



# Protection Order Violations Matrix

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ALABAMA	<p style="text-align: center;"><b>Code of Ala. § 13A-6-142</b></p> <p><b>Proceedings; generally -- Penalties for violations of orders</b></p> <p>(a) A violation of a domestic violence order, is a Class A misdemeanor which shall be punishable as provided by law.</p> <p>(b) A second conviction for violation of a domestic violence protection order, in addition to any other penalty or fine, shall be punishable by a minimum of 30 days imprisonment which may not be suspended. A third or subsequent conviction shall, in addition to any other penalty or fine, be punishable by a minimum sentence of 120 days imprisonment which may not be suspended.</p>	<p style="text-align: center;"><b>Code of Ala. § 13A-6-143</b></p> <p><b>Arrest for violation of article</b></p> <p>A law enforcement officer may arrest any person for the violation of this article if the officer has probable cause to believe that the person has violated any provision of a valid domestic violence protection order, whether temporary or permanent. The presentation of a domestic violence protection order constitutes probable cause for an officer to believe that a valid order exists. For purposes of this article, the domestic violence protection order may be inscribed on a tangible copy or may be stored in an electronic or other medium if it is retrievable in a detectable form. Presentation of a certified copy of the domestic violence protection order is not required for enforcement or to allow a law enforcement officer to effect a warrantless arrest. If a domestic violence protection order is not presented to or otherwise confirmed by a law enforcement officer, the officer may consider other information in determining whether there is probable cause to believe that a valid domestic violence protection order exists. The law enforcement officer may arrest the defendant without a warrant although he or she did not personally see the violation. Knowledge by the officer of the existence or contents of, or both, or presentation to the officer by the complainant of, a domestic violence protection order shall constitute prima facie evidence of the validity of the order.</p> <p>If a law enforcement officer of this state determines that an otherwise valid domestic violence protection order cannot be enforced because the defendant has not been notified or served with the domestic violence protection order, the law enforcement officer shall inform the defendant of the order and allow the person a reasonable opportunity to comply with the order's provisions before enforcing the order. In the event the law enforcement officer provides notice of the domestic violence protection order to the defendant, the officer shall document this fact in the written report.</p> <p style="text-align: center;"><b>Code of Ala. § 30-5B-4</b></p> <p><b>Nonjudicial enforcement of order</b></p> <p>(a) A law enforcement officer of this state, upon determining that</p>

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		<p>there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this chapter.</p>
ALASKA	<p><b>Alaska Stat. § 11.56.740</b></p> <p><b>Violating a protective order</b></p> <p>(a) A person commits the crime of violating a protective order if the person is subject to a protective order</p> <p>(1) issued, filed, or recognized under AS 18.66 and containing a provision listed in AS 18.66.100(c)(1) — (7) and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order;</p> <p>(2) issued or recognized under AS 18.65.850, 18.65.855, 18.65.860, or 18.65.867 and</p>	<p><b>Alaska Stat. § 18.65.530</b></p> <p><b>Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release</b></p> <p>(a) Except as provided in (b) or (c) of this section, a peace officer, with or without a warrant, shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours,</p> <p>(1) committed domestic violence, except an offense under AS 11.41.100--11.41.130, whether the crime is a felony or a misdemeanor;</p> <p>(2) committed the crime of violating a protective order in violation of AS 11.56.740(a)(1) or (2);</p>

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	<p>knowingly commits or attempts to commit an act that violates or would violate a provision listed in AS 18.65.850(c)(1) — (3); or</p> <p>(3) issued under AS 13.26.450 — 13.26.460 and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order.</p> <p>(b) Violation of this section is a class A misdemeanor.</p> <p>(c) In this section, “protective order” means an order issued, filed, or recognized under AS 13.26.450 — 13.26.460, AS 18.65.850 — 18.65.870, or AS 18.66.100 — 18.66.180.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.130</b></p> <p><b>Specific protective orders</b></p> <p>(a) If a respondent in a protective order issued under AS 18.66.100-18.66.180 is prohibited from communicating with the petitioner, excluded from the residence of the petitioner, or ordered to stay away from the petitioner as provided in AS 18.66.100(c)(2)-(5), an invitation by the petitioner to communicate, enter the residence or vehicle, or have other prohibited contact with the petitioner does not waive or nullify any provision of the protective order.</p> <p>(b) A court may not grant protective orders against the petitioner and the respondent in the same action under this chapter.</p> <p>(c) A court may not order parties into mediation or refer them to mediation for resolution of the issues arising from a petition for a protective order under AS 18.66.100-18.66.180.</p> <p>(d) In addition to other required information contained in a protective order, the order must include in bold face type the following statements:</p> <p>(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a \$25,000 fine";</p> <p>(2) "If you are ordered to have no contact with the petitioner or to stay away from the petitioner's residence, vehicle, or other place designated by the</p>	<p>(3) violated a condition of release imposed under AS 12.3.016(e) or (f) or 12.30.027.</p> <p>(b) If a peace officer receives complaints of domestic violence from more than one person arising from the same incident, the officer shall evaluate the conduct of each person to determine who was the principal physical aggressor. If the officer determines that one person was the principal physical aggressor, the other person or persons need not be arrested. In determining whether a person is a principal physical aggressor, the officer shall consider</p> <p>(1) prior complaints of domestic violence;</p> <p>(2) the relative severity of the injuries inflicted on each person;</p> <p>(3) the likelihood of future injury from domestic violence to each person; and</p> <p>(4) whether one of the persons acted in defense of self or others.</p> <p>(c) A peace officer is not required to make an arrest under (a) of this section if the officer has received authorization not to arrest from a prosecuting attorney in the jurisdiction in which the offense under investigation arose.</p> <p>(d) When investigating a crime involving domestic violence, a peace officer may not threaten or suggest the possible arrest of all persons involved in the same incident in a manner that would have a tendency to discourage requests for intervention by law enforcement in incidents involving domestic violence.</p> <p>(e) In addition to the contents of any other report, a peace officer who does not make an arrest after investigating a complaint of domestic violence, or who arrests two or more persons based on the same incident, shall describe in writing the reasons for not making an arrest or for arresting more than one person.</p> <p>(f) A person may not bring a civil action for damages for a failure to comply with the provisions of this section.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.110</b></p> <p><b>Ex parte and emergency protective orders</b></p> <p>(a) A person who is a victim of a crime involving domestic violence may file a petition under AS 18.66.100(a) and request an ex parte protective order. If the court finds that the petition establishes probable cause that a crime involving domestic violence has occurred, it is necessary to protect the petitioner from domestic violence, and if the petitioner has certified to the court in writing the efforts, if any, that have been made to provide notice to the respondent, the court shall ex parte and without notice to the</p>

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	<p>court, an invitation by the petitioner to have the prohibited contact or to be present at or enter the residence, vehicle, or other place does not in any way invalidate or nullify the order."</p> <p>(e) A protective order issued under this chapter is in addition to and not in place of any other civil or criminal remedy. A petitioner is not barred from seeking an order under AS 18.66.100-18.66.180 because of the existence of another civil action between the petitioner and respondent.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.140</b></p> <p><b>Filing and enforcement of protective orders issued in other states</b></p> <p>(a) A certified copy of an unexpired protective order issued in another jurisdiction may be filed with the clerk of court in any judicial district in this state.</p> <p>(b) A protective order issued in another jurisdiction has the same effect and must be recognized and enforced in the same manner as a protective order issued by a court of this state, regardless of whether the protective order issued in another jurisdiction is filed as described in (a) of this section, if the protective order is</p> <ol style="list-style-type: none"> <li>(1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;</li> <li>(2) related to domestic violence; and</li> <li>(3) entitled to full faith and credit under 18 U.S.C. 2265.</li> </ol> <p>(c) When a protective order is filed with the court under this section, the court shall have the order delivered to the appropriate local law enforcement agency for entry into the central registry of protective orders under AS 18.65.540.</p> <p>(d) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.</p>	<p>respondent issue a protective order. An ex parte protective order may grant the protection provided by AS 18.66.100(c)(1) — (5), (8) — (12), and (16). An ex parte protective order expires 20 days after it is issued unless dissolved earlier by the court at the request of either the petitioner or the respondent and after notice and, if requested, a hearing. If a court issues an ex parte protective order, the court shall have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540.</p> <p>(b) A peace officer, on behalf of and with the consent of a victim of a crime involving domestic violence, may request an emergency protective order from a judicial officer. The request may be made orally or in writing based upon the sworn statement of a peace officer, and in person or by telephone. If the court finds probable cause to believe that the victim is in immediate danger of domestic violence based on an allegation of the recent commission of a crime involving domestic violence, the court ex parte shall issue an emergency protective order. In an emergency protective order, the court may grant the protection provided by AS 18.66.100(c)(1) — (5), (8), (10), (11), and (16). An emergency protective order expires 72 hours after it is issued unless dissolved earlier by the court at the request of the petitioner.</p> <p>(c) A peace officer who obtains an emergency protective order under (b) of this section shall</p> <ol style="list-style-type: none"> <li>(1) place the provisions of an oral order in writing on a form provided by the court and file the written order with the issuing court by the end of the judicial day after it was issued;</li> <li>(2) provide a copy of the order to the petitioner;</li> <li>(3) serve a copy of the order on the respondent; and</li> <li>(4) comply with the requirements of AS 18.65.540 for ensuring that the order is entered into the central registry of protective orders under AS 18.65.540.</li> </ol> <p>(d) A court may not deny a petition for an ex parte protective order filed under (a) of this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.170</b></p> <p><b>Notification of law enforcement agencies</b></p>

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		<p>When a court issues or accepts for filing a protective order under this chapter, it shall send a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of protective orders. Peace officers shall use every reasonable means to enforce a protective order issued or filed under this chapter.</p>
<p><b>AMERICAN SAMOA</b></p>	<p><b>Am. Samoa Code Ann. § 47.0402</b></p> <p><b>§47.0402 Mandatory fine for conviction of a crime of domestic or family violence</b> A person convicted of a crime of domestic or family violence is required to pay the court a minimum of one hundred fifty dollars (\$150) to be disbursed as specified below;</p> <p><b>Am. Samoa Code Ann. §47.0403</b></p> <p><b>§47.0403 Violation of certain orders for protection is misdemeanor</b> Violation of one of the following orders issued as a protection against domestic and family violence, is a misdemeanor:</p> <p>(a) An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.</p> <p>(b) An order prohibiting the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly.</p> <p>(c) An order removing and excluding the respondent from the residence of the petitioner.</p> <p>(d) An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.</p> <p>(e) An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the Court.</p> <p><b>Am. Samoa Code Ann. §47.0404</b></p>	<p><b>Am. Samoa Code Ann. § 47.0604</b></p> <p><b>§47.0604 Mandatory arrest for certain violations of orders for protection</b> When a law enforcement officer has probable cause to believe that a respondent has violated one of the following orders of the court and verifies the existence of the order, the officer shall, without a warrant, arrest the apparent violator whether the violation was committed in or outside the presence of the officer:</p> <p>(a) An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.</p> <p>(b) An order prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, either directly or indirectly.</p> <p>(c) An order removing and excluding the respondent from the residence of the petitioner.</p> <p>(d) An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.</p> <p>(e) An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the Court.</p> <p><b>Am. Samoa Code Ann. § 47.0605</b></p> <p><b>§47.0605 Authority of law enforcement officer to seize weapons</b> Incident to an arrest for a crime involving domestic or family violence, a law enforcement officer:</p> <p>(a) Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.</p> <p>(b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons.</p>

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	<p><b>§47.0404 Enhance of penalty for second or subsequent crime involving domestic or family violence</b>            When a defendant makes a judicial admission, pleads guilty to, or has been found guilty to, or has been found guilty of a second or subsequent crime involving domestic or family violence within five years, the penalty is enhanced by one class above the class otherwise provided for that offense in the territorial statute.</p>	<p><b>Am. Samoa Code Ann. § 47.0606</b>   <b>§47.0606 Mandatory arrests for violation of conditions of release</b>            If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed on a perpetrator of family and domestic violence and verifies that the alleged violator has notice of the conditions, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.</p>
<p><b>ARIZONA</b></p>	<p><b>A.R.S. § 13-2810</b>   <b>Interfering with judicial proceedings; classification</b>            A. A person commits interfering with judicial proceedings if such person knowingly:</p> <ol style="list-style-type: none"> <li>1. Engages in disorderly, disrespectful or insolent behavior during the session of a court which directly tends to interrupt its proceedings or impairs the respect due to its authority; or</li> <li>2. Disobeys or resists the lawful order, process or other mandate of a court; or</li> <li>3. Refuses to be sworn or affirmed as a witness in any court proceeding; or</li> <li>4. Publishes a false or grossly inaccurate report of a court proceeding; or</li> <li>5. Refuses to serve as a juror unless exempted by law; or</li> <li>6. Fails inexcusably to attend a trial at which he has been chosen to serve as a juror.</li> </ol> <p>B. Interfering with judicial proceedings is a class 1 misdemeanor.</p> <p><b>A.R.S. § 13-707</b>   <b>Misdemeanors; sentencing</b>            A. A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a</p>	<p><b>A.R.S. § 13-3601</b>   <b>Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</b>            A. “Domestic violence” means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:</p> <ol style="list-style-type: none"> <li>1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.</li> <li>2. The victim and the defendant have a child in common.</li> <li>3. The victim or the defendant is pregnant by the other party.</li> <li>4. The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.</li> <li>5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.</li> <li>6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the</li> </ol>



