

REFERENCE TITLE: sexual assault protective order

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

SB 1250

Introduced by

Senators Steele: Alston, Bowie, Contreras, Dalessandro, Mendez, Otondo,
Peshlakai, Rios; Representatives Bolding, Friese, Jermaine, Teller, Tsosie

AN ACT

AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-1429; RELATING TO PROTECTIVE ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 14, Arizona Revised Statutes, is
3 amended by adding section 13-1429, to read:

4 13-1429. Sexual assault protective order; procedure;
5 contents; arrest for violation; civil liability;
6 definition

7 A. A PERSON MAY FILE A VERIFIED PETITION, AS IN CIVIL ACTIONS, WITH
8 A MAGISTRATE, JUSTICE OF THE PEACE OR SUPERIOR COURT JUDGE FOR A SEXUAL
9 ASSAULT PROTECTIVE ORDER. IF THE PERSON IS A MINOR, THE PARENT, LEGAL
10 GUARDIAN OR PERSON WHO HAS LEGAL CUSTODY OF THE MINOR SHALL FILE THE
11 PETITION UNLESS THE COURT DETERMINES OTHERWISE. THE PETITION SHALL NAME
12 THE PARENT, GUARDIAN OR CUSTODIAN AS THE PLAINTIFF AND THE MINOR IS A
13 SPECIFICALLY DESIGNATED PERSON FOR THE PURPOSES OF SUBSECTION G OF THIS
14 SECTION. IF A PERSON IS EITHER TEMPORARILY OR PERMANENTLY UNABLE TO
15 REQUEST AN ORDER, A THIRD PARTY MAY REQUEST A SEXUAL ASSAULT PROTECTIVE
16 ORDER ON BEHALF OF THE PLAINTIFF. AFTER THE REQUEST, THE JUDICIAL OFFICER
17 SHALL DETERMINE IF THE THIRD PARTY IS AN APPROPRIATE REQUESTING PARTY FOR
18 THE PLAINTIFF. FOR THE PURPOSES OF THIS SECTION, REGARDLESS OF THE
19 LOCATION OF THE PLAINTIFF OR DEFENDANT, ANY COURT IN THIS STATE MAY ISSUE
20 OR ENFORCE A SEXUAL ASSAULT PROTECTIVE ORDER.

21 B. A SEXUAL ASSAULT PROTECTIVE ORDER MAY NOT BE GRANTED:

22 1. UNLESS THE PARTY WHO REQUESTS THE ORDER FILES A WRITTEN VERIFIED
23 PETITION FOR AN ORDER.

24 2. AGAINST A PERSON WHO IS LESS THAN TWELVE YEARS OF AGE UNLESS THE
25 ORDER IS GRANTED BY THE JUVENILE DIVISION OF THE SUPERIOR COURT.

26 3. AGAINST MORE THAN ONE DEFENDANT.

27 C. THE PETITION SHALL STATE THE:

28 1. NAME OF THE PLAINTIFF. THE PLAINTIFF'S ADDRESS AND CONTACT
29 INFORMATION SHALL BE DISCLOSED TO THE COURT FOR PURPOSES OF SERVICE AND
30 NOTIFICATION. THE ADDRESS AND CONTACT INFORMATION MAY NOT BE LISTED ON
31 THE PETITION. WHETHER OR NOT THE COURT ISSUES AN ORDER OF PROTECTION, THE
32 PLAINTIFF'S ADDRESS AND CONTACT INFORMATION SHALL BE MAINTAINED IN A
33 SEPARATE DOCUMENT OR AUTOMATED DATABASE AND IS NOT SUBJECT TO RELEASE OR
34 DISCLOSURE BY THE COURT OR ANY FORM OF PUBLIC ACCESS EXCEPT AS ORDERED BY
35 THE COURT.

36 2. NAME AND ADDRESS, IF KNOWN, OF THE DEFENDANT.

