

REFERENCE TITLE: **severe threat order of protection**

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# **HB 2211**

Introduced by  
Representatives Gutierrez: Aguilar, Austin, Caverro, Contreras P, Crews,  
Hernandez L, Márquez, Mathis, Simacek

## **AN ACT**

AMENDING SECTIONS 8-202 AND 8-208, ARIZONA REVISED STATUTES; AMENDING  
TITLE 12, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5;  
AMENDING SECTIONS 13-2703 AND 13-3101, ARIZONA REVISED STATUTES; RELATING  
TO ORDERS OF PROTECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to  
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all  
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all  
8 proceedings:

9 1. Brought under the authority of this title except for delinquency  
10 proceedings.

11 2. IN WHICH THE RESPONDENT TO A REQUEST FOR A SEVERE THREAT ORDER  
12 OF PROTECTION IS UNDER EIGHTEEN YEARS OF AGE.

13 C. The juvenile court may consolidate any matter, except that the  
14 juvenile court shall not consolidate any of the following:

15 1. A criminal proceeding that is filed in another division of  
16 superior court and that involves a child who is subject to the  
17 jurisdiction of the juvenile court.

18 2. A delinquency proceeding with any other proceeding that does not  
19 involve delinquency, unless the juvenile delinquency adjudication  
20 proceeding is not heard at the same time or in the same hearing as a  
21 nondelinquency proceeding.

22 D. The juvenile court has jurisdiction of proceedings to:

23 1. Obtain judicial consent to the marriage, employment or  
24 enlistment in the armed services of a child, if consent is required by  
25 law.

26 2. In an action in which parental rights are terminated pursuant to  
27 chapter 4, article 5 or 11 of this title, change the name of a minor child  
28 who is the subject of the action. If the minor child who is the subject  
29 of the action is twelve years of age or older, the court shall consider  
30 the wishes of the child with respect to the name change.

31 E. The juvenile court has jurisdiction over civil traffic  
32 violations, civil marijuana violations and offenses listed in section  
33 8-323, subsection B that are committed within the county by persons who  
34 are under eighteen years of age unless the presiding judge of the county  
35 declines jurisdiction of these cases. The presiding judge of the county  
36 may decline jurisdiction of civil traffic violations and civil marijuana  
37 violations committed within the county by juveniles if the presiding judge  
38 finds that the declination would promote the more efficient use of limited  
39 judicial and law enforcement resources located within the county. If the  
40 presiding judge declines jurisdiction, juvenile civil traffic violations  
41 and civil marijuana violations shall be processed, heard and disposed of  
42 in the same manner and with the same penalties as adult civil traffic  
43 violations.

1 F. The orders of the juvenile court under the authority of this  
2 chapter or chapter 3 or 4 of this title take precedence over any order of  
3 any other court of this state except for the following:

4 1. An order entered in the criminal court concerning an ongoing  
5 case that governs a criminal defendant's ability to contact the victim,  
6 the family of the victim or other minor children if the criminal court  
7 makes a finding that contact with other minor children would pose a risk  
8 of harm to those children.

9 2. ~~An order~~ ORDERS by the court of appeals and the supreme court to  
10 the extent they are inconsistent with orders of other courts.

11 G. Except as provided in subsection H of this section, jurisdiction  
12 of a child that is obtained by the juvenile court in a proceeding under  
13 this chapter or chapter 3 or 4 of this title shall be retained by it, for  
14 the purposes of implementing the orders made and filed in that proceeding,  
15 until the child becomes eighteen years of age, unless terminated by order  
16 of the court before the child's eighteenth birthday.

17 H. At any time before an adjudication hearing or a proceeding in  
18 which a juvenile is admitting to an allegation in a petition that alleges  
19 the juvenile is delinquent, the state may file a notice of intent to  
20 retain jurisdiction over a juvenile who is seventeen years of age. If the  
21 state files a notice of intent to retain jurisdiction, the juvenile  
22 court's jurisdiction over a juvenile is retained on the filing of the  
23 notice and the court shall retain jurisdiction over the juvenile until the  
24 juvenile reaches nineteen years of age, unless before the juvenile's  
25 nineteenth birthday either:

26 1. Jurisdiction is terminated by order of the court.

27 2. The juvenile is discharged from the jurisdiction of the  
28 department of juvenile corrections pursuant to section 41-2820.

29 I. Persons who are under eighteen years of age shall be prosecuted  
30 in the same manner as adults if either:

31 1. The juvenile court transfers jurisdiction pursuant to section  
32 8-327.

33 2. The juvenile is charged as an adult with an offense listed in  
34 section 13-501.

35 J. The juvenile court shall retain jurisdiction after a juvenile's  
36 eighteenth birthday for the purpose of:

37 1. Designating an undesignated felony offense as a misdemeanor or  
38 felony, including after an adjudication is set aside pursuant to section  
39 8-348.

40 2. Modifying an outstanding monetary obligation imposed by the  
41 court except for victim restitution.