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	<p>place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations:</p> <ol style="list-style-type: none"> <li>1. For a class 1 misdemeanor, six months.</li> <li>2. For a class 2 misdemeanor, four months.</li> <li>3. For a class 3 misdemeanor, thirty days.</li> </ol> <p>B. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of any misdemeanor or petty offense, other than a traffic offense, and who has been convicted of one or more of the same misdemeanors or petty offenses within two years next preceding the date of the present offense shall be sentenced for the next higher class of offense than that for which the person is currently convicted. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced shall not be included in the two years required to be free of convictions.</p> <p>C. If a person is convicted of a misdemeanor offense and the offense requires enhanced punishment because it is a second or subsequent offense, the court shall determine the existence of the previous conviction. The court shall allow the allegation of a prior conviction to be made in the same manner as the allegation prescribed by § 28-1387, subsection A.</p> <p>C. If a person is convicted of a misdemeanor offense and the offense requires enhanced punishment because it is a second or subsequent offense, the court shall determine the existence of the previous conviction. The court shall allow the allegation of a prior conviction to be made in the same manner as the allegation prescribed by section 28-1387, subsection A.</p> <p>D. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a</p>	<p>relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:</p> <ol style="list-style-type: none"> <li>(a) The type of relationship.</li> <li>(b) The length of the relationship.</li> <li>(c) The frequency of the interaction between the victim and the defendant.</li> <li>(d) If the relationship has terminated, the length of time since the termination.</li> </ol> <p>B. A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person who is at least fifteen years of age, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.</p> <p>C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the</p>

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	<p>misdemeanor or petty offense is subject to this section. A person who has been convicted as an adult of an offense punishable as a misdemeanor or petty offense under the provisions of any prior code in this state is subject to this section.</p> <p>E. The court may direct that a person who is sentenced pursuant to subsection A of this section shall not be released on any basis until the sentence imposed by the court has been served.</p> <p style="text-align: center;"><b>A.R.S. § 13-802</b></p> <p><b>Fines for misdemeanors</b></p> <p>A. A sentence to pay a fine for a class 1 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than two thousand five hundred dollars.</p> <p>B. A sentence to pay a fine for a class 2 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than seven hundred fifty dollars.</p> <p>C. A sentence to pay a fine for a class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.</p> <p>D. A sentence to pay a fine for a petty offense shall be a sentence to pay an amount, fixed by the court, of not more than three hundred dollars.</p> <p>E. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.</p> <p>F. This section does not apply to an enterprise.</p> <p style="text-align: center;"><b>A.R.S. § 8-234</b></p> <p><b>Treatment, community restitution, restraining and protective orders</b></p> <p>A. A parent or legal guardian of a person who is under eighteen years of age shall exercise reasonable care, supervision, protection and control over the</p>	<p>victim or another person in the household to a risk of serious bodily injury or death. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.</p> <p>D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.</p> <p>E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.</p> <p>F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.</p> <p>G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.</p> <p>H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that</p>

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	<p>parent’s or legal guardian’s minor child.</p> <p>B. On petition of a party or on the court’s own motion, the court may make an order directing, restraining or otherwise controlling the conduct of a person if:</p> <ol style="list-style-type: none"> <li>1. An order or disposition of a delinquent, dependent or incorrigible child has been or is about to be made in a proceeding under this chapter.</li> <li>2. The court finds that such conduct is or may be detrimental or harmful to the child, will tend to defeat the execution of an order or disposition made or to be made or will assist in or is necessary for the rehabilitation of the child.</li> <li>3. Notice of the petition or motion and the grounds for the petition or motion and an opportunity to be heard on the petition or motion have been given to the person against whom the order is directed.</li> </ol> <p>C. The court may invoke its contempt powers pursuant to section 8-247 to enforce any treatment, counseling, education or other restraining or protective order that applies to:</p> <ol style="list-style-type: none"> <li>1. The child, the parents or guardian of the child or any other party before the court who is the subject of an order to participate in a counseling, treatment or education program or any other restraining or protective order.</li> <li>2. The legal custodians or agencies, including agency personnel, that are ordered to provide treatment or services to the child, the child's family or any party named in the dispositional order.</li> </ol> <p>D. The court may order the parent or guardian to pay the cost of any counseling, treatment or education program ordered pursuant to subsection F of this section.</p> <p>E. If the court after notice and hearing finds that a person has failed to exercise reasonable care, supervision, protection and control of a minor pursuant to subsection A of this section or if the court</p>	<p>the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.</p> <p>I. A person who is arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.</p> <p>J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of the victim including:</p> <ol style="list-style-type: none"> <li>1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.</li> <li>2. The emergency telephone number for the local police agency.</li> <li>3. Telephone numbers for emergency services in the local community.</li> <li>4. Websites for local resources related to domestic violence.</li> </ol> <p>K. A peace officer is not civilly liable for noncompliance with subsection J of this section.</p> <p>L. If a person is convicted of an offense involving domestic violence and the victim was pregnant at the time of the commission of the offense, at the time of sentencing the court shall take into consideration the fact that the victim was pregnant and may increase the sentence.</p> <p>M. An offense that is included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a</p>

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	<p>holds a person in contempt for violating an order issued pursuant to this section, the court may immediately take one or more of the following actions:</p> <ol style="list-style-type: none"> <li>1. Impose a fine of not more than one thousand dollars, plus any applicable surcharges and assessments.</li> <li>2. Impose a term of incarceration in jail for a period of not more than thirty days.</li> <li>3. Order parents or guardian of the child to perform community restitution with the child.</li> </ol> <p>F. If the court finds that the best interests of the child would be served by participation in a diversion program, in lieu of taking any action pursuant to subsection C of this section, the court may order the parent or guardian of a child to participate in a diversion program, approved by the supreme court, that requires the parent or guardian to perform community restitution or to attend and successfully complete a program of counseling, treatment or education. If the terms and conditions of the diversion order are successfully completed, the court shall dismiss its finding against the parents. If the court finds that the terms and conditions of the diversion order were not successfully completed it may take one or more of the actions specified in subsection B of this section.</p> <p>G. Before a hearing that may result in incarceration for a person who is alleged to have violated a court order under this section, the court shall advise the person that the person has the right to be represented by counsel and that the court may appoint counsel if the court finds that the person is indigent.</p> <p style="text-align: center;"><b>A.R.S. § 13-3601</b></p> <p><b>Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</b></p> <p>A. "Domestic violence" means any act that is a</p>	<p>felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized for that violation shall be increased by up to two years.</p> <p>N. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall determine if a minor is present. If a minor is present, the peace officer shall conduct a child welfare check to determine if the child is safe and if the child might be a victim of domestic violence or child abuse.</p> <p style="text-align: center;"><b>A.R.S. § 13-3602</b></p> <p><b>Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction</b></p> <p>A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.</p> <p>B. An order of protection shall not be granted:</p> <ol style="list-style-type: none"> <li>1. Unless the party who requests the order files a written verified petition for an order.</li> <li>2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.</li> <li>3. Against more than one defendant.</li> </ol> <p>C. The petition shall state the:</p> <ol style="list-style-type: none"> <li>1. Name of the plaintiff. The plaintiff's address and contact</li> </ol>

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	<p>dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:</p> <ol style="list-style-type: none"> <li>1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.</li> <li>2. The victim and the defendant have a child in common.</li> <li>3. The victim or the defendant is pregnant by the other party.</li> <li>4. The victim is related to the defendant or the defendant's spouse by blood or court order as parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.</li> <li>5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.</li> <li>6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: <ol style="list-style-type: none"> <li>(a) The type or relationship.</li> <li>(b) The length of the relationship.</li> <li>(c) The frequency of the interaction between the victim and the defendant.</li> <li>(d) If the relationship has terminated, the length of time since the termination.</li> </ol> </li> </ol>	<p>information shall be disclosed to the court for purposes of service and notification. The address and contact information shall not be listed on the petition. Whether or not the court issues an order of protection, the plaintiff's address and contact information shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.</p> <ol style="list-style-type: none"> <li>2. Name and address, if known, of the defendant.</li> <li>3. Specific statement, including dates, of the domestic violence alleged.</li> <li>4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.</li> <li>5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.</li> <li>6. Desired relief.</li> </ol> <p>D. A fee shall not be charged for filing a petition under this section or for service of process. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide the appropriate information to both parties on emergency and counseling services that are available in the local area.</p> <p>E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:</p> <ol style="list-style-type: none"> <li>1. The defendant may commit an act of domestic violence.</li> <li>2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.</li> </ol> <p>F. For the purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the</p>

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	<p>B. A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person who is at least fifteen years of age, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.</p> <p>C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm</p>	<p>defendant.</p> <p>G. If a court issues an order of protection, the court may do any of the following:</p> <ol style="list-style-type: none"> <li>1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.</li> <li>2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.</li> <li>3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.</li> <li>4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.</li> <li>5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.</li> <li>6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.</li> <li>7. Grant the plaintiff the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the plaintiff, the defendant or a minor child residing in the residence</li> </ol>

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	<p>would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.</p> <p>D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.</p> <p>E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.</p> <p>F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.</p>	<p>or household of the plaintiff or the defendant, and order the defendant to stay away from the animal and forbid the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.</p> <p>H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.</p> <p>I. After granting an order of protection, the court shall provide the order to a law enforcement agency or a constable as set forth in subsection J of this section for service or to an entity that is authorized in subsection K of this section to serve process. The agency or entity serving the order shall provide confirmation of service to the plaintiff as soon as practicable. If service of an order cannot be completed within fifteen days after the agency or entity receives the order, the agency or entity that is attempting service shall notify the plaintiff and continue to attempt service. This notification may be completed by a victim notification system, if available.</p> <p>J. If the order of protection is provided to a law enforcement agency or a constable, service of an order of protection is as follows:</p> <ol style="list-style-type: none"> <li>1. For each order of protection that is issued by a municipal court, if the defendant can be served within that city or town, the order shall be served by the law enforcement agency of that city or town. If the order can be served in another city or town, the order shall be served by the law enforcement agency of that city or town. If the order cannot be served within a city or town, the order shall be served by the sheriff or constable of the county in which the defendant can be served.</li> <li>2. For each order of protection that is issued by a justice of the peace, the order of protection shall be served by the sheriff or constable of the county in which the defendant can be served or by a municipal law enforcement agency.</li> <li>3. For each order of protection that is issued by a superior court judge or commissioner, the order of protection shall be served by</li> </ol>

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	<p>G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.</p> <p>H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.</p> <p>I. A person who is arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.</p> <p>J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of the victim including:</p> <ol style="list-style-type: none"> <li>1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.</li> <li>2. The emergency telephone number for the local police agency.</li> <li>3. Telephone numbers for emergency services in the local community.</li> <li>4. Websites for local resources related to domestic</li> </ol>	<p>the sheriff or constable of the county where the defendant can be served.</p> <p>K. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.</p> <p>L. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.</p> <p>M. The order shall include the following statement: Warning This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.</p> <p>N. An order of protection that is not served on the defendant within one year after the date that the order is issued expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective on service and expires one year after service of the initial order and petition.</p> <p>O. A supplemental information form that is used by the court or a</p>



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	<p>violence.</p> <p>K. A peace officer is not civilly liable for noncompliance with subsection J of this section.</p> <p>L. If a person is convicted of an offense involving domestic violence and the victim was pregnant at the time of the commission of the offense, at the time of sentencing the court shall take into consideration the fact that the victim was pregnant and may increase the sentence.</p> <p>M. An offense that is included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized for that violation shall be increased by up to two years.</p> <p>N. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall determine if a minor is present. If a minor is present, the peace officer shall conduct a child welfare check to determine if the child is safe and if the child might be a victim of domestic violence or child abuse.</p>	<p>law enforcement agency solely for the purposes of service of process on the defendant and that contains information provided by the plaintiff is confidential.</p> <p>P. Each affidavit, declaration, acceptance or return of service shall be filed as soon as practicable but not later than seventy-two hours, excluding weekends and holidays, with the clerk of the issuing court or as otherwise required by court rule. This filing shall be completed in person, electronically or by fax. Within twenty-four hours after the affidavit, declaration, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall register the order with the national crime information center. The supreme court shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.</p> <p>Q. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For the purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.</p> <p>R. A person who is arrested pursuant to subsection Q of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including</p>

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		<p>participation in any counseling programs available to the defendant. The agency with custody of the defendant shall make reasonable efforts to contact the victim and other specifically designated persons in the order of protection, if known to the custodial agency, who requested notification immediately on release of the arrested person from custody.</p> <p>S. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party</p>

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		<p>for filing an appeal. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:</p> <ol style="list-style-type: none"> <li>1. An action has been commenced but a final judgment, decree or order has not been entered.</li> <li>2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.</li> </ol> <p>T. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.</p> <p>U. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:</p> <ol style="list-style-type: none"> <li>1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.</li> <li>2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.</li> <li>3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either: <ol style="list-style-type: none"> <li>(a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a</li> </ol> </li> </ol>

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		<p>protection order.</p> <p>(b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.</p> <p>4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.</p>
<p>ARKANSAS</p>	<p>A.C.A. § 9-15-207</p> <p><b>Order of protection--Enforcement--Penalties--Criminal jurisdiction.</b></p> <p>(a) Any order of protection granted under this chapter is enforceable by a law enforcement agency with proper jurisdiction.</p> <p>(b) An order of protection shall include a notice to the respondent or party restrained that:</p> <ol style="list-style-type: none"> <li>(1) A violation of the order of protection is a Class A misdemeanor carrying a maximum penalty of one (1) year imprisonment in the county jail or a fine of up to one thousand dollars (\$1,000), or both;</li> <li>(2) A violation of an order of protection under this section within five (5) years of a previous conviction for violation of an order of protection is a class D felony;</li> <li>(3) It is unlawful for an individual who is subject to an order of protection or convicted of a misdemeanor of domestic violence to ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(8) and (9) as it existed on January 1, 2007; and</li> <li>(4) A conviction of violation of an order of protection under this section within five (5) years of a previous conviction for violation of</li> </ol>	<p>A.C.A. § 5-53-134</p> <p><b>Violation of a protection order</b></p> <p>(a) (1) A person commits the offense of violation of an order of protection if:</p> <ol style="list-style-type: none"> <li>(A) A circuit court or other court with competent jurisdiction has issued a temporary order of protection or an order of protection against the person pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.;</li> <li>(B) The person has received actual notice or notice pursuant to the Arkansas Rules of Civil Procedure of a temporary order of protection or an order of protection pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.; and</li> <li>(C) The person knowingly violates a condition of an order of protection issued pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.</li> </ol> <p>(2) A person commits the offense of violation of an out-of-state order of protection if:</p> <ol style="list-style-type: none"> <li>(A) The court of another state, a federally recognized Indian tribe, or a territory with jurisdiction over the parties and matters has issued a temporary order of protection or an order of protection against the person pursuant to the laws or rules of the other state, federally recognized Indian tribe, or territory;</li> <li>(B) The person has received actual notice or other lawful notice of a temporary order of protection or an order of protection pursuant to the laws or rules of the other state, the federally</li> </ol>

