



**Bill Number: H.B. 2604**

**Steele Floor Amendment**

**Reference to: House engrossed bill**

**Amendment drafted by: Leg Council**

## **FLOOR AMENDMENT EXPLANATION**

---

---

- **Extends the duration of an order of protection or a modified order of protection from one year to two years after the defendant has been served.**
- **Specifies the extension of the duration of an order of protection applies to orders of protection served after the general effective date of the bill.**
- **Extends the duration of an emergency order of protection to seven calendar days after its issuance, rather than at the close of the next judicial day of business after issuance or 72 hours after issuance, whichever is longer.**

**Amendment explanation prepared by Lisette Flores**

STEELE FLOOR AMENDMENT  
SENATE AMENDMENTS TO H.B. 2604  
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

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, legal  
11 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

1 of the plaintiff or defendant, any court in this state may issue or enforce  
2 an order of protection.

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

4 1. Unless the party who requests the order files a written verified  
5 petition for an order.

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

8 3. Against more than one defendant.

9 C. The petition shall state the:

10 1. Name of the plaintiff. The plaintiff's address and contact  
11 information shall be disclosed to the court for purposes of service and  
12 notification. The address and contact information shall not be listed on  
13 the petition. Whether or not the court issues an order of protection, the  
14 plaintiff's address and contact information shall be maintained in a  
15 separate document or automated database and is not subject to release or  
16 disclosure by the court or any form of public access except as ordered by  
17 the court.

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

19 3. Specific statement, including dates, of the domestic violence  
20 alleged.

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

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

8           6. Desired relief.

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

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

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

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

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

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

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

13           2. Grant one party the use and exclusive possession of the parties'  
14 residence on a showing that there is reasonable cause to believe that  
15 physical harm may otherwise result. If the other party is accompanied by a  
16 law enforcement officer, the other party may return to the residence on one  
17 occasion to retrieve belongings. A law enforcement officer is not liable  
18 for any act or omission in the good faith exercise of the officer's duties  
19 under this paragraph. While the order of protection is in effect, if a  
20 party was granted the use and exclusive possession of the parties'  
21 residence and subsequently moves out of the house, the party must file a  
22 notice in writing with the court within five days after moving out of the  
23 residence. After receiving the notification from the plaintiff, the court  
24 shall provide notice to the defendant that the plaintiff has moved out of

1 the residence and of the defendant's right to request a hearing pursuant to  
2 subsection L of this section.

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

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

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

1           6. Grant relief that is necessary for the protection of the alleged  
2 victim and other specifically designated persons and that is proper under  
3 the circumstances.

4           7. Grant the plaintiff the exclusive care, custody or control of any  
5 animal that is owned, possessed, leased, kept or held by the plaintiff, the  
6 defendant or a minor child residing in the residence or household of the  
7 plaintiff or the defendant, and order the defendant to stay away from the  
8 animal and forbid the defendant from taking, transferring, encumbering,  
9 concealing, committing an act of cruelty or neglect in violation of section  
10 13-2910 or otherwise disposing of the animal.

11           H. The court shall not grant a mutual order of protection. If  
12 opposing parties separately file verified petitions for an order of  
13 protection, the courts after consultation between the judges involved may  
14 consolidate the petitions of the opposing parties for hearing. This does  
15 not prohibit a court from issuing cross orders of protection.

16           I. After granting an order of protection, the court shall provide  
17 the order to a law enforcement agency or a constable as set forth in  
18 subsection J of this section for service or to an entity that is authorized  
19 in subsection K of this section to serve process. The agency or entity  
20 serving the order shall provide confirmation of service to the plaintiff as  
21 soon as practicable. If service of an order cannot be completed within  
22 fifteen days after the agency or entity receives the order, the agency or  
23 entity that is attempting service shall notify the plaintiff and continue

1 to attempt service. This notification may be completed by a victim  
2 notification system, if available.

