

Senate Engrossed House Bill
protective orders; central repository; notification

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 258
HOUSE BILL 2158

AN ACT

AMENDING SECTIONS 12-1809, 12-1810, 13-3602 AND 13-3624, ARIZONA REVISED STATUTES; 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. Section 12-1809, Arizona Revised Statutes, is amended to
3 read:

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

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

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

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

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

24 3. Against more than one defendant.

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

26 1. The name of the plaintiff. The plaintiff's address and contact
27 information shall be disclosed to the court for purposes of service and
28 notification. The address and contact information shall not be listed on
29 the petition. Whether or not the court issues an injunction against
30 harassment, the plaintiff's address and contact information shall be
31 maintained in a separate document or automated database and is not subject
32 to release or disclosure by the court or any form of public access except
33 as ordered by the court.

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

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

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

40 5. The relief requested.

41 D. A fee shall not be charged for filing a petition under this
42 section. Fees for service of process may be deferred or waived under any
43 rule or law applicable to civil actions, except that fees for service of
44 process shall not be charged if the petition arises out of a dating
45 relationship or sexual violence as defined in section 23-371. The court

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

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

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

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

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

3. Grant relief necessary for the protection of the alleged victim and other specifically designated persons proper under the circumstances.

G. The court shall not grant a mutual injunction against harassment. If opposing parties separately file verified petitions for an injunction against harassment, the courts after consultation between the judicial officers involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross injunctions against harassment.

H. At any time during the period during which the injunction is in effect, the defendant is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a defendant shall be held within ten days from the date requested unless the court finds compelling reasons to continue the hearing. The hearing shall be held at the earliest possible time. An ex parte injunction that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the injunction.

I. The injunction shall include the following statement:

Warning

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

J. An injunction that is not served on the defendant within one year after the date that the injunction is issued expires. The injunction is effective on the defendant on service of a copy of the injunction and petition and expires one year after service on the defendant. A modified injunction is effective ~~upon~~ ON service and expires one year after service of the initial injunction and petition.

K. A supplemental information form that is used solely for the purposes of service of process on the defendant and that contains information provided by the plaintiff is confidential.

L. Each affidavit, declaration, acceptance or return of service shall be filed as soon as practicable but not later than seventy-two hours, excluding weekends and holidays, with the clerk of the issuing

1 court or as otherwise required by court rule. This filing shall be
2 completed in person, electronically or by fax.

3 **M. THE SUPREME COURT SHALL MAINTAIN A CENTRAL REPOSITORY FOR**
4 **INJUNCTIONS.** Within twenty-four hours after the affidavit, declaration,
5 acceptance or return of service has been filed, excluding weekends and
6 holidays, the court from which the injunction or any modified injunction
7 was issued shall **ENTER THE ORDER AND PROOF OF SERVICE INTO THE SUPREME**
8 **COURT'S CENTRAL REPOSITORY FOR INJUNCTIONS.** THE SUPREME COURT SHALL
9 register the injunction with the national crime information center. **The**
10 **supreme court shall maintain a central repository for injunctions so that**
11 **the existence and validity of the injunctions can be easily verified.** The
12 effectiveness of an injunction does not depend on its registration, and
13 for enforcement purposes pursuant to section 13-2810, a copy of an
14 injunction, whether or not registered, is presumed to be a valid existing
15 order of the court for a period of one year from the date of service of
16 the injunction on the defendant.

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

31 **O.** If a peace officer responds to a call alleging that
32 harassment has been or may be committed, the officer shall inform in
33 writing any alleged or potential victim of the procedures and resources
34 available for the protection of the victim including:

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

38 **P.** The remedies provided in this section for enforcement of the
39 orders of the court are in addition to any other civil and criminal
40 remedies available. The municipal court and the justice court may hear
41 and decide all matters arising pursuant to this section. After a hearing
42 with notice to the affected party, the court may enter an order requiring
43 any party to pay the costs of the action, including reasonable attorney
44 fees, if any. An order that is entered by a justice court or municipal
45 court after a hearing pursuant to this section may be appealed to the

1 superior court as provided in title 22, chapter 2, article 4, section
2 22-425, subsection B and the superior court rules of civil appellate
3 procedure without regard to an amount in controversy. No fee may be
4 charged to either party for filing an appeal.