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	<p>an order of protection is a class D felony.</p> <p>(c) For respondents eighteen (18) years of age or older or emancipated minors, jurisdiction for the criminal offense of violating the terms of an order of protection is with the circuit court or other courts having jurisdiction over criminal matters.</p> <p>(d)</p> <p>(1) In the final order of protection, the petitioner's home or business address may be excluded from notice to the respondent.</p> <p>(2) A court shall also order that the petitioner's copy of the order of protection be excluded from any address where the respondent happens to reside.</p> <p>(e) A law enforcement officer shall not arrest a petitioner for the violation of an order of protection issued against a respondent.</p> <p>(f) When a law enforcement officer has probable cause to believe that a respondent has violated an order of protection and has been presented verification of the existence of the order of protection, the officer may arrest the respondent without a warrant whether or not the violation occurred in the presence of the officer if the order of protection was obtained according to this chapter and the Arkansas Rules of Criminal Procedure.</p> <p>(g) An order of protection issued by a court of competent jurisdiction in any county of this state is enforceable in every county of this state by any court or law enforcement officer.</p> <p style="text-align: center;"><b>A.C.A. § 9-15-210</b></p> <p><b>Contempt Proceedings</b></p> <p>When a petitioner or any law enforcement officer files an affidavit with a circuit court that has issued an order of protection under the provisions of this chapter alleging that the respondent or person restrained has violated the order, the court may issue an order to the respondent or person restrained requiring that person to appear and show cause why he or she should not be found in contempt.</p>	<p>recognized Indian tribe, or the territory;</p> <p>(C) The person knowingly violates a condition of an order of protection issued pursuant to the laws or rules of the other state, the federally recognized Indian tribe, or the territory; and</p> <p>(D) The requirements of § 9-15-302 concerning the full faith and credit for an out-of-state order of protection have been met.</p> <p>(3) (A) A service member commits the offense of violation of a military order of protection if:</p> <p>(i) The commanding general, a military judge, or a special courts-martial convening authority as authorized by § 12-64-406(b) issues a military order of protection against the service member;</p> <p>(ii) The service member receives actual notice or other lawful notice of the military order of protection as authorized under United States Department of Defense Instruction 6400.06, as it existed on January 1, 2017; and</p> <p>(iii) The service member knowingly violates a condition of the military order of protection.</p> <p>(B) A prosecution against a service member for the offense of violation of a military order of protection does not prohibit the commanding general or military commander who issued the military order of protection from pursuing appropriate disciplinary action against the service member under the Military Code of Arkansas.</p> <p><b>(b)(1)</b> Except as provided in subdivision (b)(2) of this section, violation of an order of protection under this section is a Class A misdemeanor.</p> <p>(2) Violation of an order of protection under this section is a Class D felony if:</p> <p>(A) The offense is committed within five (5) years of a previous conviction for violation of an order of protection under this section;</p> <p>(B) The order of protection was issued after a hearing of which the person received actual notice and at which the person had an opportunity to participate; and</p> <p>(C) The facts constituting the violation on their own merit satisfy the elements of any felony offense or misdemeanor offense, not including an offense provided for in this section.</p> <p><b>(c) (1)</b> A law enforcement officer may arrest and take into custody without a warrant a person whom the law enforcement officer has</p>

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	<p style="text-align: center;"><b>A.C.A § 9-15-217</b></p> <p><b>Order of protection--Violations--Domestic violence surveillance program--Global positioning devices</b></p> <p>(a)(1)(A) A person who is charged with violating an ex parte order of protection under § 5-53-134 may be ordered as a condition of his or her release from custody to be placed under electronic surveillance at his or her expense until the charge is adjudicated.</p> <p>(B) A person who is charged with violating a final order of protection under § 5-53-134 may be ordered as a condition of his or her release from custody to be placed under electronic surveillance at his or her expense until the charge is adjudicated.</p> <p>(2) The court having jurisdiction over the charge may order the defendant released from electronic surveillance before the adjudication of the charge.</p> <p>(b) A person who is found guilty of violating an order of protection may be placed under electronic surveillance at his or her expense as part of his or her sentence for a minimum of four (4) months but not to exceed one (1) year.</p> <p>(c) As used in this section, "electronic surveillance" means active surveillance technology worn by or attached to a person that is a single-piece device that immediately notifies law enforcement or other monitors of a violation of the distance requirements or locations that the defendant is barred from entering and may also include technology that:</p> <p>(1) Immediately notifies the victim of any violation;</p> <p>(2) Allows law enforcement or monitors to speak to the offender in some manner through or in conjunction with the device;</p> <p>(3) Has a loud alarm that can be activated to warn the potential victim of the offender's presence in a place he or she is barred from entering;</p> <p>(4) Is waterproof; and</p> <p>(5) Can be tracked by either satellite or cellular phone tower triangulation.</p>	<p>probable cause to believe:</p> <p>(A) Is subject to an order of protection issued under the laws of this state; and</p> <p>(B) Has violated the terms of the order of protection, even if the violation did not take place in the presence of the law enforcement officer.</p> <p>(2) Under § 9-15-302, a law enforcement officer or law enforcement agency may arrest and take into custody without a warrant a person whom the law enforcement officer or law enforcement agency has probable cause to believe:</p> <p>(A) Is subject to:</p> <p>(i) An order of protection issued under the laws or rules of another state, a federally recognized Indian tribe, or a territory; or</p> <p>(ii) A military order of protection; and</p> <p>(B) Has violated the terms of the order of protection issued under the laws or rules of the other state, federally recognized Indian tribe, or territory, or the military order of protection, even if the violation did not take place in the presence of the law enforcement officer.</p> <p>(d) It is an affirmative defense to a prosecution under this section if:</p> <p>(1) The parties have reconciled prior to the violation of the order of protection; or</p> <p>(2) The petitioner for the order of protection:</p> <p>(A) Invited the defendant to come to the petitioner's residence or place of employment listed in the order of protection; and</p> <p>(B) Knew that the defendant's presence at the petitioner's residence or place of employment would be in violation of the order of protection.</p> <p>(e) Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic abuse in an effort to comply with this subchapter shall have immunity from civil or criminal liability</p> <p>(f) As used in this section:</p> <p>(1) "Military order of protection" means an official command directed at a service member for the purpose of preventing violent and threatening acts against a person who:</p> <p>(A) Is the current or former spouse of the service member;</p> <p>(B) Is or was a child, step-child, parent, step-parent, sibling,</p>

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		<p>guardian, or ward of the service member;</p> <p>(C) Is residing or cohabitating or in the past has resided or cohabitated with the service member;</p> <p>(D) Has or had a child in common with the service member;</p> <p>(E) Is or has been in a dating relationship with the service member as defined by § 9-15-103;</p> <p>(F) Has had an intimate sexual relationship with the service member; or</p> <p>(G) Has made allegations against the service member of violations of the punitive article of sexual misconduct as defined by § 12-64-845; and</p> <p>(2) "Service member" means a person serving in:</p> <p>(A) Any branch or reserve component of the United States Armed Forces; or</p> <p>(B) The National Guard of any state.</p>
<p><b>CALIFORNIA</b></p>	<p><b>Cal Pen Code § 273.6</b></p> <p><b>Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order</b></p> <p>(a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.</p> <p>(b) In the event of a violation of subdivision (a) that results in physical injury, the person shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum imprisonment required by this subdivision. In determining whether to reduce or</p>	<p><b>Cal Pen Code § 836</b></p> <p><b>Arrests by peace officers with or without warrants; Domestic violence; Noncompliance with protective orders; Carrying of concealed firearm</b></p> <p>(a) A peace officer may arrest a person in obedience to a warrant, or, pursuant to the authority granted to him or her by Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, without a warrant, may arrest a person whenever any of the following circumstances occur:</p> <p>(1) The officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.</p> <p>(2) The person arrested has committed a felony, although not in the officer's presence.</p> <p>(3) The officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.</p> <p>(b) Any time a peace officer is called out on a domestic violence call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a citizen's arrest, unless the peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of Section 243 or 273.5. This information shall include advising the victim how to safely execute the arrest.</p> <p>(c)</p> <p>(1) When a peace officer is responding to a call alleging a</p>

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	<p>eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.</p> <p>(c) Subdivisions (a) and (b) shall apply to the following court orders:</p> <p>(1) Any order issued pursuant to Section 6320 or 6389 of the Family Code.</p> <p>(2) An order excluding one party from the family dwelling or from the dwelling of the other.</p> <p>(3) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the order described in subdivision (a).</p> <p>(4) Any order issued by another state that is recognized under Part 5 (commencing with Section 6400) of Division 10 of the Family Code.</p> <p>(d) A subsequent conviction for a violation of an order described in subdivision (a), occurring within seven years of a prior conviction for a violation of an order described in subdivision (a) and involving an act of violence or "a credible threat" of violence, as defined in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.</p> <p>(e) In the event of a subsequent conviction for a violation of an order described in subdivision (a) for an act occurring within one year of a prior conviction for a violation of an order described in subdivision (a) that results in physical injury to a victim, the person shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than six months nor more than one year, by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of section 1170. However, if the person is imprisoned in a county jail for at least 30 days, the court may, in</p>	<p>violation of a domestic violence protective or restraining order issued under Section 527.6 of the Code of Civil Procedure, the Family Code, Section 136.2, 646.91, or paragraph (2) of subdivision (a) of Section 1203.097 of this code, Section 213.5 or 15657.03 of the Welfare and Institutions Code, or of a domestic violence protective or restraining order issued by the court of another state, tribe, or territory and the peace officer has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer shall, consistent with subdivision (b) of Section 13701, make a lawful arrest of the person without a warrant and take that person into custody whether or not the violation occurred in the presence of the arresting officer. The officer shall, as soon as possible after the arrest, confirm with the appropriate authorities or the Domestic Violence Protection Order Registry maintained pursuant to Section 6380 of the Family Code that a true copy of the protective order has been registered, unless the victim provides the officer with a copy of the protective order.</p> <p>(2) The person against whom a protective order has been issued shall be deemed to have notice of the order if the victim presents to the officer proof of service of the order, the officer confirms with the appropriate authorities that a true copy of the proof of service is on file, or the person against whom the protective order was issued was present at the protective order hearing or was informed by a peace officer of the contents of the protective order.</p> <p>(3) In situations where mutual protective orders have been issued under Division 10 (commencing with Section 6200) of the Family Code, liability for arrest under this subdivision applies only to those persons who are reasonably believed to have been the dominant aggressor. In those situations, prior to making an arrest under this subdivision, the peace officer shall make reasonable efforts to identify, and may arrest, the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider (A) the intent of the law to protect victims of domestic violence from continuing abuse, (B) the threats creating fear of physical injury, (C) the history of domestic violence between the persons involved, and (D) whether either person involved acted in self-defense.</p> <p>(d) Notwithstanding paragraph (1) of subdivision (a), if a suspect</p>



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	<p>the interest of justice and for reasons stated in the record, reduce or eliminate the six-month minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.</p> <p>(f) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders described in subdivisions (a), (b), (d), and (e).</p> <p>(g)</p> <p>(1) Every person who owns, possesses, purchases, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6, 527.8, or 227.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under Section 29825.</p> <p>(2) Every person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.</p> <p>(h) If probation is granted upon conviction of a violation of subdivision (a), (b), (c), (d), or (e), the court shall impose probation consistent with the provisions of Section 1203.097, and the conditions of probation may include, in lieu of a fine, one or both of the following requirements:</p> <p>(1) That the defendant make payments to a battered women's shelter or to a shelter for abused elder persons or dependent adults, up to a maximum of five thousand dollars (\$5,000), pursuant to Section</p>	<p>commits an assault or battery upon a current or former spouse, fiancé, fiancée, a current or former cohabitant as defined in Section 6209 of the Family Code, a person with whom the suspect currently is having or has previously had an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243, a person with whom the suspect has parented a child, or is presumed to have parented a child pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), a child of the suspect, a child whose parentage by the suspect is the subject of an action under the Uniform Parentage Act, a child of a person in one of the above categories, any other person related to the suspect by consanguinity or affinity within the second degree, or any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship, a peace officer may arrest the suspect without a warrant where both of the following circumstances apply:</p> <p>(1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.</p> <p>(2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.</p> <p>(e) In addition to the authority to make an arrest without a warrant pursuant to paragraphs (1) and (3) of subdivision (a), a peace officer may, without a warrant, arrest a person for a violation of Section 25400 when all of the following apply:</p> <p>(1) The officer has reasonable cause to believe that the person to be arrested has committed the violation of Section 25400.</p> <p>(2) The violation of Section 25400 occurred within an airport, as defined in Section 21013 of the Public Utilities Code, in an area to which access is controlled by the inspection of persons and property.</p> <p>(3) The peace officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the violation of Section 25400.</p>

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>1203.097.</p> <p>(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.</p> <p>(i) For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under subdivision (e), the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.</p> <p style="text-align: center;"><b>Cal Fam Code § 6388</b></p> <p><b>Criminal penalty for violation of order</b> A willful and knowing violation of a protective order, as defined in Section 6218, is a crime punishable as provided by Section 273.6 of the Penal Code.</p> <p style="text-align: center;"><b>Cal Pen Code § 166</b></p> <p><b>Contempt of court; Stalking; Punishments</b> (a) Except as provided in subdivisions (b), (c), and (d), a person guilty of any of the following contempts of court is guilty of a misdemeanor: (1) Disorderly, contemptuous, or insolent behavior committed during the sitting of a court of justice, in the immediate view and presence of the court, and</p>	