37 3. SPECIFIC STATEMENT, INCLUDING DATES, OF THE SEXUAL CONTACT THAT
38 IS ALLEGED.

39 4. RELATIONSHIP, IF ANY, BETWEEN THE PARTIES.

40 5. NAME OF THE COURT IN WHICH ANY PRIOR OR PENDING PROCEEDING OR
41 ORDER WAS SOUGHT OR ISSUED CONCERNING THE CONDUCT THAT IS SOUGHT TO BE
42 RESTRAINED.

43 6. DESIRED RELIEF.

1 D. A FEE MAY NOT BE CHARGED FOR FILING A PETITION UNDER THIS
2 SECTION OR FOR SERVICE OF PROCESS. EACH COURT SHALL PROVIDE, WITHOUT
3 CHARGE, FORMS FOR PURPOSES OF THIS SECTION FOR ASSISTING PARTIES WITHOUT
4 COUNSEL. THE COURT SHALL MAKE REASONABLE EFFORTS TO PROVIDE THE
5 APPROPRIATE INFORMATION TO BOTH PARTIES ON EMERGENCY AND COUNSELING
6 SERVICES THAT ARE AVAILABLE IN THE LOCAL AREA.

7 E. THE COURT SHALL REVIEW THE PETITION, ANY OTHER PLEADINGS ON FILE
8 AND ANY EVIDENCE OFFERED BY THE PLAINTIFF, INCLUDING ANY EVIDENCE OF
9 ELECTRONIC CONTACT OR COMMUNICATION, TO DETERMINE WHETHER THE ORDERS
10 REQUESTED SHOULD ISSUE WITHOUT FURTHER HEARING. THE COURT SHALL ISSUE A
11 PROTECTIVE ORDER UNDER SUBSECTION G OF THIS SECTION IF THE COURT
12 DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THE DEFENDANT ENGAGED
13 IN SEXUAL CONTACT WITH THE PLAINTIFF WITHOUT CONSENT WITHIN THE PAST YEAR
14 OR WITHIN A LONGER PERIOD OF TIME IF THE COURT FINDS THAT GOOD CAUSE
15 EXISTS TO CONSIDER A LONGER PERIOD.

16 F. FOR THE PURPOSES OF DETERMINING THE PERIOD OF TIME UNDER
17 SUBSECTION E OF THIS SECTION, ANY TIME THAT THE DEFENDANT HAS BEEN
18 INCARCERATED OR HAS LIVED OUT OF THIS STATE MAY NOT BE COUNTED. IF THE
19 COURT DENIES THE REQUESTED RELIEF, IT MAY SCHEDULE A FURTHER HEARING
20 WITHIN TEN DAYS, WITH REASONABLE NOTICE TO THE DEFENDANT.

21 G. IF A COURT ISSUES A SEXUAL ASSAULT PROTECTIVE ORDER, THE COURT
22 MAY DO ANY OF THE FOLLOWING:

23 1. RESTRAIN THE DEFENDANT FROM CONTACTING THE PLAINTIFF OR OTHER
24 SPECIFICALLY DESIGNATED PERSONS AND FROM COMING NEAR THE RESIDENCE, PLACE
25 OF EMPLOYMENT OR SCHOOL OF THE PLAINTIFF OR OTHER SPECIFICALLY DESIGNATED
26 LOCATIONS OR PERSONS ON A SHOWING THAT THERE IS REASONABLE CAUSE TO
27 BELIEVE THAT PHYSICAL HARM MAY OTHERWISE RESULT.

