

REFERENCE TITLE: domestic violence; release conditions

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1723

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTIONS 13-3602 AND 13-3967, ARIZONA REVISED STATUTES; RELATING
TO BAIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3602, Arizona Revised Statutes, is amended to
3 read:

4 13-3602. Order of protection; procedure; contents; arrest for
5 violation; penalty; protection order from another
6 jurisdiction; 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 an order of
9 protection for the purpose of restraining a person from committing an act
10 included in domestic violence. If the person is a minor, the parent,
11 legal guardian or person who has legal custody of the minor shall file the
12 petition unless the court determines otherwise. The petition shall name
13 the parent, guardian or custodian as the plaintiff and the minor is a
14 specifically designated person for the purposes of subsection G of this
15 section. If a person is either temporarily or permanently unable to
16 request an order, a third party may request an order of protection on
17 behalf of the plaintiff. After the request, the judicial officer shall
18 determine if the third party is an appropriate requesting party for the
19 plaintiff. For the purposes of this section, notwithstanding the location
20 of the plaintiff or defendant, any court in this state may issue or
21 enforce an order of protection.

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

23 1. Unless the party who requests the order files a written verified
24 petition for an order.

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

27 3. Against more than one defendant.

28 C. The petition shall state the:

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

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

38 3. Specific statement, including dates, of the domestic violence
39 alleged.

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

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

4 6. Desired relief.

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

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

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

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

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

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

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

31 2. Grant one party the use and exclusive possession of the parties'
32 residence on a showing that there is reasonable cause to believe that
33 physical harm may otherwise result. If the other party is accompanied by
34 a law enforcement officer, the other party may return to the residence on
35 one occasion to retrieve belongings. A law enforcement officer is not
36 liable for any act or omission in the good faith exercise of the officer's
37 duties under this paragraph. While the order of protection is in effect,
38 if a party was granted the use and exclusive possession of the parties'
39 residence and subsequently moves out of the ~~house~~ RESIDENCE, the party
40 must file a notice in writing with the court within five days after moving
41 out of the residence. After receiving the notification from the
42 plaintiff, the court shall provide notice to the defendant that the
43 plaintiff has moved out of the residence and of the defendant's right to
44 request a hearing pursuant to subsection L of this section.

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

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

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

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

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

32 8. REQUIRE THE DEFENDANT TO PROVIDE IDENTIFYING INFORMATION TO THE
33 PLAINTIFF, INCLUDING THE DEFENDANT'S RESIDENCE, PLACE OF EMPLOYMENT OR
34 VEHICLE INFORMATION, ON A SHOWING THAT THERE IS REASONABLE CAUSE TO
35 BELIEVE THAT PHYSICAL HARM MAY OTHERWISE RESULT.

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

41 I. After granting an order of protection, the court shall provide
42 the order to a law enforcement agency or a constable as set forth in
43 subsection J of this section for service or to an entity that is
44 authorized in subsection K of this section to serve process. The agency
45 or entity serving the order shall provide confirmation of service to the

1 plaintiff as soon as practicable. If service of an order cannot be
2 completed within fifteen days after the agency or entity receives the
3 order, the agency or entity that is attempting service shall notify the
4 plaintiff and continue to attempt service. This notification may be
5 completed by a victim notification system, if available.

6 J. If the order of protection is provided to a law enforcement
7 agency or a constable, service of an order of protection is as follows:

8 1. For each order of protection that is issued by a municipal
9 court, if the defendant can be served within that city or town, the order
10 shall be served by the law enforcement agency of that city or town. If
11 the order can be served in another city or town, the order shall be served
12 by the law enforcement agency of that city or town. If the order cannot
13 be served within a city or town, the order shall be served by the sheriff
14 or constable of the county in which the defendant can be served.

15 2. For each order of protection that is issued by a justice of the
16 peace, the order of protection shall be served by the sheriff or constable
17 of the county in which the defendant can be served or by a municipal law
18 enforcement agency.

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

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

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

1 M. The order shall include the following statement:

2 Warning

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

7 N. An order of protection that is not served on the defendant
8 within one year after the date that the order is issued expires. An order
9 is effective on the defendant on service of a copy of the order and
10 petition. An order expires two years after service on the defendant. A
11 modified order is effective on service and expires two years after service
12 of the initial order and petition.

13 O. A supplemental information form that is used by the court or a
14 law enforcement agency solely for the purposes of service of process on
15 the defendant and that contains information provided by the plaintiff is
16 confidential.