42 3. Implementing section 36-2862.

1 K. The juvenile court has jurisdiction to make the initial  
2 determination prescribed in section 8-829 whether the voluntary  
3 participation of a qualified young adult in an extended foster care  
4 program pursuant to section 8-521.02 is in the young adult's best  
5 interests.

6 Sec. 2. Section 8-208, Arizona Revised Statutes, is amended to  
7 read:

8 8-208. Juvenile court records; public inspection; exceptions

9 A. The following records relating to a juvenile who is referred to  
10 juvenile court are open to public inspection:

11 1. Referrals involving delinquent acts, after the referrals have  
12 been made to the juvenile court or the county attorney has diverted the  
13 matter according to section 8-321.

14 2. Arrest records, after the juvenile is an accused as defined by  
15 section 13-501.

16 3. Delinquency hearings.

17 4. Disposition hearings.

18 5. A summary of delinquency, disposition and transfer hearings.

19 6. Revocation of probation hearings.

20 7. Appellate review.

21 8. Diversion proceedings involving delinquent acts.

22 B. On the request of an adult probation officer or state or local  
23 prosecutor, the juvenile court shall release to an adult probation  
24 department or prosecutor all information in its possession concerning a  
25 person who is charged with a criminal offense.

26 C. The juvenile court shall release all information in its  
27 possession concerning a person who is arrested for a criminal offense to  
28 superior court programs or departments, other court divisions or judges or  
29 as authorized by the superior court for the purpose of assisting in the  
30 determination of release from custody, bond and pretrial supervision.

31 D. On request by the appropriate jail authorities for the purpose  
32 of determining classification, treatment and security, the juvenile court  
33 shall release all information in its possession concerning persons who are  
34 under eighteen years of age, who have been transferred from juvenile court  
35 for criminal prosecution and who are being held in a county jail pending  
36 trial.

37 E. The court shall edit the records to protect the identity of the  
38 victim or the immediate family of the victim if the victim has died as a  
39 result of the alleged offense.

40 F. Except as otherwise provided by law, the records of an adoption,  
41 severance or dependency proceeding shall not be open to public inspection.

42 G. The court may order that the records be kept confidential and  
43 withheld from public inspection if the court determines that the subject  
44 matter of any record involves a clear public interest in confidentiality.

1 H. The disclosure of educational records received pursuant to  
2 section 15-141 shall comply with the family educational RIGHTS and privacy  
3 ~~rights~~ act of 1974 (20 United States Code section 1232g).

4 I. A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION AND THE ORDER  
5 ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE SEVERE THREAT ORDER  
6 OF PROTECTION. AFTER A SHOWING OF THE NEED FOR THE INFORMATION AND THAT  
7 APPROPRIATE MEASURES WILL BE TAKEN TO LIMIT FURTHER DISCLOSURE OF THE  
8 INFORMATION, THE PETITION AND THE ORDER MAY BE PROVIDED ONLY TO THE PARENT  
9 OR LEGAL GUARDIAN OF THE MINOR RESPONDENT, LAW ENFORCEMENT, A JUVENILE  
10 PROBATION OFFICER, A BEHAVIORAL HEALTH PROFESSIONAL, A SCHOOL OR SCHOOL  
11 DISTRICT THAT THE MINOR RESPONDENT IS ATTENDING OR HAS ATTENDED IN THE  
12 YEAR PRECEDING THE DATE OF THE ORDER AND A PERSON WHO HAS BEEN THE NAMED  
13 TARGET OF THREATS OR ACTS COMMITTED BY THE MINOR RESPONDENT.

14 Sec. 3. Title 12, chapter 10, Arizona Revised Statutes, is amended  
15 by adding article 5, to read:

16 ARTICLE 5. SEVERE THREAT ORDER OF PROTECTION

17 12-1881. Definitions

18 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

19 1. "CRUEL MISTREATMENT OF AN ANIMAL":

20 (a) MEANS TO TORTURE OR OTHERWISE INFLICT UNNECESSARY SERIOUS  
21 PHYSICAL INJURY ON OR DEATH TO AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER  
22 THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL.

23 (b) DOES NOT INCLUDE ACTIVITIES THAT ARE REGULATED BY THE ARIZONA  
24 GAME AND FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

25 2. "FAMILY MEMBER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A SPOUSE,  
26 CHILD, STEPCHILD, PARENT, STEPPARENT, SIBLING, GRANDCHILD OR GRANDPARENT  
27 OF THE INDIVIDUAL, A PERSON WITH WHOM THE INDIVIDUAL SHARES A CHILD IN  
28 COMMON OR THE LEGAL GUARDIAN OF THE INDIVIDUAL.

29 3. "FIREARM" INCLUDES AMMUNITION FOR A FIREARM.

30 4. "HOUSEHOLD MEMBER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A  
31 PERSON WHO COHABITATES OR HAS COHABITATED WITH THE INDIVIDUAL WITHIN THE  
32 PREVIOUS YEAR.

