rely on a copy
31 of a protection order that is issued by another state, a United States
32 territory or an Indian tribe if the order was given to the officer by any
33 source. A peace officer may also rely on the statement of any person who
34 is protected by the order that the order remains in effect. A peace
35 officer who acts in good faith reliance on a protection order is not
36 civilly or criminally liable for enforcing the protection order pursuant
37 to this section.

38 Sec. 6. Section 13-3602, Arizona Revised Statutes, as amended by
39 Laws 2018, chapter 232, section 4, is amended to read:

40 13-3602. Order of protection; procedure; contents; arrest for
41 violation; penalty; protection order from another
42 jurisdiction; firearm transfer order; immunity;
43 search warrant; definition

44 A. A person may file a verified petition, as in civil actions, with
45 a magistrate, justice of the peace or superior court judge for an order of

1 protection for the purpose of restraining a person from committing an act
2 included in domestic violence. If the person is a minor, the parent,
3 legal guardian or person who has legal custody of the minor shall file the
4 petition unless the court determines otherwise. The petition shall name
5 the parent, guardian or custodian as the plaintiff and the minor is a
6 specifically designated person for the purposes of subsection G of this
7 section. If a person is either temporarily or permanently unable to
8 request an order, a third party may request an order of protection on
9 behalf of the plaintiff. After the request, the judicial officer shall
10 determine if the third party is an appropriate requesting party for the
11 plaintiff. For the purposes of this section, notwithstanding the location
12 of the plaintiff or defendant, any court in this state may issue or
13 enforce an order of protection.

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

15 1. Unless the party who requests the order files a written verified
16 petition for an order.

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

19 3. Against more than one defendant.

20 C. The petition shall state the:

21 1. Name of the plaintiff. The plaintiff's address and contact
22 information shall be disclosed to the court for purposes of service and
23 notification. The address and contact information shall not be listed on
24 the petition. Whether or not the court issues an order of protection, the
25 plaintiff's address and contact information shall be maintained in a
26 separate document or automated database and is not subject to release or
27 disclosure by the court or any form of public access except as ordered by
28 the court.

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

30 3. Specific statement, including dates, of the domestic violence
31 alleged.

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

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

39 6. Desired relief.

40 D. A fee shall not be charged for filing a petition under this
41 section or for service of process. Each court shall provide, without
42 charge, forms for purposes of this section for assisting parties without
43 counsel. The court shall make reasonable efforts to provide the
44 appropriate information to both parties on emergency and counseling
45 services that are available in the local area.

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

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

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

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

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

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

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

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

33 4. If THE ORDER OF PROTECTION WAS ISSUED BEFORE NOTICE AND A
34 HEARING AT WHICH THE DEFENDANT HAD AN OPPORTUNITY TO PARTICIPATE AND the
35 court finds that the defendant is a credible threat to the physical safety
36 of the plaintiff or other specifically designated persons, prohibit the
37 defendant from possessing or purchasing a firearm for the duration of the
38 order. If the court prohibits the defendant from possessing a firearm,
39 the court shall also order the defendant to transfer any firearm owned or
40 possessed by the defendant immediately after service of the order to the
41 appropriate law enforcement agency OR A FEDERALLY LICENSED FIREARMS DEALER
42 for the duration of the order. If the defendant does not immediately
43 transfer the firearm, the defendant shall transfer the firearm within
44 twenty-four hours after service of the order.

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

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

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

17 H. IF THE COURT ISSUES AN ORDER OF PROTECTION AFTER NOTICE AND A
18 HEARING AT WHICH THE DEFENDANT HAD AN OPPORTUNITY TO PARTICIPATE, THE
19 COURT SHALL PROHIBIT THE DEFENDANT FROM POSSESSING OR PURCHASING A FIREARM
20 AND SHALL ORDER THE DEFENDANT TO TRANSFER ANY FIREARM OWNED OR POSSESSED
21 BY THE DEFENDANT IMMEDIATELY AFTER SERVICE OF THE ORDER TO THE APPROPRIATE
22 LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER FOR THE
23 DURATION OF THE ORDER. IF THE DEFENDANT DOES NOT IMMEDIATELY TRANSFER THE
24 FIREARM, THE DEFENDANT SHALL TRANSFER THE FIREARM WITHIN TWENTY-FOUR HOURS
25 AFTER SERVICE OF THE TRANSFER ORDER.