5 ~~P.~~ Q. A peace officer who makes an arrest pursuant to this section
6 is not civilly or criminally liable for the arrest if the officer acts on
7 probable cause and without malice. A peace officer is not civilly liable
8 for noncompliance with subsection ~~N~~ 0 of this section.

9 ~~Q.~~ R. This section does not apply to preliminary injunctions
10 issued pursuant to an action for dissolution of marriage or legal
11 separation or for protective orders against domestic violence.

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

17 ~~S.~~ T. For the purposes of this section, "harassment":

18 1. Means either of the following:

19 (a) A series of acts over any period of time that is directed at a
20 specific person and that would cause a reasonable person to be seriously
21 alarmed, annoyed or harassed and the conduct in fact seriously alarms,
22 annoys or harasses the person and serves no legitimate purpose.

23 (b) One or more acts of sexual violence as defined in section
24 23-371.

25 2. Includes unlawful picketing, trespassory assembly, unlawful mass
26 assembly, concerted interference with lawful exercise of business activity
27 and engaging in a secondary boycott as defined in section 23-1321 and
28 defamation in violation of section 23-1325.

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

31 **12-1810. Injunction against workplace harassment; definitions**

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

35 B. The court shall not grant an injunction against workplace
36 harassment against either:

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

39 2. More than one defendant.

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

41 1. The name of the employer.

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

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

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

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

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

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

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

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

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

Warning

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

1 I. An injunction that is not served on the defendant within one
2 year after the date that the injunction is issued expires. The injunction
3 is effective on the defendant on service of a copy of the injunction and
4 petition and expires one year after service on the defendant. A modified
5 injunction is effective on service and expires one year after service of
6 the initial injunction and petition.

7 J. A supplemental information form that is used solely for the
8 purposes of service of process on the defendant and that contains
9 information provided by the plaintiff is confidential.

10 K. Each affidavit, declaration, acceptance or return of service
11 shall be filed as soon as practicable but not later than seventy-two
12 hours, excluding weekends and holidays, with the clerk of the issuing
13 court or as otherwise required by court rule. The filing shall be
14 completed in person, electronically or by fax.

15 L. **THE SUPREME COURT SHALL MAINTAIN A CENTRAL REPOSITORY FOR**
16 **INJUNCTIONS.** Within twenty-four hours after the affidavit, declaration,
17 acceptance or return of service has been filed, excluding weekends and
18 holidays, the court that issued the injunction shall **ENTER THE ORDER AND**
19 **PROOF OF SERVICE INTO THE SUPREME COURT'S CENTRAL REPOSITORY FOR**
20 **INJUNCTIONS.** **THE SUPREME COURT SHALL** register a copy of the injunction
21 and a copy of the affidavit of service of process or acceptance of service
22 with the national crime information center. **The supreme court shall**
23 ~~maintain a central repository for injunctions so that the existence and~~
24 ~~validity of the injunctions can be easily verified.~~ The effectiveness of
25 an injunction does not depend on the injunction's registration, and for
26 enforcement purposes pursuant to section 13-2810, a copy of an injunction,
27 whether or not registered, is presumed to be a valid existing order of the
28 court for one year after the date on which the defendant was served. Any
29 changes or modifications to the injunction are effective on entry by the
30 court and shall be registered with the clerk of the issuing court, or as
31 otherwise required by court rule, within twenty-four hours after the
32 entry, excluding weekends and holidays.

33 **M.** This section does not:

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

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

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

3 **~~M.~~ N.** When the employer has knowledge that a specific person or
4 persons are the target of harassment as defined by this section, the
5 employer shall make a good faith effort to provide notice to the person or
6 persons that the employer intends to petition the court for an injunction
7 against workplace harassment.