33 5. "PETITIONER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF  
34 AGE AND WHO IS A FAMILY MEMBER, HOUSEHOLD MEMBER, SIGNIFICANT OTHER,  
35 PROBATION OFFICER, BEHAVIORAL HEALTH PROFESSIONAL OR PEACE OFFICER.

36 6. "RESPONSIBLE CUSTODIAN" MEANS A PERSON WHO MAY LAWFULLY POSSESS  
37 A FIREARM, WHO DOES NOT COHABITATE WITH A PERSON WHO IS SUBJECT TO A  
38 SEVERE THREAT ORDER OF PROTECTION AND WHO IS APPROVED BY A COURT TO TAKE  
39 POSSESSION OF A FIREARM THAT IS SURRENDERED BY A PERSON WHO IS SUBJECT TO  
40 A SEVERE THREAT ORDER OF PROTECTION.

41 7. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN  
42 SECTION 13-105.

43 8. "SIGNIFICANT OTHER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A  
44 PERSON WITH WHOM THE INDIVIDUAL HAS BEEN INVOLVED IN A SUBSTANTIAL AND  
45 ONGOING ROMANTIC RELATIONSHIP WITHIN THE PREVIOUS YEAR.

12-1882. Severe threat order of protection; ex parte temporary severe threat order of protection; requirements; service; request for hearing; notice; law enforcement notification; civil liability

A. A PETITIONER MAY FILE A VERIFIED PETITION IN THE SUPERIOR COURT OR A MUNICIPAL COURT REQUESTING THE COURT TO ISSUE A SEVERE THREAT ORDER OF PROTECTION. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION PROHIBIT A RESPONDENT FROM POSSESSING A FIREARM BASED ON THE RESPONDENT MAKING A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY OR COMMITTING OR ATTEMPTING TO COMMIT AN ACT OF VIOLENCE THAT RESULTED IN OR WAS INTENDED TO RESULT IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL.

B. THE PETITION FOR A SEVERE THREAT ORDER OF PROTECTION MUST INCLUDE ALL OF THE FOLLOWING:

1. THE PETITIONER'S NAME. THE PETITIONER'S ADDRESS SHALL BE DISCLOSED TO THE COURT FOR PURPOSES OF SERVICE. IF THE ADDRESS OF THE PETITIONER IS UNKNOWN TO THE RESPONDENT, THE PETITIONER MAY REQUEST THAT THE ADDRESS BE PROTECTED. ON THE PETITIONER'S REQUEST, THE ADDRESS SHALL NOT BE LISTED ON THE PETITION. WHETHER OR NOT THE COURT ISSUES A SEVERE THREAT ORDER OF PROTECTION, THE PROTECTED ADDRESS SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR ELECTRONICALLY AND IS NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR TO ANY FORM OF PUBLIC ACCESS EXCEPT AS ORDERED BY THE COURT.

2. THE RESPONDENT'S NAME AND ADDRESS, IF KNOWN, OR, IF THE RESPONDENT IS BELIEVED TO BE HOMELESS, THE CROSS STREETS OF THE AREA WHERE THE RESPONDENT MAY BE LOCATED.

3. A SPECIFIC STATEMENT, INCLUDING DATES, LOCATIONS AND APPROXIMATE TIMES, OF ANY OF THE FOLLOWING ACTS:

(a) A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY, AN ACT OF VIOLENCE THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR AN ATTEMPTED ACT OF VIOLENCE THAT WAS INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY AGAINST SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL THAT OCCURRED WITHIN THE PRECEDING SIX MONTHS.

(b) A SPECIFIC BEHAVIOR OR ACT THAT JUSTIFIES THE REASONABLE BELIEF THAT THE RESPONDENT IS A DANGER TO SELF OR OTHERS.

4. THE RELATIONSHIP BETWEEN THE PARTIES AND WHETHER THERE IS OR HAS BEEN A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST WORKPLACE HARASSMENT IN PLACE BETWEEN THE PARTIES.

5. WHETHER THE PETITIONER KNOWS IF THE RESPONDENT IS CURRENTLY OR WAS PREVIOUSLY THE SUBJECT OF A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST WORKPLACE HARASSMENT.

1           6. THE NAME OF THE COURT IN WHICH ANY PREVIOUS OR PENDING  
2 PROCEEDING OR ORDER WAS SOUGHT OR ISSUED CONCERNING THE RESPONDENT OR OF  
3 WHICH THE PETITIONER IS AWARE.

4           7. A STATEMENT THAT, BASED ON THE INFORMATION REQUIRED IN THE  
5 PETITION, THE PETITIONER REASONABLY BELIEVES A SEVERE THREAT ORDER OF  
6 PROTECTION IS NECESSARY BECAUSE THE RESPONDENT POSES A SIGNIFICANT DANGER  
7 OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS.