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>directly tending to interrupt its proceedings or to impair the respect due to its authority.</p> <p>(2) Behavior specified in paragraph (1) that is committed in the presence of a referee, while actually engaged in a trial or hearing, pursuant to the order of a court, or in the presence of any jury while actually sitting for the trial of a cause, or upon an inquest or other proceeding authorized by law.</p> <p>(3) A breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of the court.</p> <p>(4) Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.</p> <p>(5) Resistance willfully offered by any person to the lawful order or process of a court.</p> <p>(6) The contumacious and unlawful refusal of a person to be sworn as a witness or, when so sworn, the like refusal to answer a material question.</p> <p>(7) The publication of a false or grossly inaccurate report of the proceedings of a court.</p> <p>(8) Presenting to a court having power to pass sentence upon a prisoner under conviction, or to a member of the court, an affidavit, testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon the prisoner, except as provided in this code.</p> <p>(9) Willful disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members, lawfully issued by a court, including an order pending trial.</p> <p>(b)</p> <p>(1) a person who is guilty of contempt of court under paragraph (4) of subdivision (a) by willfully contacting a victim by telephone or mail, or directly, and who has been previously convicted of a violation of Section 646.9 shall be punished by imprisonment in a county jail for not more than one year, by a fine of five thousand dollars (\$5,000), or by both that fine and imprisonment.</p>	

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>(2) For the purposes of sentencing under this subdivision, each contact shall constitute a separate violation of this subdivision</p> <p>(3) The present incarceration of a person who makes contact with a victim in violation of paragraph (1) is not a defense to a violation of this subdivision.</p> <p>(c)</p> <p>(1) Notwithstanding paragraph (4) of subdivision (a), a willful and knowing violation of a protective order or stay-away court order described as follows shall constitute contempt of court, a misdemeanor, punishable by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine:</p> <p>(A) An order issued pursuant to Section 136.2.</p> <p>(B) An order issued pursuant to paragraph (2) of subdivision (a) of Section 1203.097.</p> <p>(C) An order issued after a conviction in a criminal proceeding involving elder or dependent adult abuse, as defined in Section 368.</p> <p>(D) An order issued pursuant to Section 1201.3.</p> <p>(E) An order described in paragraph (3).</p> <p>(F) An order issued pursuant to subdivision (j) of Section 273.5.</p> <p>(2) If a violation of paragraph (1) results in a physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended.</p> <p>(3) Paragraphs (1) and (2) apply to the following court orders:</p> <p>(A) An order issued pursuant to Section 6320 or 6389 of the Family Code.</p> <p>(B) An order excluding one party from the family dwelling or from the dwelling of the other.</p> <p>(C) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the orders described in paragraph (1)</p> <p>(4) A second or subsequent conviction for a violation of an order described in paragraph (1) occurring within seven years of prior conviction for a</p>	

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>violation of any of those orders and involving an act of violence or “a credible threat” of violence, as provided in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months or two or three years.</p> <p>(5) The prosecuting agency of each county shall have the primary responsibility for the enforcement of the orders described in paragraph (1).</p> <p>(d)</p> <p>(1) A person who owns, possesses, purchases, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6 or 527.8 of the Code of Civil Procedure, shall be punished under Section 29825.</p> <p>(2) A person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exception pursuant to subdivision (h) of Section 6389 of the Family Code.</p> <p>(e)</p> <p>(1) If probation is granted upon conviction of a violation of subdivision (c), the court shall impose probation consistent with Section 1203.097.</p> <p>(2) If probation is granted upon conviction of a violation of subdivision (c), the conditions of probation may include, in lieu of a fine, one or both of the following requirements:</p> <p>(A) That the defendant make payments to a battered women’s shelter, up to a maximum of one thousand dollars (\$1,000).</p> <p>(B) That the defendant provide restitution to reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant’s offense.</p> <p>(3) For an order to pay a fine, make payments to a battered women’s shelter, or pay restitution as a condition of probation under this subdivision or</p>	

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>subdivision (c), the court shall make a determination of the defendant’s ability to pay. In no event shall an order to make payments to a battered women’s shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support.</p> <p>(4) If the injury to a married person is caused in whole, or in part, by the criminal acts of his or her spouse in violation of subdivision (c), the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents required by this subdivision, until all separate property of the offending spouse is exhausted.</p> <p>(5) A person violating an order described in subdivision (c) may be punished for any substantive offenses described under Section 136.1 or 646.9. A finding of contempt shall not be a bar to prosecution for violation of Section 136.1 or 646.9. However, a person held in contempt for a violation of subdivision (c) shall be entitled to credit for any punishment imposed as a result of that violation against any sentence imposed upon conviction of an offense described in Section 136.1 or 646.9. A conviction or acquittal for a substantive offense under Section 136.1 or 646.9 shall be a bar to a subsequent punishment of contempt arising out of the same act.</p>	
<p><b>COLORADO</b></p>	<p><b>C.R.S. 18-6-803.5</b></p> <p><b>Crime of violation of a protection order – penalty - peace officers' duties - definitions</b></p> <p>(1) A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the</p>	<p><b>C.R.S. 18-6-803.5</b></p> <p><b>Crime of violation of a protection order - penalty - peace officers' duties - definitions</b></p> <p>(3) (a) Whenever a protection order is issued, the protected person shall be provided with a copy of such order. A peace officer shall use every reasonable means to enforce a protection order.</p> <p>(b) A peace officer shall arrest, or, if an arrest would be impractical under the circumstances, seek a warrant for the arrest of a restrained person when the peace officer has information</p>

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>person as a restrained person, the person:</p> <p>(a) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order or enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises or violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by the protection order;</p> <p>(b) Except as permitted pursuant to section 18-13-126 (1)(b), hires, employs, or otherwise contracts with another person to locate or assist in the location of the protected person; or</p> <p>(c) Violates a civil protection order issued pursuant to section 13-14-105.5, C.R.S., or pursuant to section 18-1-1001 (9) by:</p> <p>(I) Possessing or attempting to purchase or receive a firearm or ammunition while the protection order is in effect; or</p> <p>(II) Failing to timely file a receipt or written statement with the court as described in section 13-14-105.5 (9), C.R.S., or in section 18-1-1001 (9)(i) or 18-6-801 (8)(i).</p> <p>(1.5) As used in this section:</p> <p>(a) "Protected person" means the person or persons identified in the protection order as the person or persons for whose benefit the protection order was issued.</p> <p>(a.5) (I) "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected animal, or from entering or remaining on premises, or from coming within a specified distance of a protected person or protected animal or premises or any other provision to protect the protected person or protected animal from imminent danger to life or health, that is issued by a court of this state or a municipal court, and that is issued pursuant to:</p> <p>(A) Article 14 of title 13, C.R.S., section 18-1-</p>	<p>amounting to probable cause that:</p> <p>(I) The restrained person has violated or attempted to violate any provision of a protection order; and</p> <p>(II) The restrained person has been properly served with a copy of the protection order or the restrained person has received actual notice of the existence and substance of such order.</p> <p>(c) In making the probable cause determination described in paragraph (b) of this subsection (3), a peace officer shall assume that the information received from the registry is accurate. A peace officer shall enforce a valid protection order whether or not there is a record of the protection order in the registry.</p> <p>(d) The arrest and detention of a restrained person is governed by applicable constitutional and applicable state rules of criminal procedure. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made, or the arrested person may be taken to the jail in the county where the protection order was issued. The law enforcement agency or any other locally designated agency shall make all reasonable efforts to contact the protected party upon the arrest of the restrained person. The prosecuting attorney shall present any available arrest affidavits and the criminal history of the restrained person to the court at the time of the first appearance of the restrained person before the court.</p> <p>(e) The arresting agency arresting the restrained person shall forward to the issuing court a copy of such agency's report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The agency shall give a copy of the agency's report, witness list, and charging list to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court.</p> <p>(4) If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested for violating or attempting to violate a protection order, the arresting agency shall notify the prosecuting attorney who shall file a motion with the court which</p>

STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER
	<p>1001, section 19-2-707, C.R.S., section 19-4-111, C.R.S., or rule 365 of the Colorado rules of county court civil procedure;</p> <p>(B) Sections 14-4-101 to 14-4-105, C.R.S., section 14-10-107, C.R.S., section 14-10-108, C.R.S., or section 19-3-316, C.R.S., as those sections existed prior to July 1, 2004;</p> <p>(C) An order issued as part of the proceedings concerning a criminal municipal ordinance violation; or</p> <p>(D) Any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises.</p> <p>(II) For purposes of this section only, "protection order" includes any order that amends, modifies, supplements, or supersedes the initial protection order. "Protection order" also includes any restraining order entered prior to July 1, 2003, and any foreign protection order as defined in section 13-14-110, C.R.S.</p> <p>(b) "Registry" means the computerized information system created in section 18-6-803.7 or the national crime information center created pursuant to 28 U.S.C. sec. 534.</p> <p>(c) "Restrained person" means the person identified in the order as the person prohibited from doing the specified act or acts.</p> <p>(2) (a) Violation of a protection order is a class 2 misdemeanor; except that, if the restrained person has previously been convicted of violating this section or a former version of this section or an analogous municipal ordinance, or if the protection order is issued pursuant to section 18-1-1001, the violation is a class 1 misdemeanor.</p> <p>(a.5) A second or subsequent violation of a protection order is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501 (3).</p> <p>(c) Nothing in this section shall preclude the ability</p>	<p>issued the prior bond for the revocation of the bond and for the issuance of a warrant for the arrest of the restrained person if such court is satisfied that probable cause exists to believe that a violation of the protection order issued by the court has occurred.</p> <p>(6) (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order allocating parental responsibilities with respect to such child or an order for the care and control of the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages that may result from interference with the custody, parental responsibilities, care, and control of or access to a minor child in complying with this subsection (6).</p> <p>(b) For purposes of this subsection (6), "shelter" means a battered women's shelter, a friend's or family member's home, or such other safe haven as may be designated by the protected person and which is within a reasonable distance from the location at which the peace officer found the victim.</p> <p>(7) The protection order shall contain in capital letters and bold print a notice informing the protected person that such protected person may either initiate contempt proceedings against the restrained person if the order is issued in a civil action or request the prosecuting attorney to initiate contempt proceedings if the order is issued in a criminal action.</p> <p>(8) A protection order issued in the state of Colorado shall contain a statement that:</p> <p>(a) The order or injunction shall be accorded full faith and credit and be enforced in every civil or criminal court of the United States, another state, an Indian tribe, or a United States territory pursuant to 18 U.S.C. sec. 2265;</p> <p>(b) The issuing court had jurisdiction over the parties and subject matter; and</p> <p>(c) The defendant was given reasonable notice and opportunity</p>



STATE	CIVIL/CRIMINAL PENALTIES/SANCTIONS FOR VIOLATION OF A PROTECTION ORDER	CIVIL/CRIMINAL LAW ENFORCEMENT PROVISIONS FOR VIOLATION OF A PROTECTION ORDER												
	<p>of a municipality to enact concurrent ordinances. Any sentence imposed for a violation of this section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the protection order.</p> <p style="text-align: center;"><b>C.R.S. 18-1.3-501</b></p> <p><b>Misdemeanors classified—drug misdemeanors and drug petty offenses classified—penalties—definitions</b></p> <p>(1) (a) Except as otherwise provided in paragraph (d) of this subsection (1), misdemeanors are divided into three classes that are distinguished from one another by the following penalties that are authorized upon conviction except as provided in subsection (1.5) of this section:</p> <table border="1" data-bbox="401 711 970 1101"> <thead> <tr> <th data-bbox="401 711 436 748">ss</th> <th data-bbox="436 711 663 748">Minimum Sentence</th> <th data-bbox="663 711 970 748">Maximum Sentence</th> </tr> </thead> <tbody> <tr> <td data-bbox="401 748 436 878"></td> <td data-bbox="436 748 663 878">Six months imprisonment, or five hundred dollars fine or both</td> <td data-bbox="663 748 970 878">Eighteen months imprisonment or five thousand dollars fine, or both</td> </tr> <tr> <td data-bbox="401 878 436 1003"></td> <td data-bbox="436 878 663 1003">Three months imprisonment, or two hundred fifty dollars fine, or both</td> <td data-bbox="663 878 970 1003">Twelve months imprisonment, or one thousand dollars fine, or both</td> </tr> <tr> <td data-bbox="401 1003 436 1101"></td> <td data-bbox="436 1003 663 1101">Fifty dollars fine</td> <td data-bbox="663 1003 970 1101">Six months imprisonment, or seven hundred fifty dollars fine, or both</td> </tr> </tbody> </table> <p>(b) A term of imprisonment for conviction of a misdemeanor shall not be served in a state correctional facility unless served concurrently with a term for conviction of a felony.</p> <p>(c) A term of imprisonment in a county jail for a conviction of a misdemeanor, petty, or traffic misdemeanor offense shall not be ordered to be served consecutively to a sentence to be served in a state correctional facility; except that if, at the time of</p>	ss	Minimum Sentence	Maximum Sentence		Six months imprisonment, or five hundred dollars fine or both	Eighteen months imprisonment or five thousand dollars fine, or both		Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months imprisonment, or one thousand dollars fine, or both		Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both	<p>to be heard.</p> <p>(9) A criminal action charged pursuant to this section may be tried either in the county where the offense is committed or in the county in which the court that issued the protection order is located, if such court is within this state.</p> <p style="text-align: center;"><b>C.R.S. 13-14-103</b></p> <p><b>Emergency protection orders</b></p> <p>(1) (a) Any county or district court shall have the authority to enter an emergency protection order pursuant to the provisions of this subsection (1).</p> <p>(b) An emergency protection order issued pursuant to this subsection (1) may include:</p> <p>(I) Restraining a party from contacting, harassing, injuring, intimidating, threatening, molesting, touching, stalking, sexually assaulting or abusing any other party, a minor child of either of the parties, or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense or domestic abuse;</p> <p>(II) Excluding a party from the family home or from the home of another party upon a showing that physical or emotional harm would otherwise result;</p> <p>(III) Awarding temporary care and control of any minor child of a party involved;</p> <p>(IV) Enjoining an individual from contacting a minor child at school, at work, or wherever he or she may be found;</p> <p>(V) Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult; or</p> <p>(VI) Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult.</p> <p>(c) In cases involving a minor child, the juvenile court and the district court have the authority to issue emergency protection orders to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), or to prevent domestic abuse, as defined in section 13-14-101 (2), when requested by the local law enforcement</p>
ss	Minimum Sentence	Maximum Sentence												
	Six months imprisonment, or five hundred dollars fine or both	Eighteen months imprisonment or five thousand dollars fine, or both												
	Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months imprisonment, or one thousand dollars fine, or both												
	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both												