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

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

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

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

19 K. In addition to persons authorized to serve process pursuant to  
20 rule 4(d) of the Arizona rules of civil procedure, a peace officer or a  
21 correctional officer as defined in section 41-1661 who is acting in the  
22 officer's official capacity may serve an order of protection that is issued  
23 pursuant to this section. Service of the order of protection has priority



1 over other service of process that does not involve an immediate threat to  
2 the safety of a person.

3 L. At any time during the period during which the order is in  
4 effect, a party who is under an order of protection or who is restrained  
5 from contacting the other party is entitled to one hearing on written  
6 request. No fee may be charged for requesting a hearing. A hearing that  
7 is requested by a party who is under an order of protection or who is  
8 restrained from contacting the other party shall be held within ten days  
9 from the date requested unless the court finds good cause to continue the  
10 hearing. If exclusive use of the home is awarded, the hearing shall be  
11 held within five days from the date requested. The hearing shall be held  
12 at the earliest possible time. An ex parte order that is issued under this  
13 section shall state on its face that the defendant is entitled to a hearing  
14 on written request and shall include the name and address of the judicial  
15 office where the request may be filed. After the hearing, the court may  
16 modify, quash or continue the order. If the exclusive use of the home is  
17 awarded to the party, the court, on written request of a party, may hold  
18 additional hearings at any time if there is a change in circumstances  
19 related to the primary residence.

20 M. The order shall include the following statement:

21 Warning

22 This is an official court order. If you disobey this  
23 order, you will be subject to arrest and prosecution for the

1 crime of interfering with judicial proceedings and any other  
2 crime you may have committed in disobeying this order.

3 N. An order of protection that is not served on the defendant within  
4 one year after the date that the order is issued expires. An order is  
5 effective on the defendant on service of a copy of the order and  
6 petition. An order expires ~~one year~~ TWO YEARS after service on the  
7 defendant. A modified order is effective on service and expires ~~one year~~  
8 TWO YEARS after service of the initial order and petition.

9 O. A supplemental information form that is used by the court or a  
10 law enforcement agency solely for the purposes of service of process on the  
11 defendant and that contains information provided by the plaintiff is  
12 confidential.

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

18 Q. The supreme court shall maintain a central repository for orders  
19 of protection. Within twenty-four hours after the affidavit, declaration,  
20 acceptance or return of service has been filed, excluding weekends and  
21 holidays, the court from which the order or any modified order was issued  
22 shall enter the order and proof of service into the supreme court's central  
23 repository for orders of protection. The supreme court shall register the  
24 order with the national crime information center. The effectiveness of an

1 order does not depend on its registration, and for enforcement purposes  
2 pursuant to section 13-2810, a copy of an order of the court, whether or  
3 not registered, is presumed to be a valid existing order of the court for a  
4 period of ~~one year~~ TWO YEARS from the date of service of the order on the  
5 defendant.

6 R. A peace officer, with or without a warrant, may arrest a person  
7 if the peace officer has probable cause to believe that the person has  
8 violated section 13-2810 by disobeying or resisting an order that is issued  
9 in any jurisdiction in this state pursuant to this section, whether or not  
10 such violation occurred in the presence of the officer. Criminal  
11 violations of an order issued pursuant to this section shall be referred to  
12 an appropriate law enforcement agency. The provisions for release under  
13 section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply  
14 to an arrest made pursuant to this section. For the purposes of this  
15 section, any court in this state has jurisdiction to enforce a valid order  
16 of protection that is issued in this state and that has been violated in  
17 any jurisdiction in this state.

18 S. A person who is arrested pursuant to subsection R of this section  
19 may be released from custody in accordance with the Arizona rules of  
20 criminal procedure or any other applicable statute. An order for release,  
21 with or without an appearance bond, shall include pretrial release  
22 conditions that are necessary to provide for the protection of the alleged  
23 victim and other specifically designated persons and may provide for any  
24 other additional conditions that the court deems appropriate, including

1 participation in any counseling programs available to the defendant. The  
2 agency with custody of the defendant shall make reasonable efforts to  
3 contact the victim and other specifically designated persons in the order  
4 of protection, if known to the custodial agency, who requested notification  
5 immediately on release of the arrested person from custody.

