

PROPOSED

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 judge, justice of the peace, magistrate or commissioner  
9 who shall issue emergency orders of protection by telephone.

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17 conditions of the release order are no longer in effect and when the  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

23 C. The judge, justice of the peace, magistrate or commissioner who  
24 is authorized to issue emergency orders of protection may issue a written  
25 or oral ex parte emergency order of protection if a peace officer states

1 that the officer has reasonable grounds to believe that a person is in  
2 immediate and present danger of domestic violence based on an allegation of  
3 a recent incident of actual domestic violence pursuant to section 13-3601,  
4 subsection A.

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

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

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

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

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

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

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

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

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

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

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

20 Amend title to conform

WALT BLACKMAN

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~~02/14/2022~~  
~~04:00 PM~~  
~~C: SP~~

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02/14/2022  
04:22 PM  
H: LC/lc