



Quick Tip: Lifetime Injunctions

ADMINISTRATIVE OFFICE OF THE COURTS

COURT SERVICES DIVISION

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Table of Content

- ▶ Legislative Background
- ▶ Qualifying Offenses
- ▶ Administrative Order
- ▶ Additional Information
- ▶ New Forms
- ▶ Automation Updates
- ▶ Lifetime Injunction at Sentencing
- ▶ Lifetime Injunctions Post Sentencing
- ▶ Service Process-Providers
- ▶ Dismissal Process
- ▶ Public Access to Lifetime Injunctions

IMPORTANT

This document should be used as a general guide only. The examples and screenshots provided are from draft forms and processes. Courts should use and follow guidelines as directed in the forthcoming Administrative Orders.

Legislative Background

- ▶ **SB1653 (Chapter 278) LIFETIME INJUNCTION; CRIME VICTIM** creates a new type of injunction under A.R.S. §13-719.
- ▶ A.R.S. § 13-719 allows a victim in a case to obtain a lifetime injunction against a defendant convicted of an offense listed in A.R.S. § 13-719(A) by making a request at the time of sentencing. For defendants convicted of an offense listed in A.R.S. § 13-719(A) and sentenced before September 24, 2022, a victim may obtain a lifetime injunction against the defendant by filing a petition with the court.
- ▶ The Supreme Court is required to develop and adopt procedures for a victim who is eligible for a lifetime injunction to petition the court for any injunction that prohibits contact by a defendant who was sentenced before the general effective date.
- ▶ General Effective Date: 9/24/2022

Qualifying Offenses

- ▶ A qualifying conviction for a lifetime injunction issued pursuant to ARS 13-719 is a conviction of any of the following, whether completed or preparatory, if the conviction has not been dismissed, expunged, or overturned and the defendant has not been pardoned:
 - ▶ A dangerous offense as defined in A.R.S. § 13-105 that is also a felony;
 - ▶ A serious offense or violent or aggravated felony as defined in A.R.S. § 13-706; or
 - ▶ A felony offense included in Title 13, Chapter 14 or 35.1.

Qualifying Offenses Defined

Serious Offenses

A serious offenses are defined in A.R.S. § 13-706(F)(1)

Dangerous Offenses

Dangerous offenses are defined in A.R.S. § 13-105(13). There is no definitive list of offenses considered “dangerous offenses.”

“Dangerous offense” means an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.

Title 13 Felony Offenses under Chapter 14 and 35.1

Certain sex and sex-based offenses involving and not involving children

Dangerous Crimes Against Children

Any dangerous crime against a child is a serious offense under A.R.S. § 13-706(F)(1).

As specified in A.R.S. § 13-705(R)(1), certain crimes are considered a dangerous crime against a child **if committed against a minor who is under fifteen years of age.**

*Please note, some offenses appear in multiple categories.

Administrative Order No.2022-117

- ▶ Establishes procedures for Lifetime Injunctions. [Administrative Order No. 2022-117](#) was signed on September 21, 2022.
- ▶ 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).

Additional Information

- ▶ Lifetime Injunctions will only be issued by the Superior Court.
- ▶ The petition must be filed in the court where the defendant was sentenced.
- ▶ The clerk may not charge a fee for filing a petition.
- ▶ Lifetime Injunctions are currently a paper process only.
- ▶ AZPOINT will not be used in this process.

New Forms

- ▶ New Forms listed below are paper forms only and will not be processed through AZPOINT:
 - ▶ Petition for Lifetime No-Contact Injunction
 - ▶ Order for Lifetime No-Contact Injunction
 - ▶ Victims Information Sheet Lifetime Injunction
 - ▶ Declaration of Service
 - ▶ Motion to Dismiss Lifetime No-Contact Injunction

New Automation

- ▶ New Event Codes
 - ▶ Petition: Lifetime Injunction
 - ▶ Order: Lifetime Injunction at Sentencing
 - ▶ Order: Lifetime Injunction Post Sentencing
 - ▶ Miscellaneous: Victims Info Sheet Lifetime Injunction
 - ▶ Request: Dismiss Lifetime Injunction
 - ▶ Order: Lifetime Injunction Dismissed
 - ▶ Minute Entry: Lifetime Injunction Hearing
- ▶ New Appearance Reason
 - ▶ Lifetime Injunction Hearing

Lifetime Injunction processing paths within a Criminal Case.