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

22 Q. The supreme court shall maintain a central repository for orders
23 of protection. Within twenty-four hours after the affidavit, declaration,
24 acceptance or return of service has been filed, excluding weekends and
25 holidays, the court from which the order or any modified order was issued
26 shall enter the order and proof of service into the supreme court's
27 central repository for orders of protection. The supreme court shall
28 register the order with the national crime information center. The
29 effectiveness of an order does not depend on its registration, and for
30 enforcement purposes pursuant to section 13-2810, a copy of an order of
31 the court, whether or not registered, is presumed to be a valid existing
32 order of the court for a period of two years from the date of service of
33 the order on the defendant.

34 R. A peace officer, with or without a warrant, may arrest a person
35 if the peace officer has probable cause to believe that the person has
36 violated section 13-2810 by disobeying or resisting an order that is
37 issued in any jurisdiction in this state pursuant to this section, whether
38 or not such violation occurred in the presence of the officer. Criminal
39 violations of an order issued pursuant to this section shall be referred
40 to an appropriate law enforcement agency. The provisions for release
41 under section 13-3883, subsection A, paragraph 4 and section 13-3903 do
42 not apply to an arrest made pursuant to this section. For the purposes of
43 this section, any court in this state has jurisdiction to enforce a valid
44 order of protection that is issued in this state and that has been
45 violated in any jurisdiction in this state.

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

13 T. The remedies provided in this section for enforcement of the
14 orders of the court are in addition to any other civil and criminal
15 remedies available. The superior court shall have exclusive jurisdiction
16 to issue orders of protection in all cases if it appears from the petition
17 that an action for maternity or paternity, annulment, legal separation or
18 dissolution of marriage is pending between the parties. A municipal court
19 or justice court shall not issue an order of protection if it appears from
20 the petition that an action for maternity or paternity, annulment, legal
21 separation or dissolution of marriage is pending between the parties.
22 After issuance of an order of protection, if the municipal court or
23 justice court determines that an action for maternity or paternity,
24 annulment, legal separation or dissolution of marriage is pending between
25 the parties, the municipal court or justice court shall stop further
26 proceedings in the action and forward all papers, together with a
27 certified copy of docket entries or any other record in the action, to the
28 superior court where they shall be docketed in the pending superior court
29 action and shall proceed as though the petition for an order of protection
30 had been originally brought in the superior court. Notwithstanding any
31 other law and unless prohibited by an order of the superior court, a
32 municipal court or justice court may hold a hearing on all matters
33 relating to its ex parte order of protection if the hearing was requested
34 before receiving written notice of the pending superior court action. ~~NO~~
35 AN order of protection shall NOT be invalid or determined to be
36 ineffective merely because it was issued by a lower court at a time when
37 an action for maternity or paternity, annulment, legal separation or
38 dissolution of marriage was pending in a higher court. After a hearing
39 with notice to the affected party, the court may enter an order requiring
40 any party to pay the costs of the action, including reasonable attorney
41 fees, if any. An order that is entered by a justice court or municipal
42 court after a hearing pursuant to this section may be appealed to the
43 superior court as provided in title 22, chapter 2, article 4, section
44 22-425, subsection B and the superior court rules of civil appellate
45 procedure without regard to an amount in controversy. ~~NO~~ A fee may NOT be

1 charged to either party for filing an appeal. For the purposes of this
2 subsection, "pending" means, with respect to an action for annulment,
3 legal separation or dissolution of marriage or for maternity or paternity,
4 either that:

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

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

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

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

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

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

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

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

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

44 4. A peace officer may presume the validity of and rely on a copy
45 of a protection order that is issued by another state, a United States

1 territory or an Indian tribe if the order was given to the officer by any
2 source. A peace officer may also rely on the statement of any person who
3 is protected by the order that the order remains in effect. A peace
4 officer who acts in good faith reliance on a protection order is not
5 civilly or criminally liable for enforcing the protection order pursuant
6 to this section.

7 W. For the purposes of this section, "victim notification system"
8 means an automated system that may provide plaintiffs and crime victims
9 with an automated notification regarding the person's case.

10 Sec. 2. Section 13-3967, Arizona Revised Statutes, is amended to
11 read:

12 13-3967. Release on bailable offenses before trial;
13 definition

14 A. At his appearance before a judicial officer, any person who is
15 charged with a public offense that is bailable as a matter of right shall
16 be ordered released pending trial on his own recognizance or on the
17 execution of bail in an amount specified by the judicial officer.

