

COMMITTEE ON JUDICIARY  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2604  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3624, Arizona Revised Statutes, is amended to  
3 read:

4 13-3624. Emergency orders of protection

5 A. In ALL counties ~~with a population of one hundred fifty thousand~~  
6 ~~persons or more~~ IN THIS STATE, ~~the presiding judge of the superior court,~~  
7 ~~during the hours that the courts are closed, shall make available on a~~  
8 ~~rotating basis a~~ ANY judge, justice of the peace, magistrate or  
9 commissioner ~~who shall~~ MAY issue emergency orders of protection by  
10 telephone.

11 B. ~~In counties with a population of less than one hundred fifty~~  
12 ~~thousand persons, a judge, justice of the peace, magistrate or commissioner~~  
13 ~~may issue an emergency order by telephone.~~ The court, within twenty-four  
14 hours after a defendant is arrested for an act of domestic violence, shall  
15 register a certified copy of the release order with the sheriff's office of  
16 the county in which the order was issued. The court shall notify the  
17 sheriff's office of material changes in the release order, if the  
18 conditions of the release order are no longer in effect and when the  
19 charges are resolved. The sheriff in each county shall maintain a central  
20 repository for release orders so that the existence and validity of the  
21 orders can be easily verified. The law enforcement agency shall advise  
22 domestic violence victims where the victim may verify the registration and  
23 conditions of a release order.

24 C. The judge, justice of the peace, magistrate or commissioner who  
25 is authorized to issue emergency orders of protection may issue a written

1 or oral ex parte emergency order of protection if a peace officer states  
2 that the officer has reasonable grounds to believe that a person is in  
3 immediate and present danger of domestic violence based on an allegation of  
4 a recent incident of actual domestic violence pursuant to section 13-3601,  
5 subsection A.

6 D. An emergency order of protection may include any of the  
7 following:

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

10 2. One party may be granted the use and exclusive possession of the  
11 parties' residence on a showing that there is reasonable cause to believe  
12 that physical harm may otherwise result.

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

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

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

25 F. A judge, justice of the peace, magistrate or commissioner may  
26 issue an oral emergency order of protection pursuant to subsection C of  
27 this section on request of the alleged victim, if there is a finding that a  
28 person's life or health is in imminent danger. If a person is either  
29 temporarily or permanently unable to request an order, a third party may  
30 request an order of protection on behalf of the plaintiff. After the  
31 request, the judicial officer shall determine if the third party is an  
32 appropriate requesting party for the plaintiff. The judicial officer who

1 issues an oral emergency order of protection shall document the issuance of  
2 the order as soon as practicable. The officer who receives the verbal  
3 order shall write and sign the order. The emergency order shall be served  
4 on the defendant, and a copy shall be given to the protected party. The  
5 emergency order shall be filed as soon as practicable after its issuance.  
6 The law enforcement agency shall file a certificate of service with the  
7 court and shall register the emergency order with the national crime  
8 information center as soon as practicable. If a person who is named in the  
9 order and who has not received personal service of the order but has  
10 received actual notice of the existence and substance of the order commits  
11 an act that violates the order, the person is subject to any penalty for  
12 the violation.

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

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

18 I. Failure of a law enforcement agency to enforce an emergency order  
19 of protection pursuant to this section does not give rise to civil  
20 liability except pursuant to section 12-820.02."

21 Amend title to conform

And, as so amended, it do pass

WALTER "WALT" BLACKMAN  
CHAIRMAN

2604JUDICIARY  
02/16/2022  
08:48 AM  
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