Lifetime Injunction at Sentencing



Lifetime Injunctions Post Sentencing

Lifetime Injunction at Sentencing

- ▶ A.R.S. §13-719(A) requires that the court, at the request of the victim or the prosecutor at the time of sentencing, issue an injunction that prohibits the defendant from contacting the victim if the defendant is convicted of a qualifying offense.
- ▶ A.R.S. §13-719(B) states that an injunction issued in this manner is effective immediately and must be served on the defendant at the time of sentencing.
- ▶ A petition is not required when issued at sentencing.

Lifetime Injunction at Sentencing

- ▶ 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.

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY				
STATE OF ARIZONA			Case Number: CR200100999	
-vs-				
Defendant SAM HARPER			ORI Number: AZ008015J	
Date of Birth: 12/1/1976			ORDER FOR LIFETIME NO-CONTACT INJUNCTION (A.R.S. § 13-719)	
VICTIM NAME: JANE DOE				
DEFENDANT IDENTIFIERS				
SEX*	RACE*	DOB*	HT	WT
M	W	12/1/1976	6'1	210
EYES*	HAIR*			
BLU	BRO			
DRIVER LICENSE # OR STATE IDENTIFICATION		STATE	EXP DATE	
Full name: SAM HARPER				

Service for Lifetime Injunction at Sentencing

- ▶ If the order is issued at sentencing, then the defendant will be asked to sign the Acceptance of Service portion of the **Order of Lifetime No-Contact Injunction Form**. The acceptance of service portion is located at the bottom of the form.
- ▶ If the defendant refuses to sign the Acceptance of Service but still served, then the court should state on the record that the defendant was served in open court.

DEFENDANT'S ACCEPTANCE OF SERVICE

Defendant, Sam Harper, accepts service of a copy of the Order for a Lifetime No-Contact Injunction issued on 9/19/2022 at the time of sentencing, and no additional proof of service is required.

Accepted on this date: September 19, 2022 at 1:00 p.m.

Date: 9/19/2022

Defendant's Signature: *Sam Harper*

Lifetime Injunction at Sentencing

- ▶ **Below is an example of the register of actions on a criminal case for a granted Lifetime Injunction at Sentencing and the event codes the court should use:**
 - ▶ **Order: Lifetime Injunction at Sentencing** event code must be used.
 - ▶ **Miscellaneous: Victims Info Sheet Lifetime Injunction** event code should be used to docket and attach confidential victim form that the prosecutor files with the court. Note: a petition is not required for a request made at sentencing.

Date Stamped	Party	A	Description
09/19/2022 10:27 AM			MISCELLANEOUS: VICTIMS INFO SHEET LIFETIME INJUNCTION
09/19/2022 10:26 AM	TESTER, OUT		ORDER: LIFETIME INJUNCTION AT SENTENCING
09/19/2022 08:24 AM	TESTER, OUT		STATEMENT: Disposition

Lifetime Injunction at Sentencing

- ▶ All Lifetime Injunctions served at sentencing should be emailed to DPS the same day.
- ▶ **Required information to report to DPS:**
 - ▶ **Email to:** AZ_CentralStateRepository@AZDPS.GOV
 - ▶ **Subject Line:** “Lifetime No Contact Injunction” and Court Name
 - ▶ **Court Representative's Contact Information**
 - ▶ **The documents listed below must be attached for DPS to enter the injunction:**
 - ▶ Order: Lifetime Injunction
 - ▶ Victim Information Sheet

Lifetime Injunction Post Sentencing

- ▶ A.R.S. §13-719(D) provides that a victim may submit a petition to the court requesting an injunction against a defendant who was sentenced for a qualifying offense before September 24, 2022.
- ▶ 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.
- ▶ The clerk may NOT charge a fee for filing a petition.
- ▶ In addition, a law enforcement agency shall serve a lifetime injunction at no charge to the victim.