28 2. IF THE COURT FINDS THAT THE DEFENDANT IS A CREDIBLE THREAT TO
29 THE PHYSICAL SAFETY OF THE PLAINTIFF OR OTHER SPECIFICALLY DESIGNATED
30 PERSONS, PROHIBIT THE DEFENDANT FROM POSSESSING OR PURCHASING A FIREARM
31 FOR THE DURATION OF THE ORDER. IF THE COURT PROHIBITS THE DEFENDANT FROM
32 POSSESSING A FIREARM, THE COURT SHALL ALSO ORDER THE DEFENDANT TO TRANSFER
33 ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT IMMEDIATELY AFTER SERVICE
34 OF THE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR THE DURATION OF
35 THE ORDER. IF THE DEFENDANT DOES NOT IMMEDIATELY TRANSFER THE FIREARM,
36 THE DEFENDANT SHALL TRANSFER THE FIREARM WITHIN TWENTY-FOUR HOURS AFTER
37 SERVICE OF THE ORDER.

38 3. GRANT RELIEF THAT IS NECESSARY FOR THE PROTECTION OF THE ALLEGED
39 VICTIM AND OTHER SPECIFICALLY DESIGNATED PERSONS AND THAT IS PROPER UNDER
40 THE CIRCUMSTANCES.

41 H. THE COURT MAY NOT GRANT MUTUAL SEXUAL ASSAULT PROTECTIVE ORDERS.
42 IF OPPOSING PARTIES SEPARATELY FILE VERIFIED PETITIONS FOR AN ORDER, THE
43 COURTS AFTER CONSULTATION BETWEEN THE JUDGES INVOLVED MAY CONSOLIDATE THE
44 PETITIONS OF THE OPPOSING PARTIES FOR HEARING. THIS DOES NOT PROHIBIT A
45 COURT FROM ISSUING CROSS PROTECTIVE ORDERS.

1 I. AFTER GRANTING A SEXUAL ASSAULT PROTECTIVE ORDER, THE COURT
2 SHALL PROVIDE THE ORDER TO A LAW ENFORCEMENT AGENCY OR A CONSTABLE AS SET
3 FORTH IN SUBSECTION J OF THIS SECTION FOR SERVICE OR TO AN ENTITY THAT IS
4 AUTHORIZED IN SUBSECTION K OF THIS SECTION TO SERVE PROCESS. THE AGENCY
5 OR ENTITY SERVING THE ORDER SHALL PROVIDE CONFIRMATION OF SERVICE TO THE
6 PLAINTIFF AS SOON AS PRACTICABLE. IF SERVICE OF AN ORDER CANNOT BE
7 COMPLETED WITHIN FIFTEEN DAYS AFTER THE AGENCY OR ENTITY RECEIVES THE
8 ORDER, THE AGENCY OR ENTITY THAT IS ATTEMPTING SERVICE SHALL NOTIFY THE
9 PLAINTIFF AND CONTINUE TO ATTEMPT SERVICE. THIS NOTIFICATION MAY BE
10 COMPLETED BY A VICTIM NOTIFICATION SYSTEM, IF AVAILABLE.

11 J. IF THE SEXUAL ASSAULT PROTECTIVE ORDER IS PROVIDED TO A LAW
12 ENFORCEMENT AGENCY OR A CONSTABLE, SERVICE OF A SEXUAL ASSAULT PROTECTIVE
13 ORDER IS AS FOLLOWS:

14 1. FOR EACH PROTECTIVE ORDER THAT IS ISSUED BY A MUNICIPAL COURT,
15 IF THE DEFENDANT CAN BE SERVED WITHIN THAT CITY OR TOWN, THE ORDER SHALL
16 BE SERVED BY THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF THE
17 ORDER CAN BE SERVED IN ANOTHER CITY OR TOWN, THE ORDER SHALL BE SERVED BY
18 THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF THE ORDER CANNOT BE
19 SERVED WITHIN A CITY OR TOWN, THE ORDER SHALL BE SERVED BY THE SHERIFF OR
20 CONSTABLE OF THE COUNTY IN WHICH THE DEFENDANT CAN BE SERVED.