8 **~~N.~~ O.** Whether or not a violation occurs in the presence of a peace
9 officer, a peace officer, with or without a warrant, may arrest a person
10 if the peace officer has probable cause to believe that the person has
11 violated section 13-2810 by disobeying or resisting an injunction that was
12 issued pursuant to this section. The release provisions under section
13 13-3903 do not apply to an arrest made pursuant to this subsection. A
14 person who is arrested pursuant to this subsection may be released from
15 custody pursuant to the Arizona rules of criminal procedure or any
16 applicable statute. The court shall include in an order for release any
17 pretrial release conditions that the court deems appropriate.

18 **~~O.~~ P.** The remedies under this section for the enforcement of
19 protection orders are in addition to any other civil and criminal remedies
20 that are available. The municipal court and the justice court may hear
21 and decide all matters arising pursuant to this section. On notice to the
22 affected party and after a hearing, the court may enter an order that
23 requires any party to pay the costs of the action, including reasonable
24 attorney fees. A party may appeal an order entered by a justice court or
25 municipal court pursuant to section 22-261 or 22-425 and the superior
26 court rules of civil appellate procedure without regard to an amount in
27 controversy.

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

31 **~~Q.~~ R.** An employer is immune from civil liability for seeking or
32 failing to seek an injunction under this section unless the employer is
33 seeking an injunction primarily to accomplish a purpose for which the
34 injunction was not designed. Any action or statement by an employer under
35 this section shall not be deemed an admission by the employer of any
36 fact. An action or statement by an employer under this section may be
37 used for impeachment purposes.

38 **~~R.~~ S.** In addition to the persons who are authorized to serve
39 process pursuant to rule 4(d), Arizona rules of civil procedure, a peace
40 officer may serve an injunction against workplace harassment pursuant to
41 this section.

42 **~~S.~~ T.** For the purposes of this section:

43 1. "Employer" means an individual, partnership, association or
44 corporation or a person or group of persons who act, directly or
45 indirectly, on behalf of or in the interest of an employer and with the

1 consent of the employer. Employer includes this state, a political
2 subdivision of this state and any school district or other special
3 district.

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

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

13 13-3602. Order of protection; procedure; contents; arrest for
14 violation; penalty; protection order from another
15 jurisdiction; definition

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

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

32 1. Unless the party who requests the order files a written verified
33 petition for an order.

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

36 3. Against more than one defendant.

37 C. The petition shall state the:

38 1. Name of the plaintiff. The plaintiff's address and contact
39 information shall be disclosed to the court for purposes of service and
40 notification. The address and contact information shall not be listed on
41 the petition. Whether or not the court issues an order of protection, the
42 plaintiff's address and contact information shall be maintained in a
43 separate document or automated database and is not subject to release or
44 disclosure by the court or any form of public access except as ordered by
45 the court.

1 2. Name and address, if known, of the defendant.
2 3. Specific statement, including dates, of the domestic violence
3 alleged.

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

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

11 6. Desired relief.

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

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

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

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

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

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

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

38 2. Grant one party the use and exclusive possession of the parties'
39 residence on a showing that there is reasonable cause to believe that
40 physical harm may otherwise result. If the other party is accompanied by
41 a law enforcement officer, the other party may return to the residence on
42 one occasion to retrieve belongings. A law enforcement officer is not
43 liable for any act or omission in the good faith exercise of the officer's
44 duties under this paragraph. While the order of protection is in effect,
45 if a party was granted the use and exclusive possession of the parties'

1 residence and subsequently moves out of the house, the party must file a
2 notice in writing with the court within five days after moving out of the
3 residence. After receiving the notification from the plaintiff, the court
4 shall provide notice to the defendant that the plaintiff has moved out of
5 the residence and of the defendant's right to request a hearing pursuant
6 to subsection L of this section.