**SUPERIOR COURT OF ARIZONA
IN MOHAVE COUNTY**

STATE OF ARIZONA

Case Number: CR200100999

-vs-

Defendant: SAM HARPER

Date of Birth: 12/1/1976

**PETITION FOR A
LIFETIME NO-CONTACT
INJUNCTION**
(A.R.S. § 13-719)

I am the victim / victim representative or the prosecutor.

I request that the court issue a criminal lifetime no-contact injunction, Harry Smith, that prohibits the defendant from contacting the victim during the defendant's life.

1. BASIS OF REQUEST

(must select at least one checkbox)

The defendant was convicted of one of these offense(s), whether completed or preparatory (attempt/solicitation/facilitation/conspiracy):

Lifetime Injunction Post Sentencing

- ▶ The petition must be filed in the court where the defendant was sentenced.
- ▶ 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.
- ▶ The injunction will be effective upon service to the defendant.
- ▶ 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.

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY				
STATE OF ARIZONA			Case Number: CR200100999	
-vs-				
Defendant SAM HARPER			ORI Number: AZ008015J	
Date of Birth: 12/1/1976			ORDER FOR LIFETIME NO-CONTACT INJUNCTION (A.R.S. § 13-719)	
VICTIM NAME: JANE DOE				
DEFENDANT IDENTIFIERS				
SEX*	RACE*	DOB*	HT	WT
M	W	12/1/1976	6'1	210
EYES*	HAIR*			
BLU	BRO			
DRIVER LICENSE # OR STATE IDENTIFICATION		STATE	EXP DATE	
Full name: SAM HARPER				

Service for Lifetime Injunction Post Sentencing

- ▶ If the defendant is served post sentencing, then law enforcement or process server will need to sign the **Declaration of Service** form as proof of service.
- ▶ Law Enforcement or a process service provider must return a copy to the court no later than 72 hours, excluding weekends and holidays.
- ▶ The court will forward the order, victim information sheet, and declaration of Service to DPS on the same day it's received from law enforcement.

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY	
STATE OF ARIZONA	Case Number: CR200100999
-vs-	
Defendant SAM HARPER	DECLARATION OF SERVICE
Date of Birth: 12/1/1976	
I swear or certify that a copy of the Order for Criminal Lifetime No-Contact Injunction was personally served on the defendant,	
on this date: 9/25/2022 at this time: 10:30AM at the following location: 5555 W. Mary Ann Lane, Glendale, AZ 85306	
Name of Person Serving Document: Officer Monroe	
Agency: Glendale Police Department	

Lifetime Injunction Post Sentencing

- ▶ **Below is an example of the register of actions on a criminal case for a granted Lifetime Injunction issued post sentencing and the event codes the court should use:**
 - ▶ **Petition: Lifetime Injunction** and **Miscellaneous: Victims Info Sheet Lifetime Injunction** should be used when docketing the petition filed process.
 - ▶ **Order: Lifetime Injunction Post Sentencing** event code must be used if granted.
 - ▶ **Service: Return of Service** event code should be used to docket when law enforcement or process server return the Declaration of Service Form.

09/19/2022 10:54 AM	HARPER, SAM	SERVICE: Return of Service	LIFETIME INJUNCTION SERVED AND RETURNED BY SHERIFF
09/19/2022 10:53 AM		MISCELLANEOUS: VICTIMS INFO SHEET LIFETIME INJUNCTION	
09/19/2022 10:53 AM	HARPER, SAM	ORDER: LIFETIME INJUNCTION POST SENTENCING	
09/19/2022 10:52 AM	VICTIM, LIFETIME	PETITION: LIFETIME INJUNCTION	
06/28/2022 09:32 AM	HARPER, SAM	STATEMENT: Disposition	

Reporting to DPS

- ▶ All Lifetime Injunctions issued post sentencing, should be emailed to DPS the same day the Declaration of Service is returned to the court.
- ▶ **Required DPS Information**
 - ▶ **Email to: AZ_CentralStateRepository@AZDPS.GOV**
 - ▶ **Subject Line:** "Lifetime No Contact Injunction"- Court Name
 - ▶ **Court Representative's Contact Information**
 - ▶ **The documents listed below must be attached for DPS to enter the injunction:**
 - ▶ Order: Lifetime Injunction
 - ▶ Victim Information Sheet
 - ▶ Declaration of Service

Service Process-Providers

- ▶ **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.
- ▶ **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.
- ▶ **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.
- ▶ **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.