21 2. FOR EACH PROTECTIVE ORDER THAT IS ISSUED BY A JUSTICE OF THE
22 PEACE, THE ORDER SHALL BE SERVED BY THE SHERIFF OR CONSTABLE OF THE COUNTY
23 IN WHICH THE DEFENDANT CAN BE SERVED OR BY A MUNICIPAL LAW ENFORCEMENT
24 AGENCY.

25 3. FOR EACH PROTECTIVE ORDER THAT IS ISSUED BY A SUPERIOR COURT
26 JUDGE OR COMMISSIONER, THE ORDER SHALL BY SERVED BY THE SHERIFF OR
27 CONSTABLE OF THE COUNTY WHERE THE DEFENDANT CAN BE SERVED.

28 K. IN ADDITION TO PERSONS AUTHORIZED TO SERVE PROCESS PURSUANT TO
29 RULE 4(d) OF THE ARIZONA RULES OF CIVIL PROCEDURE, A PEACE OFFICER OR A
30 CORRECTIONAL OFFICER AS DEFINED IN SECTION 41-1661 WHO IS ACTING IN THE
31 OFFICER'S OFFICIAL CAPACITY MAY SERVE A SEXUAL ASSAULT PROTECTIVE ORDER
32 THAT IS ISSUED PURSUANT TO THIS SECTION. SERVICE OF THE ORDER HAS
33 PRIORITY OVER OTHER SERVICE OF PROCESS THAT DOES NOT INVOLVE AN IMMEDIATE
34 THREAT TO THE SAFETY OF A PERSON.

35 L. AT ANY TIME DURING THE PERIOD DURING WHICH THE ORDER IS IN
36 EFFECT, A PARTY WHO IS UNDER A SEXUAL ASSAULT PROTECTIVE ORDER OR WHO IS
37 RESTRAINED FROM CONTACTING THE OTHER PARTY IS ENTITLED TO ONE HEARING ON
38 WRITTEN REQUEST. A FEE MAY NOT BE CHARGED FOR REQUESTING A HEARING. A
39 HEARING THAT IS REQUESTED BY A PARTY WHO IS UNDER A SEXUAL ASSAULT
40 PROTECTIVE ORDER OR WHO IS RESTRAINED FROM CONTACTING THE OTHER PARTY
41 SHALL BE HELD WITHIN TEN DAYS FROM THE DATE REQUESTED UNLESS THE COURT
42 FINDS GOOD CAUSE TO CONTINUE THE HEARING. AN EX PARTE ORDER THAT IS
43 ISSUED UNDER THIS SECTION SHALL STATE ON ITS FACE THAT THE DEFENDANT IS
44 ENTITLED TO A HEARING ON WRITTEN REQUEST AND SHALL INCLUDE THE NAME AND

1 ADDRESS OF THE JUDICIAL OFFICE WHERE THE REQUEST MAY BE FILED. AFTER THE
2 HEARING, THE COURT MAY MODIFY, QUASH OR CONTINUE THE ORDER.

3 M. THE SEXUAL ASSAULT PROTECTION ORDER SHALL INCLUDE THE FOLLOWING
4 STATEMENT:

5 WARNING

6 THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY THIS
7 ORDER, YOU WILL BE SUBJECT TO ARREST AND PROSECUTION FOR THE
8 CRIME OF INTERFERING WITH JUDICIAL PROCEEDINGS AND ANY OTHER
9 CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.

10 N. A SEXUAL ASSAULT PROTECTIVE ORDER THAT IS NOT SERVED ON THE
11 DEFENDANT WITHIN ONE YEAR AFTER THE DATE THAT THE ORDER IS ISSUED EXPIRES.
12 AN ORDER IS EFFECTIVE ON THE DEFENDANT ON SERVICE OF A COPY OF THE ORDER
13 AND PETITION. AN ORDER EXPIRES ONE YEAR AFTER SERVICE ON THE DEFENDANT.
14 A MODIFIED ORDER IS EFFECTIVE ON SERVICE AND EXPIRES ONE YEAR AFTER
15 SERVICE OF THE INITIAL ORDER AND PETITION.