8           C. THE COURT SHALL REVIEW THE PETITION, ANY OTHER PLEADINGS ON FILE  
9 AND ANY EVIDENCE OFFERED BY THE PETITIONER, INCLUDING ANY EVIDENCE OF:

10           1. A RECENT CREDIBLE THREAT TO CAUSE DEATH OR SERIOUS PHYSICAL  
11 INJURY OR AN ACT OR ATTEMPTED ACT CAUSING DEATH OR SERIOUS PHYSICAL INJURY  
12 BY THE RESPONDENT AGAINST SELF OR OTHERS.

13           2. A PATTERN OF THREATS TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY  
14 OR ACTS OR ATTEMPTED ACTS CAUSING DEATH OR SERIOUS PHYSICAL INJURY BY THE  
15 RESPONDENT WITHIN THE PRECEDING SIX MONTHS. EVIDENCE THAT THE RESPONDENT  
16 HAS VIOLATED AN ORDER OF PROTECTION OR AN INJUNCTION AGAINST HARASSMENT  
17 MAY BE USED TO DEMONSTRATE A PATTERN FOR THE PURPOSES OF THIS PARAGRAPH.

18           3. THE RESPONDENT'S CRUEL MISTREATMENT OF AN ANIMAL.

19           4. KNOWN DANGEROUS MENTAL HEALTH ISSUES OF THE RESPONDENT.

20           5. THE RESPONDENT'S HAVING PREVIOUSLY BEEN SUBJECT TO OR CURRENTLY  
21 BEING SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION.

22           6. A CONVICTION FOR A VIOLENT CRIME COMMITTED BY THE RESPONDENT.

23           7. A CONVICTION FOR AN OFFENSE INVOLVING UNLAWFUL USE, THREATENING  
24 DISPLAY OR BRANDISHING OF A FIREARM BY THE RESPONDENT IN VIOLATION OF  
25 TITLE 13, CHAPTER 31 OR A CONVICTION FOR AN OFFENSE IN ANOTHER  
26 JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF TITLE  
27 13, CHAPTER 31.

28           8. THE RESPONDENT'S HISTORY OF USE, ATTEMPTED USE OR THREATENED USE  
29 OF PHYSICAL FORCE AGAINST ANOTHER PERSON OR STALKING ANOTHER PERSON.

30           9. THE RESPONDENT'S RECURRING ABUSE OF CONTROLLED SUBSTANCES OR  
31 ALCOHOL IF THE EVIDENCE DEMONSTRATES THAT THE ABUSE IS A CONTRIBUTING  
32 FACTOR TO THE RESPONDENT'S DANGEROUSNESS OR VIOLENCE.

33           D. THE COURT SHALL EITHER ISSUE AN EX PARTE TEMPORARY SEVERE THREAT  
34 ORDER OF PROTECTION ON THE DAY THE COURT RECEIVES THE PETITION OR THE DAY  
35 AFTER THE COURT RECEIVES THE PETITION, OR THE COURT MAY SCHEDULE A HEARING  
36 ON THE PETITION WITHIN FOURTEEN DAYS AFTER THE COURT RECEIVES THE PETITION  
37 AND PROVIDE NOTICE TO THE RESPONDENT OF THE HEARING DATE. THE COURT MAY  
38 ORDER A MENTAL HEALTH EVALUATION OF THE RESPONDENT AT NO COST TO THE  
39 RESPONDENT. THE EVALUATION AGENCY SHALL PROVIDE THE EVALUATION RESULTS TO  
40 THE COURT BEFORE THE HEARING DATE. THE COURT SHALL ISSUE AN EX PARTE  
41 TEMPORARY SEVERE THREAT ORDER OF PROTECTION IF THE COURT DETERMINES THAT,  
42 BASED ON THE FACTORS ENUMERATED IN THIS SECTION, THERE IS PROBABLE CAUSE  
43 TO BELIEVE THAT THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT,  
44 FOR THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT  
45 POSSESS A FIREARM FOR THE DURATION OF THE ORDER. AN EX PARTE TEMPORARY

1 SEVERE THREAT ORDER OF PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION  
2 REQUIRE THE RESPONDENT TO SURRENDER ALL FIREARMS THAT THE RESPONDENT OWNS  
3 OR POSSESSES TO A SPECIFIC LAW ENFORCEMENT AGENCY.

4 E. THE COURT SHALL IMMEDIATELY TRANSMIT THE PETITION AND THE EX  
5 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR THE SEVERE THREAT  
6 ORDER OF PROTECTION TO THE COUNTY SHERIFF OR LOCAL LAW ENFORCEMENT AGENCY  
7 FOR THE JURISDICTION IN WHICH THE PERSON WHO IS SUBJECT TO THE ORDER  
8 RESIDES. THE PERSON WHO IS SUBJECT TO THE ORDER SHALL BE SERVED WITH A  
9 COPY OF THE PETITION AND THE EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
10 PROTECTION. THE RETURN OF SERVICE MUST BE FILED WITHIN TWENTY-FOUR HOURS  
11 AFTER SERVICE WITH THE CLERK OF THE ISSUING COURT.