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

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

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

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

30 7. Grant the plaintiff the exclusive care, custody or control of
31 any animal that is owned, possessed, leased, kept or held by the
32 plaintiff, the defendant or a minor child residing in the residence or
33 household of the plaintiff or the defendant, and order the defendant to
34 stay away from the animal and forbid the defendant from taking,
35 transferring, encumbering, concealing, committing an act of cruelty or
36 neglect in violation of section 13-2910 or otherwise disposing of the
37 animal.

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

1 I. After granting an order of protection, the court shall provide
2 the order to a law enforcement agency or a constable as set forth in
3 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 order of protection is provided to a law enforcement
12 agency or a constable, service of an order of protection is as follows:

13 1. For each order of protection that is issued by a municipal
14 court, if the defendant can be served within that city or town, the order
15 shall be served by the law enforcement agency of that city or town. If
16 the order can be served in another city or town, the order shall be served
17 by the law enforcement agency of that city or town. If the order cannot
18 be served within a city or town, the order shall be served by the sheriff
19 or constable of the county in which the defendant can be served.

20 2. For each order of protection that is issued by a justice of the
21 peace, the order of protection shall be served by the sheriff or constable
22 of the county in which the defendant can be served or by a municipal law
23 enforcement agency.

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

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

34 L. At any time during the period during which the order is in
35 effect, a party who is under an order of protection or who is restrained
36 from contacting the other party is entitled to one hearing on written
37 request. No fee may be charged for requesting a hearing. A hearing that
38 is requested by a party who is under an order of protection or who is
39 restrained from contacting the other party shall be held within ten days
40 from the date requested unless the court finds good cause to continue the
41 hearing. If exclusive use of the home is awarded, the hearing shall be
42 held within five days from the date requested. The hearing shall be held
43 at the earliest possible time. An ex parte order that is issued under
44 this section shall state on its face that the defendant is entitled to a
45 hearing on written request and shall include the name and address of the

1 judicial office where the request may be filed. After the hearing, the
2 court may modify, quash or continue the order. If THE exclusive use of
3 the home is awarded to the party, the court, on written request of a
4 party, may hold additional hearings at any time if there is a change in
5 circumstances related to the primary residence.

6 M. The order shall include the following statement:

Warning

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

12 N. An order of protection that is not served on the defendant
13 within one year after the date that the order is issued expires. An order
14 is effective on the defendant on service of a copy of the order and
15 petition. An order expires one year after service on the defendant. A
16 modified order is effective on service and expires one year after service
17 of the initial order and petition.

18 0. A supplemental information form that is used by the court or a
19 law enforcement agency solely for the purposes of service of process on
20 the defendant and that contains information provided by the plaintiff is
21 confidential.

22 P. Each affidavit, declaration, acceptance or return of service
23 shall be filed as soon as practicable but not later than seventy-two
24 hours, excluding weekends and holidays, with the clerk of the issuing
25 court or as otherwise required by court rule. This filing shall be
26 completed in person, electronically or by fax.

27 Q. THE SUPREME COURT SHALL MAINTAIN A CENTRAL REPOSITORY FOR ORDERS
28 OF PROTECTION. Within twenty-four hours after the affidavit, declaration,
29 acceptance or return of service has been filed, excluding weekends and
30 holidays, the court from which the order or any modified order was issued
31 shall ENTER THE ORDER AND PROOF OF SERVICE INTO THE SUPREME COURT'S
32 CENTRAL REPOSITORY FOR ORDERS OF PROTECTION. THE SUPREME COURT SHALL
33 register the order with the national crime information center. ~~The~~
34 ~~supreme court shall maintain a central repository for orders of protection~~
35 ~~so that the existence and validity of the orders can be easily verified.~~
36 The effectiveness of an order does not depend on its registration, and for
37 enforcement purposes pursuant to section 13-2810, a copy of an order of
38 the court, whether or not registered, is presumed to be a valid existing
39 order of the court for a period of one year from the date of service of
40 the order on the defendant.