16 O. A SUPPLEMENTAL INFORMATION FORM THAT IS USED BY THE COURT OR A
17 LAW ENFORCEMENT AGENCY SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON
18 THE DEFENDANT AND THAT CONTAINS INFORMATION PROVIDED BY THE PLAINTIFF IS
19 CONFIDENTIAL.

20 P. EACH AFFIDAVIT, DECLARATION, ACCEPTANCE OR RETURN OF SERVICE
21 SHALL BE FILED AS SOON AS PRACTICABLE BUT NOT LATER THAN SEVENTY-TWO
22 HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, WITH THE CLERK OF THE ISSUING
23 COURT OR AS OTHERWISE REQUIRED BY COURT RULE. THIS FILING SHALL BE
24 COMPLETED IN PERSON, ELECTRONICALLY OR BY FAX. WITHIN TWENTY-FOUR HOURS
25 AFTER THE AFFIDAVIT, DECLARATION, ACCEPTANCE OR RETURN OF SERVICE HAS BEEN
26 FILED, EXCLUDING WEEKENDS AND HOLIDAYS, THE COURT FROM WHICH THE ORDER OR
27 ANY MODIFIED ORDER WAS ISSUED SHALL REGISTER THE ORDER WITH THE NATIONAL
28 CRIME INFORMATION CENTER. THE SUPREME COURT SHALL MAINTAIN A CENTRAL
29 REPOSITORY FOR SEXUAL ASSAULT PROTECTIVE ORDERS SO THAT THE EXISTENCE AND
30 VALIDITY OF THE ORDERS CAN BE EASILY VERIFIED. THE EFFECTIVENESS OF AN
31 ORDER DOES NOT DEPEND ON ITS REGISTRATION, AND FOR ENFORCEMENT PURPOSES
32 PURSUANT TO SECTION 13-2810, A COPY OF AN ORDER OF THE COURT, WHETHER OR
33 NOT REGISTERED, IS PRESUMED TO BE A VALID EXISTING ORDER OF THE COURT FOR
34 A PERIOD OF ONE YEAR FROM THE DATE OF SERVICE OF THE ORDER ON THE
35 DEFENDANT.

36 Q. A PEACE OFFICER, WITH OR WITHOUT A WARRANT, MAY ARREST A PERSON
37 IF THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS
38 VIOLATED SECTION 13-2810 BY DISOBEYING OR RESISTING AN ORDER THAT IS
39 ISSUED IN ANY JURISDICTION IN THIS STATE PURSUANT TO THIS SECTION, WHETHER
40 OR NOT SUCH VIOLATION OCCURRED IN THE PRESENCE OF THE OFFICER. CRIMINAL
41 VIOLATIONS OF AN ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE REFERRED
42 TO AN APPROPRIATE LAW ENFORCEMENT AGENCY. THE PROVISIONS FOR RELEASE
43 UNDER SECTION 13-3883, SUBSECTION A, PARAGRAPH 4 AND SECTION 13-3903 DO
44 NOT APPLY TO AN ARREST MADE PURSUANT TO THIS SECTION. FOR THE PURPOSES OF
45 THIS SECTION, ANY COURT IN THIS STATE HAS JURISDICTION TO ENFORCE A VALID

1 SEXUAL ASSAULT PROTECTIVE ORDER THAT IS ISSUED IN THIS STATE AND THAT HAS
2 BEEN VIOLATED IN ANY JURISDICTION IN THIS STATE.