12 F. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION EXPIRES  
13 IN FOURTEEN DAYS. THE COURT SHALL HOLD A HEARING WITHIN FOURTEEN DAYS  
14 EITHER AFTER ISSUING AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
15 PROTECTION OR RECEIVING THE PETITION IF THE COURT DID NOT ISSUE AN EX  
16 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION.

17 G. AT THE HEARING, THE RESPONDENT MAY PRESENT EVIDENCE AND, IF A  
18 MENTAL HEALTH EVALUATION WAS CONDUCTED, THE COURT SHALL CONSIDER THE  
19 EVALUATION RESULTS. THE COURT SHALL ISSUE A SEVERE THREAT ORDER OF  
20 PROTECTION IF THE COURT DETERMINES AFTER THE HEARING THAT, BASED ON THE  
21 FACTORS ENUMERATED IN THIS SECTION, CLEAR AND CONVINCING EVIDENCE EXISTS  
22 TO BELIEVE THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT, FOR  
23 THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT POSSESS  
24 A FIREARM FOR THE DURATION OF THE ORDER. A SEVERE THREAT ORDER OF  
25 PROTECTION EXPIRES ONE YEAR AFTER THE DATE THE ORDER IS SERVED ON THE  
26 RESPONDENT.

27 H. THE RESPONDENT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
28 PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION MAY CONSULT AN ATTORNEY  
29 BEFORE A HEARING IS CONDUCTED PURSUANT TO THIS SECTION AND MAY HAVE AN  
30 ATTORNEY PRESENT AT ANY HEARING HELD PURSUANT TO THIS ARTICLE. IF THE  
31 PERSON WHO IS SUBJECT TO THE ORDER IS A MINOR, THE PARENT OR LEGAL  
32 GUARDIAN OF THE MINOR SHALL BE IMMEDIATELY NOTIFIED THAT THE MINOR MAY  
33 CONSULT AND HAVE AN ATTORNEY PRESENT AT ANY HEARING THAT IS HELD PURSUANT  
34 TO THIS ARTICLE. IF THE RESPONDENT IS A MINOR, THE MINOR SHALL BE  
35 APPOINTED A GUARDIAN AD LITEM FOR THE PENDENCY OF THE PROCEEDINGS.

36 I. WITHIN NINETY DAYS AFTER A SEVERE THREAT ORDER OF PROTECTION IS  
37 ISSUED, THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO ONE  
38 HEARING ON WRITTEN REQUEST IN ORDER TO QUASH THE ORDER. AT THE HEARING,  
39 THE RESPONDENT HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE  
40 THAT THE RESPONDENT NO LONGER POSES A DANGER TO SELF OR OTHERS. A FEE MAY  
41 NOT BE CHARGED FOR REQUESTING A HEARING. A HEARING THAT IS REQUESTED BY  
42 THE RESPONDENT WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION SHALL  
43 BE HELD AT THE EARLIEST POSSIBLE TIME BUT NOT LATER THAN TEN DAYS AFTER  
44 THE DATE OF THE REQUEST UNLESS THE COURT FINDS GOOD CAUSE TO CONTINUE THE  
45 HEARING. AN ORDER THAT IS ISSUED PURSUANT TO THIS SECTION SHALL STATE



1 THAT THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO A HEARING  
2 ON WRITTEN REQUEST AND THAT THE RESPONDENT MAY CONSULT WITH AND HAVE AN  
3 ATTORNEY PRESENT AT THE HEARING. THE ORDER SHALL INCLUDE THE NAME AND  
4 ADDRESS OF THE CLERK OF THE COURT WHERE THE REQUEST MAY BE FILED AND THE  
5 NAME OF THE JUDICIAL OFFICER WHO ISSUED THE ORDER.

6 J. WITHIN TWENTY-FOUR HOURS AFTER A COURT ISSUES AN EX PARTE  
7 TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF  
8 PROTECTION, THE COURT MUST FORWARD A COPY OF THE ORDER AND PROOF OF  
9 SERVICE, IF APPLICABLE, TO THE SHERIFF'S OFFICE IN THE COUNTY IN WHICH THE  
10 ORDER WAS ISSUED FOR REGISTRATION BY THE SHERIFF IN A CENTRAL REPOSITORY.  
11 THE SHERIFF SHALL REGISTER THE ORDER WITH THE NATIONAL CRIME INFORMATION  
12 CENTER AND SHALL INDICATE ON THE FILE THAT THE RESPONDENT IS SUBJECT TO  
13 FIREARM RESTRICTIONS. EACH COUNTY SHERIFF SHALL MAINTAIN A CENTRAL  
14 REPOSITORY TO VERIFY THE EXISTENCE AND VALIDITY OF A SEVERE THREAT ORDER  
15 OF PROTECTION.