Dismissal Process

A LIFETIME INJUNCTION IS VALID FOR THE DEFENDANT'S NATURAL LIFETIME UNLESS IT IS DISMISSED. DISMISSAL PROCESS, HEARING, AND NOTIFICATION WILL DEPEND ON THE PARTY FILING THE DISMISSAL.

Dismissal Process- Victim's Request

- ▶ 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.

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY	
STATE OF ARIZONA	Case Number: CR200100999
-vs-	
Defendant SAM HARPER	MOTION TO DISMISS LIFETIME NO-CONTACT INJUNCTION (A.R.S. § 13-719)
Date of Birth: 12/1/1976	
I am <input checked="" type="checkbox"/> the victim or <input type="checkbox"/> the defendant.	
I request that the court dismiss the criminal lifetime no-contact injunction against defendant, Sam Harper, that prohibits the defendant from contacting the victim during the defendant's life.	

Dismissal Process- Defendant's Request

- ▶ The defendant may request dismissal of a lifetime injunction by filing a written motion to dismiss only if:
 - A. The victim has died;
 - B. The conviction on which the lifetime injunction is based has been dismissed, expunged, overturned or the defendant has been pardoned; or
 - C. The conviction on which the lifetime injunction is based is not a qualifying conviction.
- ▶ Before granting a defendant's request to dismiss a lifetime injunction based on bullets (B) or (C), the court must notify the victim of the request and give the victim an opportunity to file a written response.

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY	
STATE OF ARIZONA	Case Number: CR200100999
-vs-	
Defendant SAM HARPER	MOTION TO DISMISS LIFETIME NO-CONTACT INJUNCTION (A.R.S. § 13-719)
Date of Birth: 12/1/1976	
I am <input type="checkbox"/> the victim or <input checked="" type="checkbox"/> the defendant.	
I request that the court dismiss the criminal lifetime no-contact injunction against defendant, Sam Harper, that prohibits the defendant from contacting the victim during the defendant's life.	

Dismissal Process

- ▶ **Below is an example of the register of actions when the defendant requests a dismissal of a Lifetime Injunction. In this example, a hearing is held, and judge grants the dismissal, and the court will use the following event codes:**
 - ▶ **Request: Dismiss Lifetime Injunction** event code should be used for the motion to dismiss form.
 - ▶ **Minute Entry: Lifetime Injunction Hearing** and/or **Order: Lifetime Injunction Dismissed** should be used to docket the hearing and dismissal order.

Date Stamped	Party	A	Description	Comment
09/19/2022 11:13 AM	HARPER, SAM		ORDER: LIFETIME INJUNCTION DISMISSED	
09/19/2022 11:13 AM			MINUTE ENTRY: LIFETIME INJUNCTION HEARING	
09/19/2022 11:03 AM			REQUEST: DISMISS LIFETIME INJUNCTION	VICTIM DECEASED

Public Access to Lifetime Injunctions

- ▶ The court must not make publicly available any information regarding the filing for, contents of a petition for, or issuance of an injunction issued 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.
- ▶ Until additional functionality can be determined. All lifetime injunction event codes will be restricted in AJACS regardless of service and will not display on Public Access.
- ▶ **IMPORTANT:** The Confidential Victim Information Sheet filed may be provided to DPS but shall otherwise not be made available to the public or the defendant to inspect, obtain copies of, or otherwise have access to.

Questions?

- ▶ Please contact the Support Center at 602-452-3900 or create a ticket with [RemedyForce Self Service](#).
- ▶ In addition, following subject matter experts are available in the Automation Services Unit:
 - ▶ Esperanza Armstrong earmstrong@courts.az.gov
 - ▶ Judy Rochon jrochon@courts.az.gov
 - ▶ Vanessa Jimenez, vjimenez@courts.az.gov