

HB403S2 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 1288-1692)
- Part 2. Child Protective Orders- exists now (amendments on lines 1693-1883)
- Part 3. Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (exists & unchanged)
- Part 4. Dating Violence Protective Orders- exists now (amendments on lines 1884-2151)
- Part 5. Sexual Violence Protective Orders- exists now (amendments on lines 2152-2312)
- Part 6. Cohabitant Abuse Protective Orders- relocated from Part 1 (lines 2313-2639)
- Part 7. Civil Stalking Injunctions- relocated from Title 77 (lines 2640-2832)
- Part 8. Criminal Protective Orders- relocated from Title 77 (lines 2833-3179)
- Part 9. Criminal Stalking Injunctions- relocated from Title 76 (lines 3180-3247)

Most protective orders will last three years (for dating violence see line 2068-2069, for sexual violence line 2265, for cohabitant abuse line 2606-2608, for stalking see line 2711 and 2727). Exceptions are:

1. Child protective orders presumptively last 150 days for respondent parents, guardians, and custodians (lines 1865-1866); and until the child turns 18 for other respondents (lines 1881-1883)
2. Criminal protective orders
 - a. Jail release orders/agreements last until initial appearance/declination/30 days at lines 2931-2937.
 - b. Pretrial protective orders last pending trial at line 3020.
 - c. Sentencing protective orders last during probation or the plea in abeyance term at lines 3049 and 3107, and
 - d. Continuous protective orders are permanent unless modified or dismissed at lines 3094-3096.
3. Permanent criminal stalking injunctions are permanent unless modified, dissolved, or dismissed at lines 3231-3233.

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 2085-2092, sexual violence at lines 2278-2286, cohabitant abuse at lines 2609-2616)

A court may issue a continuous protective order when sentencing for criminal convictions other than domestic violence (the presumption is not to). Lines 3101-3137.

Those arrested for violating jail release orders may be held until initial appearance: Lines 605-610.

Most Protective Order violations will be class A misdemeanors Lines 269, 438, 554, 1776, 2624, 3144, 3147, and 3152. Exceptions are

1. Violating permanent criminal stalking injunction is a third-degree felony (lines 3236-3237)
2. Violating criminal protective order when pending charges are felonies is a third-degree felony (lines 3138-3152)

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 1392-1549).

HB403S2 Protective Order and Stalking Injunction Amendments Chart

Order	Current law		HB403S2	
	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