16 K. WITHIN TWENTY-FOUR HOURS AFTER A COURT MODIFIES, EXTENDS OR  
17 QUASHES AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A  
18 SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL SEND A WRITTEN ORDER  
19 THAT MODIFIES, EXTENDS OR QUASHES THE EX PARTE TEMPORARY SEVERE THREAT  
20 ORDER OF PROTECTION OR SEVERE THREAT ORDER OF PROTECTION TO THE SHERIFF IN  
21 THE COUNTY WHERE THE ORIGINAL ORDER WAS REGISTERED. THE SHERIFF SHALL  
22 ENSURE THAT THE NATIONAL CRIME INFORMATION CENTER IS UPDATED WITH THIS  
23 INFORMATION.

24 L. A PERSON WHO ACTS PURSUANT TO THIS ARTICLE IN GOOD FAITH ON  
25 EITHER ACTUAL KNOWLEDGE OR RELIABLE INFORMATION IS NOT SUBJECT TO CIVIL  
26 LIABILITY FOR THAT ACT.

27 M. IF THE COURT DOES NOT FIND THE PERSON WHO IS SUBJECT TO AN EX  
28 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION TO BE AN IMMEDIATE  
29 DANGER TO SELF OR OTHERS, THE COURT SHALL NOTIFY THE PETITIONER WITHIN  
30 TWENTY-FOUR HOURS AFTER THAT DETERMINATION IS MADE.

31 12-1883. Severe threat order of protection extension

32 A. WITHIN FORTY-FIVE DAYS BEFORE A SEVERE THREAT ORDER OF  
33 PROTECTION EXPIRES, A PETITIONER MAY FILE A VERIFIED PETITION IN THE  
34 SUPERIOR COURT OR A MUNICIPAL COURT REQUESTING THAT THE ORDER BE EXTENDED  
35 FOR ONE YEAR UNLESS THE PERSON WHO IS SUBJECT TO THE ORDER PROVIDES CLEAR  
36 AND CONVINCING EVIDENCE THAT THE PERSON IS NOT A DANGER TO SELF OR OTHERS  
37 BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882.

38 B. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
39 ORDER HAS FAILED TO APPEAR OR RESPOND TO A PETITION TO EXTEND A SEVERE  
40 THREAT ORDER OF PROTECTION AFTER BEING PERSONALLY SERVED AND GIVEN THE  
41 OPPORTUNITY FOR A HEARING ON THE REQUESTED EXTENSION AND UNLESS THE PERSON  
42 WHO IS SUBJECT TO THE ORDER HAS PROVIDED CLEAR AND CONVINCING EVIDENCE  
43 THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS NOT A DANGER TO SELF OR  
44 OTHERS BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL  
45 EXTEND THE SEVERE THREAT ORDER OF PROTECTION FOR ONE YEAR.

C. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS NOT A DANGER TO SELF OR OTHERS AFTER REVIEWING ANY EVALUATION RESULTS AND THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL ALLOW THE SEVERE THREAT ORDER OF PROTECTION TO EXPIRE AND FOLLOW THE PROCEDURES PRESCRIBED IN SECTIONS 12-1882 AND 12-1885.

12-1884. Applicability to minors; juvenile court transfer

IF THE RESPONDENT TO A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION IS A MINOR, THE PETITION SHALL BE TRANSFERRED TO THE JUVENILE COURT.

12-1885. Prohibited possession of a firearm; firearm seizure; violation; classification

A. A PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION MAY NOT POSSESS OR PURCHASE A FIREARM AFTER THE ORDER HAS BEEN SERVED. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 4 FELONY.

B. IF THE PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IS A MINOR AND A PARENT, LEGAL GUARDIAN OR HOUSEHOLD MEMBER OWNS A FIREARM, THE PARENT OR LEGAL GUARDIAN SHALL ATTEST TO THE COURT UNDER OATH AS PART OF THE SEVERE THREAT ORDER OF PROTECTION PROCEEDINGS THAT THE FIREARM IS SECURED AND THAT THE MINOR WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE FIREARM.

C. A LAW ENFORCEMENT OFFICER WHO IS SERVING AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION SHALL ORDER THE PERSON WHO IS SUBJECT TO THE ORDER TO TURN OVER ANY FIREARMS THAT THE PERSON OWNS OR POSSESSES TO THE LAW ENFORCEMENT OFFICER AND THE LAW ENFORCEMENT OFFICER MAY TAKE TEMPORARY CUSTODY OF ANY FIREARM THAT IS IN PLAIN SIGHT OR DISCOVERED PURSUANT TO A CONSENSUAL OR OTHER LAWFUL SEARCH AND THAT IS NECESSARY FOR THE PROTECTION OF THE LAW ENFORCEMENT OFFICER OR OTHER PERSONS PRESENT AS PROVIDED IN SECTION 13-3102, SUBSECTION L.

D. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL PROVIDE THE OWNER OR POSSESSOR OF THE FIREARM WITH A RECEIPT FOR EACH SEIZED FIREARM. THE RECEIPT MUST INCLUDE THE IDENTIFICATION OR SERIAL NUMBER OR ANOTHER IDENTIFYING CHARACTERISTIC OF EACH SEIZED FIREARM. EACH SEIZED FIREARM SHALL BE HELD SAFELY AND WITHOUT BEING DAMAGED FOR THE DURATION OF THE SEVERE THREAT ORDER OF PROTECTION OR UNTIL THE FIREARM IS TRANSFERRED TO A RESPONSIBLE CUSTODIAN PURSUANT TO SUBSECTION F OF THIS SECTION. THE FIREARM MAY BE DISPOSED OF ONLY IN ACCORDANCE WITH SECTION 12-941.

E. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO THIS SECTION, THE PETITIONER SHALL BE NOTIFIED BY THE LAW ENFORCEMENT AGENCY THAT SEIZED THE FIREARM BEFORE THE FIREARM IS RELEASED.

1 F. IF A PERSON IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT  
2 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION, THE COURT  
3 SHALL ORDER THE PERSON TO TURN OVER ANY FIREARMS THAT THE PERSON OWNS OR  
4 POSSESSES TO A LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL  
5 NOTIFY THE COURT OF THE PERSON'S COMPLIANCE WITH THIS SUBSECTION WITHIN  
6 TWENTY-FOUR HOURS AFTER THE ORDER IS SERVED. AT ANY TIME AFTER THE LAW  
7 ENFORCEMENT AGENCY NOTIFIES THE COURT OF THE PERSON'S COMPLIANCE WITH THIS  
8 SUBSECTION, THE PERSON WHO IS SUBJECT TO THE ORDER MAY SUBMIT THE NAME OF  
9 A FEDERALLY LICENSED FIREARMS DEALER WHO WILL EITHER PURCHASE THE PERSON'S  
10 FIREARMS OR STORE THEM FOR THE DURATION OF THE ORDER. A FEDERALLY  
11 LICENSED FIREARMS DEALER MAY CHARGE A REASONABLE FEE FOR STORAGE. THE  
12 FEDERALLY LICENSED FIREARMS DEALER SHALL TAKE POSSESSION OF THE PERSON'S  
13 FIREARMS AFTER PROVIDING THE LAW ENFORCEMENT AGENCY AN AFFIRMATION THAT  
14 STATES THAT THE PERSON WHO IS SUBJECT TO THE ORDER WILL NOT HAVE ACCESS TO  
15 THE FIREARM FOR THE DURATION OF THE ORDER AND THAT THE FIREARM WILL BE  
16 SAFELY HELD AND NOT DAMAGED. IF A PERSON WHO IS SUBJECT TO A SEVERE  
17 THREAT ORDER OF PROTECTION DOES NOT OWN OR POSSESS A FIREARM, THE PERSON  
18 SHALL ATTEST TO THE COURT UNDER OATH WITHIN TWENTY-FOUR HOURS AFTER BEING  
19 SERVED WITH THE ORDER THAT THE PERSON DOES NOT OWN OR POSSESS A FIREARM.

20 G. A LAW ENFORCEMENT AGENCY OR RESPONSIBLE CUSTODIAN WHO KNOWINGLY  
21 OR NEGLIGENTLY FAILS TO MAINTAIN THE SURRENDERED FIREARM IN THE SAME  
22 CONDITION THAT THE FIREARM WAS IN WHEN SURRENDERED IS LIABLE FOR ANY  
23 DAMAGES TO THE FIREARM.

24 H. IF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
25 PROTECTION DOES NOT SUBMIT EVIDENCE OF THE PERSON'S COMPLIANCE WITH  
26 SUBSECTION F OF THIS SECTION TO A LAW ENFORCEMENT AGENCY WITHIN  
27 TWENTY-FOUR HOURS AFTER THE ORDER, THE PETITIONER OR A LAW ENFORCEMENT  
28 OFFICER MAY REQUEST THAT THE COURT ISSUE A SEARCH WARRANT TO ALLOW A LAW  
29 ENFORCEMENT OFFICER TO SEARCH FOR AND SEIZE ANY FIREARM THAT IS IN THE  
30 PERSON'S POSSESSION.

31 I. AFTER AN ORDER EXPIRES OR IS QUASHED, THE COURT SHALL PROVIDE  
32 THE PERSON WHO IS SUBJECT TO THE ORDER WITH DOCUMENTATION THAT STATES THAT  
33 THE ORDER HAS EXPIRED OR HAS BEEN QUASHED AND IS NO LONGER IN EFFECT. A  
34 LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A FIREARM SHALL RELEASE THE  
35 FIREARM WITHIN FORTY-EIGHT HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER  
36 THE RECEIPT OF THE EVIDENCE THAT THE ORDER HAS EXPIRED OR BEEN QUASHED OR  
37 RECEIPT OF A COURT DOCUMENT EVIDENCING THAT THE PERSON IS NOT PROHIBITED  
38 FROM POSSESSING A FIREARM.