6 T. The remedies provided in this section for enforcement of the  
7 orders of the court are in addition to any other civil and criminal  
8 remedies available. The superior court shall have exclusive jurisdiction  
9 to issue orders of protection in all cases if it appears from the petition  
10 that an action for maternity or paternity, annulment, legal separation or  
11 dissolution of marriage is pending between the parties. A municipal court  
12 or justice court shall not issue an order of protection if it appears from  
13 the petition that an action for maternity or paternity, annulment, legal  
14 separation or dissolution of marriage is pending between the parties. After  
15 issuance of an order of protection, if the municipal court or justice court  
16 determines that an action for maternity or paternity, annulment, legal  
17 separation or dissolution of marriage is pending between the parties, the  
18 municipal court or justice court shall stop further proceedings in the  
19 action and forward all papers, together with a certified copy of docket  
20 entries or any other record in the action, to the superior court where they  
21 shall be docketed in the pending superior court action and shall proceed as  
22 though the petition for an order of protection had been originally brought  
23 in the superior court. Notwithstanding any other law and unless prohibited  
24 by an order of the superior court, a municipal court or justice court may

1 hold a hearing on all matters relating to its ex parte order of protection  
2 if the hearing was requested before receiving written notice of the pending  
3 superior court action. No order of protection shall be invalid or  
4 determined to be ineffective merely because it was issued by a lower court  
5 at a time when an action for maternity or paternity, annulment, legal  
6 separation or dissolution of marriage was pending in a higher court. After  
7 a hearing with notice to the affected party, the court may enter an order  
8 requiring any party to pay the costs of the action, including reasonable  
9 attorney fees, if any. An order that is entered by a justice court or  
10 municipal court after a hearing pursuant to this section may be appealed to  
11 the superior court as provided in title 22, chapter 2, article 4, section  
12 22-425, subsection B and the superior court rules of civil appellate  
13 procedure without regard to an amount in controversy. No fee may be  
14 charged to either party for filing an appeal. For the purposes of this  
15 subsection, "pending" means, with respect to an action for annulment, legal  
16 separation or dissolution of marriage or for maternity or paternity, either  
17 that:

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

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

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

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

7           1. A protection order includes any injunction or other order that is  
8 issued for the purpose of preventing violent or threatening acts or  
9 harassment against, contact or communication with or physical proximity to  
10 another person. A protection order includes temporary and final orders  
11 other than support or child custody orders that are issued by civil and  
12 criminal courts if the order is obtained by the filing of an independent  
13 action or is a pendente lite order in another proceeding. The civil order  
14 shall be issued in response to a complaint, petition or motion that was  
15 filed by or on behalf of a person seeking protection.

16           2. A protection order is valid if the issuing court had jurisdiction  
17 over the parties and the matter under the laws of the issuing state, a  
18 United States territory or an Indian tribe and the person against whom the  
19 order was issued had reasonable notice and an opportunity to be heard. If  
20 the order is issued ex parte, the notice and opportunity to be heard shall  
21 be provided within the time required by the laws of the issuing state, a  
22 United States territory or an Indian tribe and within a reasonable time  
23 after the order was issued.

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

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

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

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

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

21 Renumber to conform

1 Page 2, line 4, after "expires" strike remainder of line

2 Strike line 5

3 Line 6, strike "hours" insert "**SEVEN CALENDAR DAYS**"; strike "whichever is  
4 longer,"

5 After line 35, insert:

6 "Sec. 3. Applicability

7 Section 13-3602, Arizona Revised Statutes, as amended by this act,  
8 applies to an order of protection that is served from and after the  
9 effective date of this act."

10 Amend title to conform

VICTORIA STEELE

2604FloorSTEELE.docx  
03/21/2022  
04:00 PM  
C: SP