18 B. In determining the method of release or the amount of bail, the
19 judicial officer, on the basis of available information, shall take into
20 account all of the following:

- 21 1. The views of the victim.
- 22 2. The nature and circumstances of the offense charged.
- 23 3. Whether the accused has a prior arrest or conviction for a
24 serious offense or violent or aggravated felony as defined in section
25 13-706 or an offense in another state that would be a serious offense or
26 violent or aggravated felony as defined in section 13-706 if committed in
27 this state.
- 28 4. Evidence that the accused poses a danger to others in the
29 community.
- 30 5. The results of a risk or lethality assessment in a domestic
31 violence charge that is presented to the court.
- 32 6. The weight of evidence against the accused.
- 33 7. The accused's family ties, employment, financial resources,
34 character and mental condition.
- 35 8. The results of any drug test submitted to the court.
- 36 9. Whether the accused is using any substance if its possession or
37 use is illegal pursuant to chapter 34 of this title.
- 38 10. Whether the accused violated section 13-3407, subsection A,
39 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.
- 40 11. The length of residence in the community.
- 41 12. The accused's record of arrests and convictions.
- 42 13. The accused's record of appearance at court proceedings or of
43 flight to avoid prosecution or failure to appear at court proceedings.
- 44 14. Whether the accused has entered or remained in the United
45 States illegally.

1 15. Whether the accused's residence is in this state, in another
2 state or outside the United States.

3 C. If a judicial officer orders the release of a defendant who is
4 charged with a felony either on his own recognizance or on bail, the
5 judicial officer shall condition the defendant's release on the
6 defendant's good behavior while so released. On a showing of probable
7 cause that the defendant committed any offense during the period of
8 release, a judicial officer may revoke the defendant's release pursuant to
9 section 13-3968.

10 D. After providing notice to the victim pursuant to section
11 13-4406, a judicial officer may impose any of the following conditions on
12 a person who is released on his own recognizance or on bail:

13 1. Place the person in the custody of a designated person or
14 organization agreeing to supervise him.

15 2. Place restrictions on the person's travel, associates or place
16 of abode during the period of release.

17 3. Require the deposit with the clerk of the court of cash or other
18 security, such deposit to be returned on the performance of the conditions
19 of release.

20 4. Prohibit the person from possessing any deadly weapon or
21 engaging in certain described activities or indulging in intoxicating
22 liquors or certain drugs.

23 5. Require the person to report regularly to and remain under the
24 supervision of an officer of the court.

25 6. Impose any other conditions deemed reasonably necessary to
26 assure appearance as required including a condition requiring that the
27 person return to custody after specified hours.

28 E. In addition to any of the conditions a judicial officer may
29 impose pursuant to subsection D of this section, the judicial officer
30 shall impose both of the following conditions on a person who is charged
31 with a felony violation of chapter 14 or 35.1 of this title or section
32 13-3212 OR AN OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION
33 13-3601 and who is released on his own recognizance or on bail:

34 1. Electronic monitoring where available.

35 2. A condition prohibiting the person from having any contact with
36 the victim.

37 F. The judicial officer who authorizes the release of the person
38 charged on his own recognizance or on bail shall do all of the following:

39 1. Issue an appropriate order containing statements of the
40 conditions imposed.

41 2. Inform the person of the penalties that apply to any violation
42 of the conditions of release.

43 3. Advise the person that a warrant for his arrest may be issued
44 immediately on any violation of the conditions of release, including the

1 failure to submit to deoxyribonucleic acid testing ordered pursuant to
2 paragraph 4 of this subsection.

3 4. If the person is charged with a felony or misdemeanor offense
4 listed in section 13-610, subsection 0, paragraph 3 and is summoned to
5 appear, order the person to report within five days to the law enforcement
6 agency that arrested the person or to the agency's designee and submit a
7 sufficient sample of buccal cells or other bodily substances for
8 deoxyribonucleic acid testing and extraction. If a person does not comply
9 with an order issued pursuant to this paragraph, the court shall revoke
10 the person's release.

11 G. At any time after providing notice to the victim pursuant to
12 section 13-4406, the judicial officer who orders the release of a person
13 on any condition specified in this section or the court in which a
14 prosecution is pending may amend the order to employ additional or
15 different conditions of release, including either an increase or reduction
16 in the amount of bail. On application, the defendant shall be entitled to
17 have the conditions of release reviewed by the judicial officer who
18 imposed them or by the court in which the prosecution is pending.
19 Reasonable notice of the application shall be given to the county attorney
20 and the victim.

21 H. Any information that is stated or offered in connection with any
22 order pursuant to this section need not conform to the rules pertaining to
23 admissibility of evidence in a court of law.

24 I. This section does not prevent the disposition of any case or
25 class of cases by forfeiture of bail or collateral security if such
26 disposition is authorized by the court.

27 J. A judicial officer who orders the release of a juvenile who is
28 enrolled in a school and who has been transferred to the criminal division
29 of the superior court pursuant to section 8-327 or who has been charged as
30 an adult pursuant to section 13-501 shall notify the appropriate school on
31 the release of the juvenile from custody.

32 K. For the purposes of this section and section 13-3968, "judicial
33 officer" means any person or court authorized pursuant to the constitution
34 or laws of this state to bail or otherwise release a person before trial
35 or sentencing or pending appeal.