26 I. IF A DEFENDANT IS ORDERED TO TRANSFER A FIREARM TO THE
27 APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS DEALER
28 PURSUANT TO SUBSECTION G, PARAGRAPH 4 OR SUBSECTION H OF THIS SECTION, ALL
29 OF THE FOLLOWING APPLY:

30 1. THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER
31 THAT TAKES POSSESSION OF A TRANSFERRED FIREARM SHALL PROVIDE A PROOF OF
32 TRANSFER TO THE DEFENDANT WHO SURRENDERED THE FIREARM. THE PROOF OF
33 TRANSFER SHALL INCLUDE THE NAME OF THE FIREARM OWNER OR POSSESSOR, THE
34 DATE OF THE TRANSFER AND THE SERIAL NUMBER AND MAKE AND MODEL OF THE
35 TRANSFERRED FIREARM.

36 2. WITHIN FORTY-EIGHT HOURS AFTER SERVICE OF THE TRANSFER ORDER,
37 THE DEFENDANT SHALL EITHER:

38 (a) ATTEST TO THE COURT THAT THE DEFENDANT DID NOT OWN OR POSSESS
39 ANY FIREARM WHEN THE DEFENDANT RECEIVED THE TRANSFER ORDER AND DOES NOT
40 CURRENTLY OWN OR POSSESS ANY FIREARM.

41 (b) FILE A PROOF OF TRANSFER WITH THE COURT AND ATTEST TO THE COURT
42 THAT ALL FIREARMS OWNED OR POSSESSED BY THE DEFENDANT WERE TRANSFERRED TO
43 THE APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
44 DEALER.

1 3. AFTER THE ORDER OF PROTECTION EXPIRES AND ON THE DEFENDANT'S
2 REQUEST, THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED FIREARMS DEALER
3 SHALL RETURN ANY TEMPORARILY TRANSFERRED FIREARM TO THE DEFENDANT UNLESS
4 THE ORDER IS EXTENDED OR THE DEFENDANT IS OTHERWISE PROHIBITED FROM
5 POSSESSING A FIREARM PURSUANT TO FEDERAL OR STATE LAW. BEFORE RETURNING A
6 FIREARM TO THE DEFENDANT, THE LAW ENFORCEMENT AGENCY OR FEDERALLY LICENSED
7 FIREARMS DEALER MUST CONDUCT A CHECK OF AVAILABLE RECORDS AND CONTACT THE
8 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM TO ENSURE THAT THE
9 DEFENDANT IS NO LONGER PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO
10 FEDERAL OR STATE LAW.

11 4. A DEFENDANT WHO IS SUBJECT TO A TRANSFER ORDER MAY NOT BE
12 PROSECUTED FOR POSSESSING, CARRYING OR TRANSPORTING A FIREARM IF ALL OF
13 THE FOLLOWING APPLY:

- 14 (a) THE DEFENDANT POSSESSES THE WRITTEN TRANSFER ORDER.
- 15 (b) THE FIREARM IS UNLOADED.
- 16 (c) THE DEFENDANT IS TRANSPORTING THE FIREARM DIRECTLY TO THE
17 APPROPRIATE LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
18 DEALER.

19 5. IF THE PETITIONER OR A PEACE OFFICER FILES AN AFFIDAVIT ALLEGING
20 THAT THE DEFENDANT HAS FAILED TO TRANSFER A FIREARM, THE COURT SHALL
21 DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE DEFENDANT HAS
22 FAILED TO TRANSFER A FIREARM THAT THE DEFENDANT OWNS OR POSSESSES. IF THE
23 COURT FINDS THAT PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A WARRANT
24 THAT DESCRIBES THE FIREARM POSSESSED BY THE DEFENDANT AND THAT AUTHORIZES
25 A SEARCH OF THE LOCATION WHERE THE FIREARM IS REASONABLY BELIEVED TO BE
26 AND THE SEIZURE OF ANY FIREARM THAT IS OWNED OR POSSESSED BY THE DEFENDANT
27 AND DISCOVERED PURSUANT TO THE SEARCH. THE FAILURE TO COMPLY WITH THE
28 SURRENDER OF A FIREARM IS GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT.

29 ~~H.~~ J. The court shall not grant a mutual order of protection. If
30 opposing parties separately file verified petitions for an order of
31 protection, the courts after consultation between the judges involved may
32 consolidate the petitions of the opposing parties for hearing. This does
33 not prohibit a court from issuing cross orders of protection.

34 ~~I.~~ K. After granting an order of protection, the court shall
35 provide the order to a law enforcement agency or a constable as set forth
36 in subsection ~~J.~~ L of this section for service or to an entity that is
37 authorized in subsection ~~K.~~ M of this section to serve process. The
38 agency or entity serving the order shall provide confirmation of service
39 to the plaintiff as soon as practicable. If service of an order cannot be
40 completed within fifteen days after the agency or entity receives the
41 order, the agency or entity that is attempting service shall notify the
42 plaintiff and continue to attempt service. This notification may be
43 completed by a victim notification system, if available.