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	<p>sentencing, the court determines, after consideration of all the relevant facts and circumstances, that a concurrent sentence is not warranted, the court may order that the misdemeanor sentence be served prior to the sentence to be served in the state correctional facility and prior to the time the defendant is transported to the state correctional facility to serve all or the remainder of the defendant's state correctional facility sentence.</p> <p>(d) For purposes of sentencing a person convicted of a misdemeanor drug offense described in article 18 of this title, committed on or after October 1, 2013, drug misdemeanors are divided into two levels that are distinguished from one another by the following penalties that are authorized upon conviction:</p> <p>(e) For each drug petty offense, the sentencing range is stated in the offense statute.</p> <p>(1.5) (a) If a defendant is convicted of assault in the third degree under section 18-3-204 and the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties, notwithstanding subsection (1) of this section, the court shall sentence the defendant to a term of imprisonment greater than the maximum sentence but no more than twice the maximum sentence authorized for the same crime when the victim is not a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties. In addition to the term of imprisonment, the court may impose a fine on the defendant under subsection (1) of this section. At any time after sentencing and before the discharge of the defendant's sentence, the victim may request that the defendant participate in restorative justice practices with the victim. If the defendant accepts responsibility for and expresses remorse for his or her actions and is willing to repair the harm caused by his or her actions, an individual responsible for the defendant's supervision shall</p>	<p>agency, the county department of human or social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense or domestic abuse, based upon an allegation of a recent actual unlawful sexual offense or domestic abuse or threat of the same. Any emergency protection order issued pursuant to this subsection (1) must be on a standardized form prescribed by the judicial department, and a copy must be provided to the protected person.</p> <p>(d) The chief judge in each judicial district shall be responsible for making available in each judicial district a judge to issue, by telephone, emergency protection orders at all times when the county and district courts are otherwise closed for judicial business. Such judge may be a district court or county court judge or a special associate, an associate, an assistant county judge, or a magistrate.</p> <p>(e) When the county, district, and juvenile courts are unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week and a peace officer asserts reasonable grounds to believe that an adult is in immediate and present danger of domestic abuse, assault, stalking, sexual assault or abuse, or that a minor child is in immediate and present danger of an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., or of domestic abuse, as defined in section 13-14-101 (2), a judge made available pursuant to paragraph (d) of this subsection (1) may issue a written or verbal ex parte emergency protection order. Any written emergency protection order issued pursuant to this subsection (1) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.</p> <p>(f) An emergency protection order issued pursuant to this subsection (1) shall expire not later than the close of judicial business on the next day of judicial business following the day of issue, unless otherwise continued by the court. The court may continue an emergency protection order filed to prevent abuse pursuant to this subsection (1) only if the judge is unable to set a hearing on plaintiff's request for a temporary protection order on the day the complaint was filed pursuant to section 13-14-104.5; except that this limitation on a court's power to continue an emergency protection order shall not apply to an emergency protection order filed to protect a minor child from an unlawful</p>

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	<p>make the necessary arrangements for the restorative justice practices requested by the victim.</p> <p>(b) As used in this section, "peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care provider as defined by section 18-3-201 (1), or a firefighter as defined in section 18-3-201 (1.5), who is engaged or acting in or who is present to engage or act in the performance of a duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical service provider, emergency medical care provider, or firefighter, whether or not the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward the peace officer, emergency medical service provider, emergency medical care provider, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter or if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.</p> <p>(1.7) (a) If a defendant is convicted of assault in the third degree pursuant to section 18-3-204 or reckless endangerment pursuant to section 18-3-208 and the victim is a mental health professional employed by or under contract with the department of human services engaged in the performance of his or her duties, notwithstanding the provisions of subsection (1) of this section, the court may sentence the defendant to</p>	<p>sexual offense or domestic abuse. For any emergency protection order continued pursuant to the provisions of this paragraph (f), following two days' notice to the party who obtained the emergency protection order or on such shorter notice to said party as the court may prescribe, the adverse party may appear and move its dissolution or modification. The motion to dissolve or modify the emergency protection order shall be set down for hearing at the earliest possible time and shall take precedence over all matters except older matters of the same character, and the court shall determine such motions as expeditiously as the ends of justice require.</p> <p>(2) (a) A verbal emergency protection order may be issued pursuant to subsection (1) of this section only if the issuing judge finds that an imminent danger in close proximity exists to the life or health of one or more persons or that a danger exists to the life or health of the minor child in the reasonably foreseeable future.</p> <p>(b) Any verbal emergency protection order shall be reduced to writing and signed by the officer or other person asserting the grounds for the order and shall include a statement of the grounds for the order asserted by the officer or person. The officer or person shall not be subject to civil liability for any statement made or act performed in good faith. The emergency protection order shall be served upon the respondent with a copy given to the protected party and filed with the county or district court as soon as practicable after issuance. Any written emergency protection order issued pursuant to this subsection (2) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.</p> <p>(3) The court shall electronically transfer into the central registry of protection orders established pursuant to section 18-6-803.7, C.R.S., a copy of any order issued pursuant to this section and shall deliver a copy of such order to the protected party or his or her parent or an individual acting in the place of a parent who is not the respondent.</p> <p>(4) If any person named in an order issued pursuant to this section has not been served personally with such order but has received actual notice of the existence and substance of such order from any person, any act in violation of such order may be deemed sufficient to subject the person named in such order to any penalty for such violation.</p> <p>(5) Venue for filing a complaint pursuant to this section is proper in any county where the acts that are the subject of the complaint</p>

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	<p>a term of imprisonment greater than the maximum sentence but not more than twice the maximum sentence authorized for the crime when the victim is not a mental health professional employed by or under contract with the department of human services engaged in the performance of his or her duties. In addition to a term of imprisonment, the court may impose a fine on the defendant pursuant to subsection (1) of this section.</p> <p>(b) "Mental health professional" means a mental health professional licensed to practice medicine pursuant to part 1 of article 36 of title 12, C.R.S., or a person licensed as a mental health professional pursuant to article 43 of title 12, C.R.S., a person licensed as a nurse pursuant to part 1 of article 38 of title 12, C.R.S., a nurse aide certified pursuant to part 1 of article 38.1 of title 12, C.R.S., and a psychiatric technician licensed pursuant to part 1 of article 42 of title 12, C.R.S.</p> <p>(2) The defendant may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subsection (1) of this section, subject to the conditions and restrictions of section 18-1.3-507. An inmate in county jail acting as a trustee shall not be given concurrent credit for community or useful public service when such service is performed in his or her capacity as trustee. For the purposes of this subsection (2), "community or useful public service" means any work which is beneficial to the public, any public entity, or any bona fide nonprofit private or public organization, which work involves a minimum of direct supervision or other public cost and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.</p> <p>(3) (a) The general assembly hereby finds that certain misdemeanors which are listed in paragraph (b) of this subsection (3) present an extraordinary risk of harm to society and therefore, in the interest of public safety, the maximum sentence for such misdemeanors shall be increased by six months.</p>	<p>occur, in any county where one of the parties resides, or in any county where one of the parties is employed. This requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.</p> <p>(6) A person failing to comply with any order of the court issued pursuant to this section shall be found in contempt of court and, in addition, may be punished as provided in section 18-6-803.5, C.R.S.</p> <p>(7) At any time that the law enforcement agency having jurisdiction to enforce the emergency protection order has cause to believe that a violation of the order has occurred, it shall enforce the order. If the order is written and has not been personally served, a member of the law enforcement agency shall serve a copy of said order on the person named respondent therein. If the order is verbal, a member of the law enforcement agency shall notify the respondent of the existence and substance thereof.</p> <p>(8) The availability of an emergency protection order shall not be affected by the person seeking protection leaving his or her residence to avoid harm.</p> <p>(9) The issuance of an emergency protection order shall not be considered evidence of any wrongdoing.</p> <p>(10) If three emergency protection orders are issued within a one-year period involving the same parties within the same jurisdiction, the court shall summon the parties to appear before the court at a hearing to review the circumstances giving rise to such emergency protection orders.</p> <p>(11) The duties of peace officers enforcing orders issued pursuant to this section shall be in accordance with section 18-6-803.5, C.R.S., and any rules adopted by the Colorado supreme court pursuant to said section.</p> <p style="text-align: center;"><b>C.R.S. 18-6-803.6(1)</b></p> <p><b>Duties of peace officers and prosecuting agencies-preservation of evidence</b></p>

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	<p>(b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:</p> <p>(I) Assault in the third degree, as defined in section 18-3-204;</p> <p>(I.5) (A) Sexual assault, as defined in section 18-3-402; or</p> <p>(B) Sexual assault in the second degree, as defined in section 18-3-403, as it existed prior to July 1, 2000;</p> <p>(II) (A) Unlawful sexual contact, as defined in section 18-3-404; or</p> <p>(B) Sexual assault in the third degree, as defined in section 18-3-404, as it existed prior to July 1, 2000;</p> <p>(III) Child abuse, as defined in section 18-6-401 (7)(a)(V);</p> <p>(IV) Second and all subsequent violations of a protection order as defined in section 18-6-803.5 (1.5)(a.5);</p> <p>(V) Misdemeanor failure to register as a sex offender, as described in section 18-3-412.5; and</p> <p>(VI) Misdemeanor invasion of privacy for sexual gratification, as described in section 18-3-405.6.</p> <p>(VII) False reporting of an emergency, as described in section 18-8-111.</p> <p>(4) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any misdemeanor set forth in part 4 of article 4 of this title, part 1, 2, 3, or 5 of article 5 of this title, or article 5.5 of this title shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime victim compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late fees; and any other fines, fees, or surcharges. For purposes of this subsection (4), an "elderly person" or "elderly victim" means a person sixty years of age or older.</p>	<p>(1) When a peace officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in <a href="#">section 18-6-800.3 (1)</a>, has been committed, the officer shall, without undue delay, arrest the person suspected of its commission pursuant to the provisions in subsection (2) of this section, if applicable, and charge the person with the appropriate crime or offense. Nothing in this subsection (1) shall be construed to require a peace officer to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence. Additionally, nothing in this subsection (1) shall be construed to require a peace officer to arrest either party involved in an alleged act of domestic violence when a peace officer determines there is no probable cause to believe that a crime or offense of domestic violence has been committed. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made.</p>

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	<p>(5) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.</p> <p>(6) For a defendant who is convicted of assault in the third degree, as described in section 18-3-204, the court, in addition to any fine the court may impose, shall sentence the defendant to a term of imprisonment of at least six months, but not longer than the maximum sentence authorized for the offense, as specified in this section, which sentence shall not be suspended in whole or in part, if the court makes the following findings on the record:</p> <p>(a) The victim of the offense was pregnant at the time of commission of the offense; and</p> <p>(b) The defendant knew or should have known that the victim of the offense was pregnant.</p>	
CONNECTICUT	<p style="text-align: center;"><b>Conn. Gen. Stat. § 53a-107</b></p> <p><b>Criminal trespass in the first degree: Class A misdemeanor</b></p> <p>(a) A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-16a, 46b-38c, 54-1k or 54-82r by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such</p>	<p style="text-align: center;"><b>Conn. Gen. Stat. § 46b-15a</b></p> <p><b>Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration</b></p> <p>(a) For the purposes of this section, “foreign order of protection” means any protection order, as defined in 18 USC 2266, as from time to time amended, or similar restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.</p> <p>(b) A valid foreign order of protection that is consistent with 18 USC 2265, as from time to time amended, shall be accorded full faith and credit by a court of this state and may be enforced as if it were the order of a court in this state. A foreign order of protection shall be presumed valid if such order appears authentic on its face. The fact that a foreign order of protection has not been entered into the automated registry of protective orders maintained pursuant to section 51-5c, the Connecticut on-line law enforcement communication teleprocessing system maintained by the Department of Emergency Services and Public Protection or the National Crime Information Center (NCIC) computerized index of criminal justice information shall not be grounds for</p>

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	<p>person enters or remains on public land after an order to leave or not to enter personally communicated to such person by an authorized official of the state or a municipality, as the case may be.</p> <p>(b) Criminal trespass in the first degree is a class A misdemeanor.</p> <p style="text-align: center;"><b>Conn. Gen. Stat. § 53a-223</b></p> <p><b>Criminal violation of a protective order: Class D or Class C felony</b></p> <p>(a) A person is guilty of criminal violation of a protective order when an order issued pursuant to subsection (e) of section 46b-38c, subsection (f) of section 53a-28, or section 54-1k or 54-82r has been issued against such person, and such person violates such order.</p> <p>(b) No person who is listed as a protected person in such protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such protective order pursuant to section 53a-48.</p> <p>(c) Criminal violation of a protective order is a class D felony, except that any violation of a protective order that involves (1) imposing any restraint upon the person or liberty of a person in violation of the protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the protective order is a class C felony.</p> <p style="text-align: center;"><b>Conn. Gen. Stat. § 53a-35a</b></p> <p><b>Imprisonment for felony committed on or after July 1, 1981: Definite sentence. Authorized term.</b> For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the</p>	<p>refusing to enforce such order in this state.</p> <p>(c) A law enforcement officer shall enforce a foreign order of protection in accordance with its terms and the law of this state, and shall arrest any person suspected of violating such order and charge such person with a violation of section 53a-223b. Nothing in this subsection shall affect the responsibility of a law enforcement officer to make an arrest pursuant to section 46b-38b.</p> <p>(d) It shall be an affirmative defense in any action seeking enforcement of a foreign order of protection or any criminal prosecution involving the violation of a foreign order of protection that such order is not consistent with or entitled to full faith and credit pursuant to 18 USC 2265, as from time to time amended.</p> <p>(e) A child custody provision in a foreign order of protection may be enforced in this state if such provision (1) complies with the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act, and (2) is consistent with the Parental Kidnapping Prevention Act of 1980, 28 USC 1738A, as from time to time amended.</p> <p>(f) A foreign order of protection may be registered in this state by sending to the Superior Court in this state: (1) A letter or other document requesting registration; (2) two copies, including one certified copy, of the foreign order of protection sought to be registered and a statement under penalty of perjury that, to the best of the knowledge and belief of the petitioner, the order has not been modified; and (3) the name and address of the person seeking registration, except if the disclosure of such name and address would jeopardize the safety of such person.</p> <p>(g) On receipt of the documents required in subsection (f) of this section, the registering court shall: (1) Cause the foreign order of protection to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and (2) cause the foreign order of protection to be entered in the automated registry of protective orders maintained pursuant to section 51-5c, together with any accompanying information required or permitted to be contained in the registry of protective orders pursuant to the procedures adopted by the Chief Court Administrator under section 51-5c.</p>

