



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1217

duration; emergency orders of protection

Purpose

States that an emergency order of protection expires seven calendar days after issuance, rather than at the close of the next judicial day of business after issuance or 72 hours after issuance, whichever is longer.

Background

Emergency orders of protection are granted by a judge, justice of the peace, magistrate or commissioner in writing, telephonically, or oral ex parte in instances that the officer has reasonable grounds to believe that a plaintiff is in immediate and present danger of domestic violence from a defendant where a statutorily designated relationship exists between the defendant and the plaintiff. The emergency order of protection may include: 1) enjoining the defendant from committing an act of domestic violence; 2) exclusive use of the home; 3) restraining the defendant from contacting the plaintiff and coming near a place the plaintiff may reside; and 4) a prohibition of the defendant's possession of or purchasing of a firearm for the duration of the order.

In counties with a population of more than 150,000 persons, the court must make available an officer of the court to issue emergency orders by telephone when courts are closed. In counties with a population of fewer than 150,000 persons, where statute does not require an officer on duty to issue emergency orders of protection outside of business hours, an officer of the court may issue an emergency order by telephone and must comply with notification and filing requirements ([A.R.S. § 13-3624](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that an emergency order of protection expires seven calendar days after issuance, rather than at the close of the next judicial day of business after issuance or 72 hours after issuance, whichever is longer.
2. Makes a technical change.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Increases, from five calendar days to seven calendar days, how long after issuance an emergency order of protection expires.

Senate Action

JUD 1/19/22 DP 8-0-0

Prepared by Senate Research

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ZD/HW/sr