41 **¶.** R. A peace officer, with or without a warrant, may arrest a
42 person if the peace officer has probable cause to believe that the person
43 has violated section 13-2810 by disobeying or resisting an order that is
44 issued in any jurisdiction in this state pursuant to this section, whether
45 or not such violation occurred in the presence of the officer. Criminal

1 violations of an order issued pursuant to this section shall be referred
2 to an appropriate law enforcement agency. The provisions for release
3 under section 13-3883, subsection A, paragraph 4 and section 13-3903 do
4 not apply to an arrest made pursuant to this section. For the purposes of
5 this section, any court in this state has jurisdiction to enforce a valid
6 order of protection that is issued in this state and that has been
7 violated in any jurisdiction in this state.

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

20 ~~S.~~ T. The remedies provided in this section for enforcement of the
21 orders of the court are in addition to any other civil and criminal
22 remedies available. The superior court shall have exclusive jurisdiction
23 to issue orders of protection in all cases if it appears from the petition
24 that an action for maternity or paternity, annulment, legal separation or
25 dissolution of marriage is pending between the parties. A municipal court
26 or justice court shall not issue an order of protection if it appears from
27 the petition that an action for maternity or paternity, annulment, legal
28 separation or dissolution of marriage is pending between the parties.
29 After issuance of an order of protection, if the municipal court or
30 justice court determines that an action for maternity or paternity,
31 annulment, legal separation or dissolution of marriage is pending between
32 the parties, the municipal court or justice court shall stop further
33 proceedings in the action and forward all papers, together with a
34 certified copy of docket entries or any other record in the action, to the
35 superior court where they shall be docketed in the pending superior court
36 action and shall proceed as though the petition for an order of protection
37 had been originally brought in the superior court. Notwithstanding any
38 other law and unless prohibited by an order of the superior court, a
39 municipal court or justice court may hold a hearing on all matters
40 relating to its ex parte order of protection if the hearing was requested
41 before receiving written notice of the pending superior court action. No
42 order of protection shall be invalid or determined to be ineffective
43 merely because it was issued by a lower court at a time when an action for
44 maternity or paternity, annulment, legal separation or dissolution of
45 marriage was pending in a higher court. After a hearing with notice to

1 the affected party, the court may enter an order requiring any party to
2 pay the costs of the action, including reasonable attorney fees, if any.
3 An order that is entered by a justice court or municipal court after a
4 hearing pursuant to this section may be appealed to the superior court as
5 provided in title 22, chapter 2, article 4, section 22-425, subsection B
6 and the superior court rules of civil appellate procedure without regard
7 to an amount in controversy. No fee may be charged to either party for
8 filing an appeal. For the purposes of this subsection, "pending" means,
9 with respect to an action for annulment, legal separation or dissolution
10 of marriage or for maternity or paternity, either that:

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

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

15 ~~U.~~ A peace officer who makes an arrest pursuant to this section
16 or section 13-3601 is not civilly or criminally liable for the arrest if
17 the officer acts on probable cause and without malice.

18 ~~U.~~ V. A valid protection order that is related to domestic or
19 family violence and that is issued by a court in another state, a court of
20 a United States territory or a tribal court shall be accorded full faith
21 and credit and shall be enforced as if it were issued in this state for as
22 long as the order is effective in the issuing jurisdiction. For the
23 purposes of this subsection:

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

33 2. A protection order is valid if the issuing court had
34 jurisdiction over the parties and the matter under the laws of the issuing
35 state, a United States territory or an Indian tribe and the person against
36 whom the order was issued had reasonable notice and an opportunity to be
37 heard. If the order is issued ex parte, the notice and opportunity to be
38 heard shall be provided within the time required by the laws of the
39 issuing state, a United States territory or an Indian tribe and within a
40 reasonable time after the order was issued.

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

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

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

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

14 **V. W.** For the purposes of this section, "victim notification
15 system" means an automated system that may provide plaintiffs and crime
16 victims with an automated notification regarding the person's case.

17 Sec. 4. Section 13-3624, Arizona Revised Statutes, is amended to
18 read:

19 13-3624. Emergency orders of protection

20 A. In counties with a population of one hundred fifty thousand
21 persons or more, the presiding judge of the superior court, during the
22 hours that the courts are closed, shall make available on a rotating basis
23 a judge, justice of the peace, magistrate or commissioner who shall issue
24 emergency orders of protection by telephone.