1 ~~J~~ L. If the order of protection is provided to a law enforcement
2 agency or a constable, service of an order of protection is as follows:

3 1. For each order of protection that is issued by a municipal
4 court, if the defendant can be served within that city or town, the order
5 shall be served by the law enforcement agency of that city or town. If
6 the order can be served in another city or town, the order shall be served
7 by the law enforcement agency of that city or town. If the order cannot
8 be served within a city or town, the order shall be served by the sheriff
9 or constable of the county in which the defendant can be served.

10 2. For each order of protection that is issued by a justice of the
11 peace, the order of protection shall be served by the sheriff or constable
12 of the county in which the defendant can be served or by a municipal law
13 enforcement agency.

14 3. For each order of protection that is issued by a superior court
15 judge or commissioner, the order of protection shall be served by the
16 sheriff or constable of the county where the defendant can be served.

17 ~~K~~ M. In addition to persons authorized to serve process pursuant
18 to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a
19 correctional officer as defined in section 41-1661 who is acting in the
20 officer's official capacity may serve an order of protection that is
21 issued pursuant to this section. Service of the order of protection has
22 priority over other service of process that does not involve an immediate
23 threat to the safety of a person.

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

38 ~~M~~ O. The order shall include the following statement:

39 Warning

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

44 ~~N~~ P. An order of protection that is not served on the defendant
45 within one year after the date that the order is issued expires. An order

1 is effective on the defendant on service of a copy of the order and
2 petition. An order expires one year after service on the defendant. A
3 modified order is effective on service and expires one year after service
4 of the initial order and petition.

5 ~~Q.~~ Q. A supplemental information form that is used by the court or
6 a law enforcement agency solely for the purposes of service of process on
7 the defendant and that contains information provided by the plaintiff is
8 confidential.

9 ~~R.~~ R. Each affidavit, declaration, acceptance or return of service
10 shall be filed as soon as practicable but not later than seventy-two
11 hours, excluding weekends and holidays, with the clerk of the issuing
12 court or as otherwise required by court rule. This filing shall be
13 completed in person, electronically or by fax. Within twenty-four hours
14 after the affidavit, declaration, acceptance or return of service has been
15 filed, excluding weekends and holidays, the court from which the order or
16 any modified order was issued shall register the order with the national
17 crime information center. The supreme court shall maintain a central
18 repository for orders of protection so that the existence and validity of
19 the orders can be easily verified. The effectiveness of an order does not
20 depend on its registration, and for enforcement purposes pursuant to
21 section 13-2810, a copy of an order of the court, whether or not
22 registered, is presumed to be a valid existing order of the court for a
23 period of one year from the date of service of the order on the defendant.

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

36 ~~T.~~ T. A person who is arrested pursuant to subsection ~~S.~~ S of this
37 section may be released from custody in accordance with the Arizona rules
38 of criminal procedure or any other applicable statute. An order for
39 release, with or without an appearance bond, shall include pretrial
40 release conditions that are necessary to provide for the protection of the
41 alleged victim and other specifically designated persons and may provide
42 for any other additional conditions that the court deems appropriate,
43 including participation in any counseling programs available to the
44 defendant. The agency with custody of the defendant shall make reasonable
45 efforts to contact the victim and other specifically designated persons in

1 the order of protection, if known to the custodial agency, who requested
 2 notification immediately on release of the arrested person from custody.

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

- 40 1. An action has been commenced but a final judgment, decree or
 41 order has not been entered.
- 42 2. A post-decree proceeding has been commenced but a judgment,
 43 decree or order finally determining the proceeding has not been entered.

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

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

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

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

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

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

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

36 4. A peace officer may presume the validity of and rely on a copy
37 of a protection order that is issued by another state, a United States
38 territory or an Indian tribe if the order was given to the officer by any
39 source. A peace officer may also rely on the statement of any person who
40 is protected by the order that the order remains in effect. A peace
41 officer who acts in good faith reliance on a protection order is not
42 civilly or criminally liable for enforcing the protection order pursuant
43 to this section.

1 ~~V.~~ X. For the purposes of this section, "victim notification
2 system" means an automated system that may provide plaintiffs and crime
3 victims with an automated notification regarding the person's case.

4 Sec. 7. Effective date

5 Section 12-284, Arizona Revised Statutes, as amended by Laws 2018,
6 chapter 232, section 1 and this act and section 13-3602, Arizona Revised
7 Statutes, as amended by Laws 2018, chapter 232, section 4 and this act,
8 are effective from and after December 31, 2019.