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	<p>crime specifically provides otherwise, the term shall be fixed by the court as follows:</p> <p>(1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;</p> <p>(2) For the class A felony of murder, a term not less than twenty-five years nor more than life;</p> <p>(3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;</p> <p>(4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;</p> <p>(5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;</p> <p>(6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;</p> <p>(7) For a class C felony, a term not less than one year nor more than ten years;</p> <p>(8) For a class D felony, a term not more than five years;</p> <p>(9) For a class E felony, a term not more than three years; and</p> <p>(10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.</p> <p style="text-align: center;"><b>Conn. Gen. Stat. § 46b-15</b></p>	<p style="text-align: center;"><b>Conn. Gen. Stat. § 46b-15</b></p> <p><b>Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Service of application, affidavit, any ex parte order and notice of hearing. Copies. Expedited hearing for violation of order. Other remedies.</b></p> <p>(d) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.</p> <p>(e) Every order of the court made in accordance with this section shall contain the following language: (1) “This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both.”; and (2) “In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not</p>



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	<p><b>Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Service of application, affidavit, any ex parte order and notice of hearing. Copies. Expedited hearing for violation of order. Other remedies.</b></p> <p>(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.</p> <p>(b) The application form shall allow the applicant, at the applicant’s option, to indicate whether the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders ex parte, the</p>	<p>more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both.”.</p> <p>(f) Every order of the court made in accordance with this section shall contain the following language: (1) “This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both.”; and (2) “In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both.”.</p> <p>(g) No order of the court shall exceed one year, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary. If the respondent has not appeared upon the initial application, service of a motion to extend an order may be made by first-class mail directed to the respondent at the respondent’s last-known address</p> <p>(h)</p> <p>(1) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant’s affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than three days before the hearing. The cost of such service shall be paid for by the Judicial Branch.</p> <p>(2) When (A) an application indicates that a respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or</p>

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	<p>court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch that may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held</p>	<p>ammunition, and (B) the court has issued an ex parte order pursuant to this section, the proper officer responsible for executing service shall, whenever possible, provide in-hand service and, prior to serving such order, shall (i) provide notice to the law enforcement agency for the town in which the respondent will be served concerning when and where the service will take place, and (ii) send, or cause to be sent by facsimile or other means, a copy of the application, the applicant's affidavit, the ex parte order and the notice of hearing to such law enforcement agency, and (iii) request that a police officer from the law enforcement agency for the town in which the respondent will be served be present when service is executed by the proper officer. Upon receiving a request from a proper officer under the provisions of this subdivision, the law enforcement agency for the town in which the respondent will be served may designate a police officer to be present when service is executed by the proper officer.</p> <p>(3) Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (A) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (B) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the</p>

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	<p>on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant’s behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, “violent crime” includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.</p> <p>(c) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (h) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period not to exceed fourteen days from the originally scheduled hearing date. The clerk shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (h) of this section.</p> <p>.</p>	<p>applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order. If the victim, or victim's minor child protected by such order, is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.</p> <p>(i) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.</p> <p>(j) When a motion for contempt is filed for violation of a restraining order, there shall be an expedited hearing. Such hearing shall be held within five court days of service of the motion on the respondent, provided service on the respondent is made not less than twenty-four hours before the hearing. If the court finds the respondent in contempt for violation of an order, the court may impose such sanctions as the court deems appropriate.</p> <p>(k) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.</p> <p>(l) For purposes of this section, “police officer” means a state police officer or a sworn member of a municipal police department and “law enforcement agency” means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.</p>
DELAWARE	<p style="text-align: center;"><b>10 Del. C. § 1049C</b></p> <p><b>§ 1049C. Nonjudicial enforcement of order</b></p>	<p style="text-align: center;"><b>10 Del. C. § 1046</b></p> <p><b>§ 1046. Enforcement; sanctions for violation of order</b></p> <p>(a) The Court may direct that pleadings and orders filed or issued</p>

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	<p>Pursuant to the provisions of § 1046 of this title, a law-enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this State. Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order.</p>	<p>under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process.</p> <p>(b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law-enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State.</p> <p>(c) A law-enforcement officer shall arrest, with or without a warrant, any individual whom the officer has probable cause to believe has violated a protective order issued under this part or a valid foreign protection order under Part E of this subchapter and who has notice or knowledge of the protective order. Presentation of a protective order that identifies both the protected person and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a protective order exists. The protective order may be either in tangible form or stored in DELJIS or other electronic medium if it is retrievable in perceivable form. Probable cause for arrest may be established by a good faith reliance on information contained in DELJIS. If a protective order is not presented, the law-enforcement officer may consider other information in determining whether there is probable cause to believe that a protective order exists.</p> <p>(d) If a law-enforcement officer determines that an otherwise valid protective order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(e) The individual arrested shall be taken immediately before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace. In determining the amount of any bail, the justice of the peace or judicial officer shall take into consideration whether the defendant has previously violated a protective order.</p> <p>(f) A law-enforcement officer is immune from civil and criminal liability for an act or omission arising out of the enforcement of a protective order or the detention or arrest of an alleged violator of a protective order if the act or omission was done in a good faith effort to comply with this part or in good faith reliance on information contained in DELJIS.</p>

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		<p>(g) The provisions of this section apply to the enforcement of foreign protection orders under Part E of this subchapter.</p> <p>(h) All protective orders issued under this part shall state that violations may result in:</p> <ol style="list-style-type: none"> <li>(1) A finding of contempt;</li> <li>(2) Criminal prosecution; and</li> <li>(3) Imprisonment or fine or both.</li> </ol> <p>(i) It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part.</p>
<p><b>DISTRICT OF COLUMBIA</b></p>	<p style="text-align: center;"><b>D.C. Code § 16-1005</b></p> <p><b>§ 16-1005. Hearing; evidence; protection order.</b></p> <p>(a) Individuals served with notice in accordance with § 16-1004 shall appear at the hearing.</p> <p>(a-1)</p> <ol style="list-style-type: none"> <li>(1) In a case where the Attorney General files the petition on behalf of a petitioner pursuant to § 16-1003(c), the petitioner is not a required party.</li> <li>(2) In a case where a parent, guardian, custodian, or other appropriate adult files a petition on behalf of a minor petitioner under the age of 12, the minor petitioner is not a required party.</li> <li>(3) In a hearing under this section, if a parent, guardian, custodian, or other appropriate adult has petitioned for civil protection on behalf of a minor petitioner 12 years of age or older, the court shall consider the expressed wishes of the minor petitioner in deciding whether to issue an order pursuant to this section and in determining the contents of such an order.</li> <li>(4) If a respondent is a minor, or if the petitioner is a minor and at least 12 years of age, and if the minor is not accompanied by a parent, guardian, custodian, other appropriate adult, or represented by an attorney, the court may appoint an attorney to represent the minor if such an appointment would not unduly delay the issuance or denial of a protection order. The court</li> </ol>	<p style="text-align: center;"><b>D.C. Code § 16-1031</b></p> <p><b>§ 16-1031. Arrests</b></p> <p>(a) A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:</p> <ol style="list-style-type: none"> <li>(1) Committed an intrafamily offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the law enforcement officer; or</li> <li>(2) Committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.</li> </ol> <p>(b) The law enforcement officer shall present the person arrested under subsection (a) of this section to the United States Attorney for charging.</p> <p>(c)</p> <ol style="list-style-type: none"> <li>(1) Notwithstanding subsections (a) and (b) of this section, a law enforcement officer shall not be required to arrest a person who is under 18 years of age when there is probable cause to believe that the person has committed an intrafamily offense that does not constitute intimate partner violence.</li> <li>(2) If a person is not arrested under paragraph (1) of this section, the person shall be diverted to a program that provides behavioral health and community support services.</li> </ol> <p style="text-align: center;"><b>D.C. Code § 16-1043</b></p>

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	<p>may promulgate rules for the appointment of attorneys.</p> <p>(b) Notwithstanding section 14-306, in a hearing under this section, one spouse shall be a competent and compellable witness against the other and may testify as to confidential communications, but testimony compelled over a claim of a privilege conferred by such section shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.</p> <p>(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household, the judicial officer may issue a protection order that:</p> <p>(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other protected persons;</p> <p>(2) Requires the respondent to stay away from or have no contact with the petitioner and any other protected persons or locations;</p> <p>(3) Requires the respondent to participate in psychiatric or medical treatment or appropriate counseling programs;</p> <p>(4) Directs the respondent to refrain from entering, or to vacate, the dwelling unit of the petitioner when the dwelling is:</p> <p>(A) Marital property of the parties;</p> <p>(B) Jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if the respondent's actions caused the petitioner to relinquish occupancy;</p> <p>(C) Owned, leased, or rented by the petitioner individually; or</p> <p>(D) Jointly owned, leased, or rented by the petitioner and a person other than the respondent;</p> <p>(5) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;</p> <p>(6) Awards temporary custody of a minor child or</p>	<p><b>§ 16-1043. Nonjudicial enforcement of order</b></p> <p>(a) A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the District. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.</p> <p style="text-align: center;"><b>D.C. Code § 16-1042</b></p> <p><b>§ 16-1042. Judicial enforcement of order</b></p> <p>(a) A person authorized by the law of the District to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of the District. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of the District would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of or for the benefit of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of the District for the enforcement of protection orders.</p> <p>(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.</p> <p>(c) A tribunal of the District shall enforce the provisions of a valid</p>

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	<p>children of the parties;</p> <p>(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner;</p> <p>(8) Awards costs and attorney fees;</p> <p>(9) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;</p> <p>(10) Directs the respondent to relinquish possession of any firearms;</p> <p>(10A) Directs the care, custody, or control of a domestic animal that belongs to petitioner or respondent or lives in his or her household;</p> <p>(11) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or</p> <p>(12) Combines 2 or more of the preceding provisions.</p> <p>(c-1) For the purposes of subsection (c)(6) and (7) of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development.</p> <p>(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the judicial officer may specify, but the judicial officer may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.</p> <p>(e) Any final order issued pursuant to this section and</p>	<p>foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.</p> <p>(d) A foreign protection order is valid if it:</p> <p>(1) Identifies the protected individual and the respondent;</p> <p>(2) Is currently in effect or was in effect at the time of the violation;</p> <p>(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and</p> <p>(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.</p> <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.</p> <p>(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and</p> <p>(2) The tribunal of the issuing State made specific findings in favor of the respondent.</p>

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	<p>any order granting or denying extension, modification, or rescission of such order shall be appealable.</p> <p>(f) Violation of any temporary or final order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent's failure to appear as required by subsection (a) of this section, shall be punishable as contempt. Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in [§ 22-3571.01] or imprisonment for not more than 180 days, or both.</p> <p>(g) Any person who violates any protection order issued under this subchapter, or any person who violates in the District of Columbia any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine of not more than the amount set forth in [§ 22-3571.01] or by imprisonment for not more than 180 days, or both.</p> <p>(g-1) Enforcement proceedings under subsections (f) and (g) of this section in which the respondent is a child as defined by § 16-2301(3) shall be governed by subchapter I of Chapter 23 of this title.</p> <p>(h) For purposes of establishing a violation under subsections (f) and (g) of this section, an oral or written statement made by a person located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.</p> <p>(i) Orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f), (g), or (g-1) of this section.</p>	
<b>FLORIDA</b>	<b>Fla. Stat. § 741.30</b>	Fla. Stat. § 741.30



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	<p><b>§ 741.30. Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption</b></p> <p>(1) There is created a cause of action for an injunction for protection against domestic violence.</p> <p>(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.</p> <p>(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.</p> <p>(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.</p> <p>(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.</p> <p>(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.</p> <p>(f) This cause of action for an injunction shall not require that either party be represented by an attorney.</p> <p>(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.</p>	<p>§ 741.30. Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement</p> <p>(d) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:</p> <ol style="list-style-type: none"> <li>1. The injunction is valid and enforceable in all counties of the State of Florida.</li> <li>2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.</li> <li>3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.</li> <li>4. The date respondent was served with the temporary or final order, if obtainable.</li> </ol> <p>(9) (b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.</p> <p>(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:</p> <ol style="list-style-type: none"> <li>1. It finds that the respondent willfully violated the ex parte injunction;</li> <li>2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or</li> <li>3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.</li> </ol> <p>(f) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy</p>

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	<p>(h) Nothing in this section shall affect the title to any real estate.</p> <p>(i) The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.</p> <p>(j) Notwithstanding any provision of chapter 47, a petition for an injunction for protection against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.</p> <p>(2)</p> <p>(a) Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed \$20.</p> <p>(b) No bond shall be required by the court for the entry of an injunction.</p> <p>(c)</p> <p>1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.</p> <p>2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications,</p>	<p>to either party or to prove that the parties are equally at fault or equally endangered.</p> <p>(g) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.</p> <p>(7) The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.</p> <p>(8)</p> <p>(a)</p> <p>1. The clerk of the court shall furnish a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those</p>

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	<p>and the enforcement thereof, including instructions for completion.</p> <p>3. The clerk of the court shall advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).</p> <p>4. The clerk of the court shall ensure the petitioner’s privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.</p> <p>5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement</p> <p>6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.</p> <p>7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.</p> <p>8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available. The brochure must include information about the effect of giving the court false information about domestic violence.</p> <p><b>(3)</b></p> <p><b>(a)</b> The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.</p> <p><b>(b)</b> The sworn petition shall be in substantially the following form:</p> <p>(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit,</p>	<p>of the sheriff.</p> <p>2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.</p> <p>3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.</p> <p>If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.</p> <p>(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.</p> <p>(c)</p>