3 R. A PERSON WHO IS ARRESTED PURSUANT TO SUBSECTION Q OF THIS
4 SECTION MAY BE RELEASED FROM CUSTODY IN ACCORDANCE WITH THE ARIZONA RULES
5 OF CRIMINAL PROCEDURE OR ANY OTHER APPLICABLE STATUTE. AN ORDER FOR
6 RELEASE, WITH OR WITHOUT AN APPEARANCE BOND, SHALL INCLUDE PRETRIAL
7 RELEASE CONDITIONS THAT ARE NECESSARY TO PROVIDE FOR THE PROTECTION OF THE
8 ALLEGED VICTIM AND OTHER SPECIFICALLY DESIGNATED PERSONS AND MAY PROVIDE
9 FOR ANY OTHER ADDITIONAL CONDITIONS THAT THE COURT DEEMS APPROPRIATE,
10 INCLUDING PARTICIPATION IN ANY COUNSELING PROGRAMS AVAILABLE TO THE
11 DEFENDANT. THE AGENCY WITH CUSTODY OF THE DEFENDANT SHALL MAKE REASONABLE
12 EFFORTS TO CONTACT THE VICTIM AND OTHER SPECIFICALLY DESIGNATED PERSONS IN
13 THE SEXUAL ASSAULT PROTECTIVE ORDER, IF KNOWN TO THE CUSTODIAL AGENCY, WHO
14 REQUESTED NOTIFICATION IMMEDIATELY ON RELEASE OF THE ARRESTED PERSON FROM
15 CUSTODY.

16 S. THE REMEDIES PROVIDED IN THIS SECTION FOR ENFORCEMENT OF THE
17 ORDERS OF THE COURT ARE IN ADDITION TO ANY OTHER CIVIL AND CRIMINAL
18 REMEDIES AVAILABLE. THE MUNICIPAL COURT AND THE JUSTICE COURT MAY HEAR
19 AND DECIDE ALL MATTERS ARISING PURSUANT TO THIS SECTION. AFTER A HEARING
20 WITH NOTICE TO THE AFFECTED PARTY, THE COURT MAY ENTER AN ORDER REQUIRING
21 ANY PARTY TO PAY THE COSTS OF THE ACTION, INCLUDING REASONABLE ATTORNEY
22 FEES, IF ANY. AN ORDER THAT IS ENTERED BY A JUSTICE COURT OR MUNICIPAL
23 COURT AFTER A HEARING PURSUANT TO THIS SECTION MAY BE APPEALED TO THE
24 SUPERIOR COURT AS PROVIDED IN TITLE 22, CHAPTER 2, ARTICLE 4, SECTION
25 22-425, SUBSECTION B AND THE SUPERIOR COURT RULES OF CIVIL APPELLATE
26 PROCEDURE WITHOUT REGARD TO AN AMOUNT IN CONTROVERSY. A FEE MAY NOT BE
27 CHARGED TO EITHER PARTY FOR FILING AN APPEAL.

28 T. A PEACE OFFICER WHO MAKES AN ARREST PURSUANT TO THIS SECTION IS
29 NOT CIVILLY OR CRIMINALLY LIABLE FOR THE ARREST IF THE OFFICER ACTS ON
30 PROBABLE CAUSE AND WITHOUT MALICE.

31 U. A VALID PROTECTION ORDER THAT IS RELATED TO UNLAWFUL SEXUAL
32 CONTACT AND THAT IS ISSUED BY A COURT IN ANOTHER STATE, A COURT OF A
33 UNITED STATES TERRITORY OR A TRIBAL COURT SHALL BE ACCORDED FULL FAITH AND
34 CREDIT AND SHALL BE ENFORCED AS IF IT WERE ISSUED IN THIS STATE FOR AS
35 LONG AS THE ORDER IS EFFECTIVE IN THE ISSUING JURISDICTION. FOR THE
36 PURPOSES OF THIS SUBSECTION:

37 1. A PROTECTION ORDER INCLUDES ANY INJUNCTION OR OTHER ORDER THAT
38 IS ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR THREATENING ACTS OR
39 HARASSMENT AGAINST, CONTACT OR COMMUNICATION WITH OR PHYSICAL PROXIMITY TO
40 ANOTHER PERSON. A PROTECTION ORDER INCLUDES TEMPORARY AND FINAL ORDERS
41 OTHER THAN SUPPORT OR CHILD CUSTODY ORDERS THAT ARE ISSUED BY CIVIL AND
42 CRIMINAL COURTS IF THE ORDER IS OBTAINED BY THE FILING OF AN INDEPENDENT
43 ACTION OR IS A PENDENTE LITE ORDER IN ANOTHER PROCEEDING. THE CIVIL ORDER
44 SHALL BE ISSUED IN RESPONSE TO A COMPLAINT, PETITION OR MOTION THAT WAS
45 FILED BY OR ON BEHALF OF A PERSON SEEKING PROTECTION.

1 2. A PROTECTION ORDER IS VALID IF THE ISSUING COURT HAD
2 JURISDICTION OVER THE PARTIES AND THE MATTER UNDER THE LAWS OF THE ISSUING
3 STATE, A UNITED STATES TERRITORY OR AN INDIAN TRIBE AND THE PERSON AGAINST
4 WHOM THE ORDER WAS ISSUED HAD REASONABLE NOTICE AND AN OPPORTUNITY TO BE
5 HEARD. IF THE ORDER IS ISSUED EX PARTE, THE NOTICE AND OPPORTUNITY TO BE
6 HEARD SHALL BE PROVIDED WITHIN THE TIME REQUIRED BY THE LAWS OF THE
7 ISSUING STATE, A UNITED STATES TERRITORY OR AN INDIAN TRIBE AND WITHIN A
8 REASONABLE TIME AFTER THE ORDER WAS ISSUED.

9 3. A MUTUAL PROTECTION ORDER THAT IS ISSUED AGAINST BOTH THE PARTY
10 WHO FILED A PETITION OR A COMPLAINT OR OTHERWISE FILED A WRITTEN PLEADING
11 FOR PROTECTION AGAINST ABUSE AND THE PERSON AGAINST WHOM THE FILING WAS
12 MADE IS NOT ENTITLED TO FULL FAITH AND CREDIT IF EITHER:

13 (a) THE PERSON AGAINST WHOM AN INITIAL ORDER WAS SOUGHT HAS NOT
14 FILED A CROSS OR COUNTER PETITION OR OTHER WRITTEN PLEADING SEEKING A
15 PROTECTION ORDER.

16 (b) THE ISSUING COURT FAILED TO MAKE SPECIFIC FINDINGS SUPPORTING
17 THE ENTITLEMENT OF BOTH PARTIES TO BE GRANTED A PROTECTION ORDER.

18 4. A PEACE OFFICER MAY PRESUME THE VALIDITY OF AND RELY ON A COPY
19 OF A PROTECTION ORDER THAT IS ISSUED BY ANOTHER STATE, A UNITED STATES
20 TERRITORY OR AN INDIAN TRIBE IF THE ORDER WAS GIVEN TO THE OFFICER BY ANY
21 SOURCE. A PEACE OFFICER MAY ALSO RELY ON THE STATEMENT OF ANY PERSON WHO
22 IS PROTECTED BY THE ORDER THAT THE ORDER REMAINS IN EFFECT. A PEACE
23 OFFICER WHO ACTS IN GOOD FAITH RELIANCE ON A PROTECTION ORDER IS NOT
24 CIVILLY OR CRIMINALLY LIABLE FOR ENFORCING THE PROTECTION ORDER PURSUANT
25 TO THIS SECTION.

26 V. FOR THE PURPOSES OF THIS SECTION, "VICTIM NOTIFICATION SYSTEM"
27 MEANS AN AUTOMATED SYSTEM THAT MAY PROVIDE PLAINTIFFS AND CRIME VICTIMS
28 WITH AN AUTOMATED NOTIFICATION REGARDING THE PERSON'S CASE.