25 B. In counties with a population of less than one hundred fifty
26 thousand persons, a judge, justice of the peace, magistrate or
27 commissioner may issue an emergency order by telephone. The court, within
28 twenty-four hours after a defendant is arrested for an act of domestic
29 violence, shall register a certified copy of the release order with the
30 sheriff's office of the county in which the order was issued. The court
31 shall notify the sheriff's office of material changes in the release
32 order, if the conditions of the release order are no longer in effect and
33 when the charges are resolved. The sheriff in each county shall maintain
34 a central repository for release orders so that the existence and validity
35 of the orders can be easily verified. The law enforcement agency shall
36 advise domestic violence victims where the victim may verify the
37 registration and conditions of a release order.

38 C. The judge, justice of the peace, magistrate or commissioner who
39 is authorized to issue emergency orders of protection may issue a written
40 or oral ex parte emergency order of protection if a peace officer states
41 that the officer has reasonable grounds to believe that a person is in
42 immediate and present danger of domestic violence based on an allegation
43 of a recent incident of actual domestic violence pursuant to section
44 13-3601, subsection A.

1 D. An emergency order of protection may include any of the
2 following:

3 1. The defendant may be enjoined from committing a violation of one
4 or more of the offenses included in domestic violence.

5 2. One party may be granted the use and exclusive possession of the
6 parties' residence on a showing that there is reasonable cause to believe
7 that physical harm may otherwise result. ~~While the order of protection is
8 in effect, if a party was granted the use and exclusive possession of the
9 parties' residence and subsequently moves out of the house, the party must
10 notify the court within five days after moving out of the residence.~~

11 3. The defendant may be restrained from contacting the plaintiff
12 and coming near the residence, place of employment or school of the
13 plaintiff or other specifically designated locations or persons on a
14 showing that there is reasonable cause to believe that physical harm may
15 otherwise result.

16 4. If the court finds that the defendant may inflict bodily injury
17 or death on the plaintiff, the defendant may be prohibited from possessing
18 or purchasing a firearm for the duration of the order.

19 E. An emergency order of protection expires at the close of the
20 next day of judicial business following the day of issue or seventy-two
21 hours after issuance, whichever is longer, unless otherwise continued by
22 the court.

23 F. A judge, justice of the peace, magistrate or commissioner may
24 issue an oral emergency order of protection pursuant to subsection C of
25 this section on request of the alleged victim, if there is a finding that
26 a person's life or health is in imminent danger. If a person is either
27 temporarily or permanently unable to request an order, a third party may
28 request an order of protection on behalf of the plaintiff. After the
29 request, the judicial officer shall determine if the third party is an
30 appropriate requesting party for the plaintiff. The judicial officer who
31 issues an oral emergency order of protection shall document the issuance
32 of the order as soon as practicable. The officer who receives the verbal
33 order shall write and sign the order. The emergency order shall be served
34 on the defendant, and a copy shall be given to the protected party. The
35 emergency order shall be filed as soon as practicable after its issuance.
36 The law enforcement agency shall file a certificate of service with the
37 court and shall register the emergency order with the national crime
38 information center as soon as practicable. If a person who is named in
39 the order and who has not received personal service of the order but has
40 received actual notice of the existence and substance of the order commits
41 an act that violates the order, the person is subject to any penalty for
42 the violation.

43 G. The availability of an emergency order of protection is not
44 affected by either party leaving the residence.

1 H. A law enforcement agency that has jurisdiction to enforce an
2 emergency order of protection shall enforce the emergency order when it
3 has reasonable cause to believe that the order has been violated.

4 I. Failure of a law enforcement agency to enforce an emergency
5 order of protection pursuant to this section does not give rise to civil
6 liability except pursuant to section 12-820.02.

APPROVED BY THE GOVERNOR APRIL 20, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2021.