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	<p>if any, notice of hearing, and temporary injunction, if any, prior to the hearing.</p> <p>(5)</p> <p>(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:</p> <ol style="list-style-type: none"> <li>1. Restraining the respondent from committing any acts of domestic violence.</li> <li>2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.</li> <li>3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.</li> </ol> <p>(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.</p> <p>(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A</p>	<ol style="list-style-type: none"> <li>1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.</li> <li>2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.</li> <li>3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.</li> <li>4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.</li> <li>5. <ol style="list-style-type: none"> <li>a. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against domestic violence and other court actions related to the injunction for protection. The automated notice shall be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against domestic violence was served. When a petitioner makes a request for notification, the clerk must apprise the petitioner of her or his right to request in writing that the information specified in sub-subparagraph b. be held exempt from public records requirements for 5 years. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.</li> <li>b. Upon implementation of the automated process, information held by clerks and law enforcement agencies in conjunction with the automated process developed under sub-subparagraph a.</li> </ol> </li> </ol>

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	<p>full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.</p> <p>(6)</p> <p>(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:</p> <ol style="list-style-type: none"> <li>1. Restraining the respondent from committing any acts of domestic violence.</li> <li>2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.</li> <li>3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.</li> <li>4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.</li> <li>5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent</li> </ol>	<p>which reveals the home or employment telephone number, cellular telephone number, home or employment address, electronic mail address, or other electronic means of identification of a petitioner requesting notification of service of an injunction for protection against domestic violence and other court actions related to the injunction for protection is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the petitioner. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this sub-subparagraph. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.</p> <p>6. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.</p> <p>(9)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.</p> <p>(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.</p> <p>(10) The petitioner or the respondent may move the court to</p>

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	<p>to participate in a batterers’ intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers’ intervention programs from which the respondent must choose a program in which to participate.</p> <p>6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.</p> <p>7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.</p> <p>(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.</li> <li>2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.</li> <li>3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner’s child or children.</li> <li>4. Whether the respondent has intentionally injured or killed a family pet.</li> <li>5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.</li> <li>6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.</li> <li>7. Whether the respondent has a criminal history involving violence or the threat of violence.</li> <li>8. The existence of a verifiable order of protection issued previously or from another jurisdiction.</li> <li>9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other</li> </ol>	<p>modify or dissolve an injunction at any time.</p> <p style="text-align: center;">Fla. Stat. § 741.315</p> <p>§ 741.315. Recognition of foreign protection orders</p> <p>(1) As used in this section, the term “court of a foreign state” means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States.</p> <p>(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487, and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person’s right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.</p> <p>(3) Notwithstanding s. 55.505 or any other provision to the contrary, neither residence in this state nor registration of foreign injunctions for protection shall be required for enforcement of this order by this state and failure to register the foreign order shall not be an impediment to its enforcement. The following registration procedure shall be available to protected persons who hold orders from a court of a foreign state.</p> <p>(a) A protected person shall present a certified copy of a foreign order of protection to any sheriff in this state and request that the same be registered in the injunction registry. However, nothing in this section shall operate to preclude the enforcement of any order of protection determined by the law enforcement officer to be valid even if the protected person does not have a certified copy of the foreign protection order. It is not necessary that the protected person register the foreign order in the protected person’s county of residence. Venue is proper throughout the state. The protected</p>

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	<p>items belonging to the petitioner.</p> <p>10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.</p> <p>In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-10.</p> <p>(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.</p> <p style="text-align: center;"><b>Fla. Stat. § 741.31</b></p> <p><b>§ 741.31. Violation of an injunction for protection against domestic violence</b></p> <p>(1) In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.</p> <p>(2) The affidavit shall be immediately forwarded by the office assisting the petitioner to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's</p>	<p>person must swear by affidavit, that to the best of the protected person's knowledge and belief, the attached certified copy of the foreign order, docket number , issued in the state of on is currently in effect as written and has not been superseded by any other order and that the respondent has been given a copy of it.</p> <p>(b) The sheriff shall examine the certified copy of the foreign order and register the order in the injunction registry, noting that it is a foreign order of protection. If not apparent from the face of the certified copy of the foreign order, the sheriff shall use best efforts to ascertain whether the order was served on the respondent. The Florida Department of Law Enforcement shall develop a special notation for foreign orders of protection. The sheriff shall assign a case number and give the protected person a receipt showing registration of the foreign order in this state. There shall be no fee for registration of a foreign order.</p> <p>(c) The foreign order may also be registered by local law enforcement agencies upon receipt of the foreign order and any accompanying affidavits in the same manner described in paragraphs (a) and (b).</p> <p>(4)</p> <p>(a) Law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, a law enforcement officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a "pickup order" or "order of bodily attachment" requiring the immediate return of a child.</p> <p>(b) Before enforcing a foreign protection order, a law enforcement officer should confirm the identity of the parties present and review the order to determine that, on its face, it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided that a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought.</p> <p>(c) A law enforcement officer shall use reasonable efforts to verify service of process.</p> <p>(d) Service may be verified as follows:</p> <ol style="list-style-type: none"> <li>1. By petitioner: Petitioner may state under oath that to the best</li> </ol>

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	<p>affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the state attorney. The policy adopted by the state attorney in each circuit under s. 741.2901(2), shall include a policy regarding intake of alleged violations of injunctions for protection against domestic violence under this section. The intake shall be supervised by a prosecutor who, pursuant to s. 741.2901(1), has been designated and assigned to handle domestic violence cases. The state attorney shall determine within 30 working days whether its office will proceed to file criminal charges, or prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, or prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to some other action.</p> <p>(3) If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt.</p> <p>(4)</p> <p>(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:</p> <ol style="list-style-type: none"> <li>1. Refusing to vacate the dwelling that the parties share;</li> <li>2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment,</li> </ol>	<p>of petitioner's knowledge, respondent was served with the order of protection because petitioner was present at time of service; respondent told petitioner he or she was served; another named person told petitioner respondent was served; or respondent told petitioner he or she knows of the content of the order and date of the return hearing.</p> <p>2. By respondent: Respondent states under oath that he or she was or was not served with the order.</p> <p>(e) Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.</p> <p>(f) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.</p> <p>(g) Law enforcement shall not require petitioner to sign a registration affidavit as a condition of enforcement.</p> <p>(h) A foreign order of protection shall remain in effect until the date of expiration on its face; or, if there is no expiration date on its face, a foreign order of protection shall remain in effect until expiration. If the order of protection states on its face that it is a permanent order, then there is no date of expiration.</p> <p>(5) Any person who acts under this section and intentionally provides a law enforcement officer with a copy of an order of protection known by that person to be false or invalid, or who denies having been served with an order of protection when that person has been served with such order, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.</p> <p>(6) In the event 18 U.S.C. s. 2265 is held to be unconstitutional, this section shall be null and void.</p>



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	<p>or a specified place frequented regularly by the petitioner and any named family or household member;</p> <p>3. Committing an act of domestic violence against the petitioner;</p> <p>4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;</p> <p>5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;</p> <p>6. Knowingly and intentionally coming within 100 feet of the petitioner’s motor vehicle, whether or not that vehicle is occupied;</p> <p>7. Defacing or destroying the petitioner’s personal property, including the petitioner’s motor vehicle; or</p> <p>8. Refusing to surrender firearms or ammunition if ordered to do so by the court</p> <p>commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).</p> <p>(b)</p> <p>1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.</p> <p>2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.</p> <p>(c) A person who has two or more prior convictions for violation of an injunction or foreign protection</p>	

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	<p>order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s.775.084. For purposes of this paragraph, the term “conviction” means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.</p> <p>(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers’ intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers’ intervention program would be inappropriate.</p> <p>(6) Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys’ fees for enforcement of the injunction.</p>	
<p><b>GEORGIA</b></p>	<p><b>O.C.G.A. § 19-13-6</b></p> <p><b>§ 19-13-6. Penalties</b> A violation of an order issued pursuant to this article may be punished by an action for contempt or criminally punished as provided in Article 7 of Chapter 5 of Title 16.</p> <p><b>O.C.G.A. § 16-5-95</b></p> <p><b>§ 16-5-95. Offense of violating family violence order; penalty</b> (a) As used in this Code section, the term: (1) “Civil family violence order” means any temporary protective order or permanent protective order issued pursuant to Article 1 of Chapter 13 of Title 19.</p>	<p><b>O.C.G.A. § 19-13-4</b></p> <p><b>§ 19-13-4. Protective orders and consent agreements; contents; issuing copy of order to sheriff; expiration; enforcement</b> (a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. The court shall not have the authority to issue or approve mutual protective orders concerning paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless the respondent has filed a verified petition as a counter petition pursuant to Code Section 19-13-3 no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing and the provisions of Code Section 19-13-3 have been satisfied. The orders or agreements may: (1) Direct the respondent to refrain from such acts; (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or</p>

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	<p>(2) “Criminal family violence order” means:</p> <p>(A) Any order of pretrial release issued as a result of an arrest for an act of family violence; or</p> <p>(B) Any order for probation issued as a result of a conviction or plea of guilty, nolo contendere, or first offender to an act of family violence.</p> <p>(3) “Family violence” shall have the same meaning as set forth in Code Section 19-13-1.</p> <p>(b) A person commits the offense of violating a civil family violence order or criminal family violence order when such person knowingly and in a nonviolent manner violates the terms of such order issued against that person, which:</p> <p>(1) Excludes, evicts, or excludes and evicts the person from a residence or household;</p> <p>(2) Directs the person to stay away from a residence, workplace, or school;</p> <p>(3) Restrains the person from approaching within a specified distance of another person; or</p> <p>(4) Restricts the person from having any contact, direct or indirect, by telephone, pager, facsimile, e-mail, or any other means of communication with another person, except as specified in such order.</p> <p>(c) Any person convicted of a violation of subsection (b) of this Code section shall be guilty of a misdemeanor.</p> <p>(d) Nothing contained in this Code section shall prohibit a prosecution for the offense of stalking or aggravated stalking that arose out of the same course of conduct; provided, however, that, for purposes of sentencing, a violation of this Code section shall be merged with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the same course of conduct.</p> <p style="text-align: center;"><b>O.C.G.A. § 15-11-29</b></p> <p><b>§ 15-11-29. Protective orders</b></p> <p>(a) In any proceeding under this chapter, either on application of a party or on the court's own motion, the court may make an order restraining or otherwise controlling the conduct of a person if due notice of</p>	<p>household;</p> <p>(3) Require a party to provide suitable alternate housing for a spouse, former spouse, or parent and the parties' child or children;</p> <p>(4) Award temporary custody of minor children and establish temporary visitation rights;</p> <p>(5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered;</p> <p>(6) Order either party to make payments for the support of a minor child as required by law;</p> <p>(7) Order either party to make payments for the support of a spouse as required by law;</p> <p>(8) Provide for possession of personal property of the parties;</p> <p>(9) Order the respondent to refrain from harassing or interfering with the victim;</p> <p>(10) Award costs and attorney's fees to either party; and</p> <p>(11) Order the respondent to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.</p> <p>(b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect.</p> <p>(c) Any order granted under this Code section shall remain in effect for up to one year; provided, however, that upon the motion of a petitioner and notice to the respondent and after a hearing, the court in its discretion may convert a temporary order granted under this Code section to an order effective for not more than three years or to a permanent order.</p> <p>(d) A protective order issued pursuant to this Code section shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court under the provisions of this Code section.</p> <p style="text-align: center;"><b>9 GCA § 30.30</b></p> <p>§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor;</p>

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	<p>the application or motion and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed. Such an order may require any such person:</p> <ol style="list-style-type: none"> <li>(1) To stay away from a person's home or a child;</li> <li>(2) To permit a parent to visit his or her child at stated periods;</li> <li>(3) To abstain from offensive conduct against a child, his or her parent, or any person to whom custody of such child is awarded;</li> <li>(4) To give proper attention to the care of his or her home;</li> <li>(5) To cooperate in good faith with an agency to which custody of a child is entrusted by the court or with an agency or association to which a child is referred by the court;</li> <li>(6) To refrain from acts of commission or omission that tend to make a home not a proper place for a child;</li> <li>(7) To ensure that a child attends school pursuant to any valid law relating to compulsory attendance;</li> <li>(8) To participate with a child in any counseling or treatment deemed necessary after consideration of employment and other family needs; and</li> <li>(9) To enter into and complete successfully a substance abuse program approved by the court.</li> </ol> <p>(b) After notice and opportunity for hearing afforded to a person subject to a protective order, a protective order may be modified or extended for a further specified period, or both, or may be terminated if the court finds that the best interests of the child and the public will be served thereby.</p> <p>(c) Protective orders may be enforced by citation to show cause for contempt of court by reason of any violation thereof and, where protection of the welfare of a child so requires, by the issuance of a warrant to take the alleged violator into custody and bring him or her before the court.</p>	<p>Required Report.</p> <p>(a) If a peace officer has reasonable cause to believe that a person has committed a felony or misdemeanor involving family violence, the peace officer shall presume that arresting and charging the person is the appropriate response.</p> <p>(b) If a peace officer receives complaints of family violence from two (2) or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one (1) person was the primary aggressor, the officer need not arrest the other person believed to have committed family violence but the peace officer shall document to the best of his or her ability the evidence concerning the actions of each participant in the incident.</p> <p>(c) In determining whether a person is the primary aggressor the officer shall consider:</p> <ol style="list-style-type: none"> <li>(1) Prior complaints of family violence;</li> <li>(2) The relative severity of the injuries inflicted on each person;</li> <li>(3) The likelihood of future injury to each person;</li> <li>(4) Whether one of the persons acted in self-defense;</li> <li>(5) The use or threatened use of a weapon; and</li> <li>(6) The use or threatened use of physical force.</li> </ol> <p>(d) A peace officer shall not:</p> <ol style="list-style-type: none"> <li>(1) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by peace officers by any party; or,</li> <li>(2) Base the decision to arrest or not to arrest on: <ol style="list-style-type: none"> <li>(A) The specific consent or request of the victim; or,</li> <li>(B) The officer's perception of the willingness of a victim or witness to the family violence to testify or otherwise participate in a judicial proceeding.</li> </ol> </li> </ol> <p>(e) In addition to any other report required, a peace officer who does not make an arrest after investigating a complaint of family violence or who arrests two (2) or more persons for a crime involving family violence must submit a written report setting forth the grounds for not arresting or for arresting both parties.</p>

