

HB403 Protective Order and Stalking Injunction Amendments Summary

The chapter on protective orders and stalking injunctions (Title 78B Chapter 7) will have nine parts:

- Part 1. General Provisions- definitions and duties of courts and law enforcement (lines 1289-1693)
- Part 2. Child Protective Orders- exists now (amendments on lines 1694-1878)
- Part 3. Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (exists & unchanged)
- Part 4. Dating Violence Protective Orders- exists now (amendments on lines 1879-2145)
- Part 5. Sexual Violence Protective Orders- exists now (amendments on lines 2146-2305)
- Part 6. Cohabitant Abuse Protective Orders- relocated from Part 1 (lines 2306-2622)
- Part 7. Civil Stalking Injunctions- relocated from Title 77 (lines 2623-2817)
- Part 8. Criminal Protective Orders- relocated from Title 77 (lines 2818-3164)
- Part 9. Criminal Stalking Injunctions- relocated from Title 76 (lines 3165-3232)

Most protective orders will last three years (for dating violence see line 2063-2064, for sexual violence line 2259, for cohabitant abuse line 2591-2593, for stalking see line 2696 and 2712). Exceptions are:

1. Child protective orders presumptively last 150 days for respondent parents, guardians, and custodians (lines 1862-1864); and until the child turns 18 for other respondents (lines 1876-1878)
2. Criminal protective orders
 - a. Jail release orders/agreements last until initial appearance/declination/30 days at lines 2913-2922.
 - b. Pretrial protective orders last pending trial at line 3005.
 - c. Sentencing protective orders last during probation or the plea in abeyance term at lines 3034 and 3092, and
 - d. Continuous protective orders are permanent unless modified or dismissed at lines 3066, 3079-3081, and 3116.
3. Permanent criminal stalking injunctions are permanent unless modified, dissolved, or dismissed at lines 3216-3218.

Three-year protective orders may be extended when the petitioner demonstrates an ongoing danger or the respondent has committed a PO violation or similar offense (dating violence at lines 2079-2086, sexual violence at lines 2271-2279, cohabitant abuse at lines 2594-2601)

A court may issue a continuous protective order when sentencing for criminal convictions other than domestic violence (the presumption is not to). Lines 3107-3122.

Those arrested for violating jail release orders may be held until initial appearance: Lines 606-611.

Most Protective Order violations will be class A misdemeanors Lines 439, 555, 1774, 2609, 3129, 3122, and 3137. Exceptions are

1. Violating permanent criminal stalking injunction is a third-degree felony (lines 3221-3222)
2. Violating criminal protective order when pending charges are felonies is a third-degree felony (lines 3126-3136)

The Administrative Office of the Courts will create forms for petitions and protective orders for statewide use. The AOC will also include in their form orders a space to indicate whether the parties are intimate partners for the purpose of existing firearm restrictions. (lines 1393-1550).

Order	Current law		HB403S1	
	Duration	Renewal/Extension	Duration	Extension
Cohabitant PO	10 years	Renewal	3 years	Extension
Child PO	150 days	Extension	Parents, Guardians, and Custodians = 150 days	Parents, Guardians, and Custodians = Extension
			Other Respondents = Until minor is 18	Other Respondents = No
Dating Violence PO	180 days	No	3 years	Extension
Sexual Violence PO	1 year	Renewal	3 years	Extension
Civil Stalking Injunction	3 years	No	3 years	No