39 J. IF A FIREARM IS NOT OWNED OR POSSESSED BY THE PERSON WHO IS  
40 SUBJECT TO THE ORDER BUT IS OWNED OR POSSESSED BY A MINOR OR HOUSEHOLD  
41 MEMBER, THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT AN AFFIDAVIT TO THE  
42 COURT STATING THAT APPROPRIATE MEASURES HAVE BEEN TAKEN TO ENSURE THAT THE  
43 PERSON WHO IS SUBJECT TO THE ORDER WILL NOT HAVE ACCESS TO THE FIREARM.  
44 APPROPRIATE MEASURES INCLUDE SECURING THE FIREARM AT ANOTHER LOCATION,

1 SECURING THE FIREARM IN AN APPROPRIATE SAFE OR OTHER MEASURES THAT WILL  
2 ENSURE THE PERSON WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE FIREARM.

3 K. IF A PERSON HAS BEEN FOUND TO CONSTITUTE A DANGER TO SELF OR  
4 OTHERS AND THE COURT ENTERS A SEVERE THREAT ORDER OF PROTECTION PURSUANT  
5 TO SECTION 12-1882 OR 12-1883, THE COURT SHALL FOLLOW THE PROCEDURES  
6 PRESCRIBED IN SECTION 12-1882. THE SUPERIOR COURT MAY ACCESS THE  
7 INFORMATION OF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
8 PROTECTION TO ENFORCE OR FACILITATE AN ORDER.

9 L. ON REQUEST, THE CLERK OF THE COURT SHALL PROVIDE CERTIFIED  
10 COPIES OF THE ORDER TO A LAW ENFORCEMENT OR PROSECUTING AGENCY THAT IS  
11 INVESTIGATING OR PROSECUTING A PROHIBITED POSSESSOR AS DEFINED IN SECTION  
12 13-3101.

13 M. A PERSON IS GUILTY OF A CLASS 4 FELONY IF THE PERSON BOTH:

14 1. INTENTIONALLY OR KNOWINGLY ALLOWS ACCESS TO A FIREARM BY A  
15 PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
16 PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION.

17 2. KNOWS THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM.

18 Sec. 4. Section 13-2703, Arizona Revised Statutes, is amended to  
19 read:

20 13-2703. False swearing; classification

21 A. A person commits false swearing by making a false sworn  
22 statement, believing it to be false.

23 B. False swearing is a class 6 felony, EXCEPT THAT IT IS A CLASS 5  
24 FELONY IF THE PERSON MAKES THE FALSE SWORN STATEMENT FOR THE PURPOSE OF  
25 OBTAINING A SEVERE THREAT ORDER OF PROTECTION.

26 Sec. 5. Section 13-3101, Arizona Revised Statutes, is amended to  
27 read:

28 13-3101. Definitions

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

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

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

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

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

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

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

12           7. "Prohibited possessor" means any person:

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

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

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

22           (d) Who is at the time of possession serving a term of probation  
23 pursuant to a conviction for a domestic violence offense as defined in  
24 section 13-3601 or a felony offense, parole, community supervision, work  
25 furlough, home arrest or release on any other basis or who is serving a  
26 term of probation or parole pursuant to the interstate compact under title  
27 31, chapter 3, article 4.1.

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

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

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

39           (iii) Certain diplomats.

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

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

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

4 (g) Who is found guilty except insane.

5 (h) WHO IS SUBJECT TO A VALID EX PARTE TEMPORARY SEVERE THREAT  
6 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IF THE PERSON  
7 WAS PERSONALLY SERVED WITH THE ORDER.

8 8. "Prohibited weapon":

9 (a) Includes the following:

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

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

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

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

22 (v) A breakable container that contains a flammable liquid with a  
23 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
24 wick or similar device capable of being ignited.

25 (vi) A chemical or combination of chemicals, compounds or  
26 materials, including dry ice, that is possessed or manufactured for the  
27 purpose of generating a gas to cause a mechanical failure, rupture or  
28 bursting or an explosion or detonation of the chemical or combination of  
29 chemicals, compounds or materials.

30 (vii) An improvised explosive device.

31 (viii) Any combination of parts or materials that is designed and  
32 intended for use in making or converting a device into an item set forth  
33 in item (i), (v) or (vii) of this subdivision.

34 (b) Does not include:

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

37 (ii) Any propellant, propellant actuated devices or propellant  
38 actuated industrial tools that are manufactured, imported or distributed  
39 for their intended purposes.

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

42 9. "Trafficking" means to sell, transfer, distribute, dispense or  
43 otherwise dispose of a weapon or explosive to another person, or to buy,  
44 receive, possess or obtain control of a weapon or explosive, with the

1 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
2 weapon or explosive to another person.

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