

Dated this 21st day of September, 2022.

ROBERT BRUTINEL
Chief Justice

Appendix A

(a) Applicability. These procedures govern petitions that are filed pursuant to A.R.S. § 13-719(D) for the issuance of a lifetime injunction against a defendant sentenced before September 24, 2022 for a conviction of an offense listed in A.R.S. §13-719(A).

(b) Qualifying Convictions. A qualifying conviction for a lifetime injunction issued pursuant to these procedures is a conviction of any of the following offenses, whether completed or preparatory, if the conviction has not been dismissed, expunged, or overturned and the defendant has not been pardoned:

- (1) A dangerous offense as defined in A.R.S. § 13-105 that is also a felony;
- (2) A serious offense or violent or aggravated felony as defined in A.R.S. § 13-706; or
- (3) A felony offense included in Title 13, Chapter 14 or 35.1.

(c) Who May File. The victim or victim representative may file the petition, except that if the victim requesting the lifetime injunction is a minor, then the parent, legal guardian, or person who has statutorily defined legal custody of the minor victim must file the petition unless the court determines otherwise. “Victim” as used in these procedures has the same meaning as set forth in A.R.S. § 13-4401.

(d) Place of Filing; Filing Fee. The petition must be filed in the court where the defendant was sentenced. The clerk may not charge a fee for filing a petition.

(e) Petition; Supporting Documentation.

- (1) *Required Information.* The petition must include:
 - (a) whether the filer is the victim or a victim representative;
 - (b) the defendant’s name and date of birth;
 - (c) the eligible conviction that forms the basis of the request;
 - (d) whether the victim and the defendant have an existing parenting time plan in place;
and
 - (e) the criminal case number for the conviction.
- (2) *Other Information, if Available.* The petition should also include, if available:
 - (a) the defendant’s address, telephone number, and email address;
 - (b) the defendant’s whereabouts or information regarding the best location for service;
 - (c) the defendant’s name at the time of arrest if different than the defendant’s current name; and
 - (d) a copy of the sentencing order.
- (3) *Declaration Under Penalty of Perjury.* The filer must sign the petition with the following declaration: “I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.”
- (4) *Confidential Victim Information Sheet.* The filer must attach a completed Confidential Victim Information Sheet to the petition.

(5) *Supporting Documentation.* The court may request supporting documentation for purposes of verifying that the offense for which the defendant was convicted is a qualifying offense.

(f) Processing the Petition. If the court determines that the conviction is a qualifying offense, the court must issue the lifetime injunction and provide a copy to the victim. If the court determines that the conviction is not a qualifying conviction, the court must issue a written order stating the reasons for denial and provide a copy of the order to the victim.

(g) Service. If the court issues a lifetime injunction, a copy of the order must be personally served on the defendant. There is no requirement that the copy of the order served on the defendant be certified.

(1) *Who Can Serve.* A lifetime injunction issued pursuant to A.R.S. § 13-719(D) must be served by the sheriff or other law enforcement officer, or a process server.

(2) *Service by Sheriff or Other Law Enforcement Officer.* The victim or victim representative may initiate service by the sheriff or other law enforcement officer by delivering a copy of the order for the lifetime injunction to the sheriff of the issuing county or other appropriate law enforcement agency.

(3) *Proof of Service.* Proof of service must be promptly filed with the clerk of the issuing court as soon as practicable after service but no later than 72 hours, excluding weekends and holidays. Proof of service may be submitted by facsimile, electronically, or in person.

(4) *Notifying the Department of Public Safety (DPS).* Upon receiving proof of service, the clerk or other court staff shall forward the proof of service, order for the lifetime injunction, and Confidential Victim Information Sheet to DPS to register the lifetime injunction with the National Crime Information Center.

(h) Validity; Dismissal. A lifetime injunction issued pursuant to A.R.S. § 13-719(D) is effective on service and is valid for the defendant's natural lifetime unless it is dismissed.

(1) *Dismissal on Request of the Victim.* The victim may make a request to the court to dismiss the lifetime injunction at any time by filing a written motion to dismiss. The court may schedule a hearing to make a determination on the victim's request for dismissal. If the court grants the victim's request, it must issue a written order and provide a copy to the victim and the defendant.

(2) *Dismissal on Request of the Defendant.* The defendant, by filing a written motion, may request dismissal of a lifetime injunction only if:

(a) the victim has died;

(b) the conviction on which the lifetime injunction is based has been dismissed, expunged, or overturned; or

(c) the conviction on which the lifetime injunction is based is not a qualifying conviction.

(3) *Notification; Response.* Before granting a defendant's request to dismiss a lifetime injunction based on 2(b) or (c), the court must notify the victim of the request and give the victim an opportunity to file a written response.

(i) Public Access to Petition or Injunction Information.

(1) The court must not make publicly available any information regarding the filing for, contents of a petition for, or issuance of an injunction issued under these procedures until proof of service of the injunction has been filed with the court. The court may share information about the lifetime injunction with the victim or victim representative and prosecutors or law enforcement when necessary to carry out their official responsibilities.

(2) The Confidential Victim Information Sheet filed under (e)(4) may be provided to DPS under (g)(4) but shall otherwise not be made available to the public or the defendant to inspect, obtain copies of, or otherwise have access to.

(j) Forms. Courts must provide, without charge, lifetime injunction forms. For purposes of assisting law enforcement with recognizing orders for lifetime injunctions so that law enforcement can prioritize these orders and not assess a fee for service, courts and parties must use only the forms approved by the Director of the Administrative Office of the Courts. Courts may make margin and caption changes.