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<p><b>GUAM</b></p>	<p><b>9 GCA § 30.40</b></p> <p><b>§ 30.40. Violation of a Court Order.</b>  (a) Any knowing violation of any of the following court orders shall be a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars (\$1,000):  (1) an order enjoining a person from threatening to commit or committing acts of family violence against, or from harassing, annoying, or molesting, a family or household member, or any person named in</p>	<p><b>9 GCA § 30.50</b></p> <p><b>§ 30.50. Authority of Peace Officer to Seize Weapons</b>  For a crime involving family violence, a peace officer:  (a) Shall, incident to an arrest, seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.  (b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to consensual search, as necessary for the protection of the officer or other persons.</p> <p><b>7 GCA § 40109</b></p>

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	<p>the order;</p> <p>(2) an order removing or excluding a person from the family dwelling or from the dwelling of another, or from any habitable property, as defined in Subsection (b) of § 34.10, Chapter 34 of this Title;</p> <p>(3) an order requiring a person to stay away from the residence, dwelling, school, day care center, place of employment, or any other specified place or from a specified person, within five hundred feet (500') of the specified place or specified person;</p> <p>(4) an order prohibiting a person from possessing a firearm or other weapon specified by the court; or</p> <p>(5) an order in a criminal case prohibiting the defendant from harassing, annoying, telephoning, contacting, or otherwise communicating with a victim or specified witness, either directly or indirectly.</p> <p>(b) In the event of a conviction for a second violation under Subsection (a) of this § 30.40, or of a conviction for a violation under Subsection (a) which results in bodily injury, as defined in Subsection (b) of § 16.10, Chapter 16 of this Title, the defendant shall be imprisoned for at least thirty (30) days.</p> <p>(c) In the event of a conviction for a third violation under Subsection (a) of this § 30.40, or of a conviction for a violation under Subsection (a) of this § 30.40 which results in bodily injury as defined in Subsection (b) § 16.10, Chapter 16 of this Title, after a prior conviction of a violation under Subsection (a) of this § 30.40, occurring within two (2) years of the prior conviction, committed against the same victim or the victim's family, the defendant shall be imprisoned for no less than one (1) year.</p> <p>(d) When a peace officer has reasonable cause to believe that a person has violated one (1) of the orders of the court specified in Subsection (a) of this § 30.40 and verifies the existence of the order, the peace officer shall presume that arresting and charging the person is the appropriate response.</p> <p>(e) An admission by the defendant that he or she had knowledge of the court order shall be admissible in court notwithstanding the <i>corpus delicti</i> rule.</p>	<p><b>§ 40109. Contempt</b></p> <p>Upon violation of a protection order or a court approved consent agreement, the Superior Court may hold the defendant in contempt</p>

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HAWAII	<p style="text-align: center;"><b>HRS § 586-4</b></p> <p><b>§ 586-4. Temporary restraining order</b>  (a) Upon petition to a family court judge, an ex parte temporary restraining order may be granted without notice to restrain either or both parties from contacting, threatening, or physically abusing each other, notwithstanding that a complaint for annulment, divorce, or separation has not been filed. The order may be granted to any person who, at the time the order is granted, is a family or household member as defined in section 586-1 or who filed a petition on behalf of a family or household member. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:  (1) Contacting, threatening, or physically abusing the protected party;  (2) Contacting, threatening, or physically abusing any person residing at the protected party’s residence; or  (3) Entering or visiting the protected party’s residence.  The ex parte temporary restraining order may also enjoin or restrain both of the parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.  (b) For any person who is alleged to be a family or household member by virtue of a dating relationship, the court may consider the following factors in determining whether a dating relationship exists:  (1) The length of the relationship;  (2) The nature of the relationship; and  (3) The frequency of the interaction between the parties.  (c) The family court judge may issue the ex parte temporary restraining order orally, if the person</p>	<p style="text-align: center;"><b>HRS § 586-4</b></p> <p><b>§ 586-4. Temporary restraining order</b>  (e) When a temporary restraining order is granted and the respondent or person to be restrained knows of the order, a knowing or intentional violation of the restraining order is a misdemeanor. A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:  (1) Except as provided in paragraph (2), for a first conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;  (2) For a first conviction for a violation of the temporary restraining order, if the person has a prior conviction for any of the following felonies:  (A) Section 707-701 relating to murder in the first degree;  (B) Section 707-701.5 relating to murder in the second degree;  (C) Section 707-710 relating to assault in the first degree;  (D) Section 707-711 relating to assault in the second degree;  (E) Section 707-720 relating to kidnapping;  (F) Section 707-721 relating to unlawful imprisonment in the first degree;  (G) Section 707-730 relating to sexual assault in the first degree;  (H) Section 707-731 relating to sexual assault in the second degree;  (I) Section 707-732 relating to sexual assault in the third degree;  (J) Section 707-733.6 relating to continuous sexual assault of a minor under the age of fourteen years;  (K) Section 707-750 relating to promoting child abuse in the first degree;  (L) Section 708-810 relating to burglary in the first degree;  (M) Section 708-811 relating to burglary in the second degree;</p>

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	<p>being restrained is present in court. The order shall state that there is probable cause to believe that a past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent. The order further shall state that the temporary restraining order is necessary for the purposes of: preventing acts of abuse or preventing a recurrence of actual domestic abuse and ensuring a period of separation of the parties involved. The order shall also describe in reasonable detail the act or acts sought to be restrained. Where necessary, the order may require either or both of the parties involved to leave the premises during the period of the order; may also restrain the party or parties to whom it is directed from contacting, threatening, or physically abusing the applicant's family or household members; and may enjoin or restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court. The order shall not only be binding upon the parties to the action, but also upon their officers, agents, servants, employees, attorneys, or any other persons in active concert or participation with them. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:</p> <p>(1) Contacting, threatening, or physically abusing the protected party;</p> <p>(2) Contacting, threatening, or physically abusing any person residing at the protected party's residence;</p> <p>(3) Entering or visiting the protected party's residence; or</p> <p>(4) Taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.</p> <p>(d) If a divorce or a child custody proceeding is pending, a petition for a temporary restraining order may be filed in that same proceeding to the extent practicable. Any decree or order issued in a divorce</p>	<p>(N) Section 709-906 relating to abuse of family or household members; or</p> <p>(O) Section 711-1106.4 relating to aggravated harassment by stalking;</p> <p>and if any of these offenses has been committed against a family or household member as defined in section 586-1, the person shall serve a mandatory minimum term of imprisonment of fifteen days and be fined not less than \$150 nor more than \$600; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine; and</p> <p>(3) For the second and any subsequent conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.</p> <p>Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.</p> <p>The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1), (2), and (3) upon condition that the defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor.</p> <p>(f) Any fines collected pursuant to subsection (e) shall be deposited into the spouse and child abuse special account established under section 601-3.6.</p> <p style="text-align: center;"><b>HRS § 586-24</b></p> <p><b>[§ 586-24] Enforcement of foreign protective orders</b></p> <p>(a) A law enforcement officer shall enforce a foreign protective order that appears to be authentic on its face. For purposes of this section, “authentic on its face” means the protective order contains the names of both parties and remains in effect.</p>



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	<p>or child custody proceeding subsequent to the petition being filed or an order being issued pursuant to this section, in the discretion of the court hearing the divorce or child custody proceeding, may supersede in whole or part the orders issued pursuant to this section. The factual findings and rulings made in connection with the granting or denying of a temporary restraining order may not have binding effect in any other family court proceeding, including child custody determinations under section 571-46, and the court in such proceedings may give de novo consideration to the facts and circumstances alleged in making later determinations affecting the parties, including determination of custody and visitation.</p> <p style="text-align: center;"><b>HRS § 586-11</b></p> <p><b>§ 586-11. Violation of an order for protection</b>  (a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection is guilty of a misdemeanor. A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:  (1) For a first conviction for violation of the order for protection:  (A) That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;  (B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p>	<p>(b) If a paper copy of the order is unavailable and the officer verifies the existence and status of the order through a national or state centralized registry for protective orders or through communication with appropriate authorities in the issuing state, tribe, or territory, the officer shall enforce the order.  (c) A law enforcement officer shall make an arrest for a violation of a foreign protective order in the same manner as for violations of protective orders issued in this State.</p> <p style="text-align: center;"><b>HRS § 586-26</b></p> <p><b>[§ 586-26] Penalties</b>  Any violation of a foreign protective order entitled to full faith and credit under this part is a misdemeanor. The court shall sentence a person convicted under this section as follows:  (1) For a first conviction for violation of the protective order, the person shall serve a mandatory minimum jail sentence of forty-eight hours but not more than thirty days and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine; and  (2) For a second and any subsequent conviction for violation of the protective order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.  Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.</p>

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	<p>(2) For a second conviction for violation of the order for protection:</p> <p>(A) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$250; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(B) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(C) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$250; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the</p>	

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	<p>defendant is or will be able to pay the fine. Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.</p> <p>The court may suspend any jail sentence under subparagraphs (1)(A) and (2)(C), upon condition that the defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense. All remedies for the enforcement of judgments shall apply to this chapter.</p> <p>(b) Any fines collected pursuant to subsection (a) shall be deposited into the spouse and child abuse special account established under section 601-3.6.</p>	
<p><b>IDAHO</b></p>	<p><b>Idaho Code § 39-6312</b></p> <p><b>§ 39-6312. Violation of order--Penalties</b></p> <p>(1) Whenever a protection order is granted and the respondent or person to be restrained had notice of the order, a violation of the provisions of the order or of a provision excluding the person from a residence shall be a misdemeanor punishable by not to exceed one (1) year in jail and a fine not to exceed five thousand dollars (\$5,000), ten dollars (\$10.00) of which shall be deposited to the credit of the domestic violence project account created in section 39-5212, Idaho Code.</p> <p>(2) A peace officer may arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order, if the person restrained had notice of the order.</p> <p>(3) The person against whom a protection order has</p>	<p><b>Idaho Code § 39-6306A</b></p> <p><b>§ 39-6306A. Uniform interstate enforcement of domestic violence protection orders act</b></p> <p>(1) Short Title. This section may be cited as the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."</p> <p>(2) Definitions. As used in this section:</p> <p>(a) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(b) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.</p> <p>(c) "Protected individual" means an individual protected by a protection order.</p> <p>(d) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the</p>

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	<p>been issued by an out-of-state court is presumed to have notice of the order if the victim presents to the officer proof of service of the order.</p>	<p>United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.</p> <p>(e) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>(3) Judicial Enforcement of Order.</p> <p>(a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.</p> <p>(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.</p> <p>(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.</p> <p>(d) A foreign protection order is valid if it:</p> <p>(i) Identifies the protected individual and the respondent;</p> <p>(ii) Is currently in effect;</p> <p>(iii) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and</p> <p>(iv) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.</p> <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.</p>

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		<p>(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(i) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and</p> <p>(ii) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>(4) Nonjudicial Enforcement of Order.</p> <p>(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a foreign protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this subsection, the foreign protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a foreign protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this section.</p> <p>(6) Immunity. This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this section.</p> <p>(7) Uniformity of Application and Construction. In applying and</p>

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		<p>construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.</p> <p>(8) Transitional Provision. This section applies to foreign protection orders issued before July 1, 2002, and to continuing actions for enforcement of foreign protection orders commenced before July 1, 2002. A request for enforcement of a foreign protection order made on or after July 1, 2002, for violations of a foreign protection order occurring before that date is governed by this section.</p>
<p><b>ILLINOIS</b></p>	<p><b>720 ILCS 5/12-3.4</b></p> <p><b>§ 720 ILCS 5/12-3.4. Violation of an order of protection</b></p> <p>(a) A person commits violation of an order of protection if:</p> <p>(1) He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:</p> <p>(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,</p> <p>(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the law of another state, tribe or United States territory,</p> <p>(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and</p> <p>(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.</p> <p>An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court</p>	<p><b>725 ILCS 5/112A-26</b></p> <p><b>§ 725 ILCS 5/112A-26. Arrest without warrant</b></p> <p>(a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of an order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/12-3.4 or 720 ILCS 5/12-30], violation of a civil no contact order, under Section 11-1.75 of the Criminal Code of 2012 [720 ILCS 5/11-1.75], or violation of a stalking no contact order, under Section 12-7.5A of the Criminal Code of 2012 [720 ILCS 5/12-7.5A], even if the crime was not committed in the presence of the officer.</p> <p>(b) The law enforcement officer may verify the existence of a protective order by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by petitioner or respondent.</p> <p><b>§ 750 ILCS 60/221</b></p> <p><b>§ 750 ILCS 60/221 Contents of orders</b></p> <p>(a) Any order of protection shall describe the following:</p> <p>(1) Each remedy granted by the court, in reasonable detail and not by reference to any other document, so that respondent may clearly understand what he or she must do or refrain from doing. Pre-printed form orders of protection shall include the definitions of the types of abuse, neglect, and exploitation, as provided in Section 103 [750 ILCS 60/103]. Remedies set forth in pre-printed form orders shall be numbered consistently with and corresponding to the numerical sequence of remedies listed in Section 214 [750 ILCS 60/214] (at least as of the date the form</p>

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	<p>had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face. For purposes of this Section, an “border of protection” may have been issued in a criminal or civil proceeding.</p> <p>(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.</p> <p>(b) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.</p> <p>(c) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/305] apply to actions taken under this Section.</p> <p>(d) Violation of an order of protection is a Class A misdemeanor. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-3.4 or 12-30) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual</p>	<p>orders are printed).</p> <p>(2) The reason for denial of petitioner’s request for any remedy listed in Section 214 [750 ILCS 60/214].</p> <p>(b) An order of protection shall further state the following:</p> <p>(1) The name of each petitioner that the court finds was abused, neglected, or exploited by respondent, and that respondent is a member of the family or household of each such petitioner, and the name of each other person protected by the order and that such person is protected by this Act.</p> <p>(2) For any remedy requested by petitioner on which the court has declined to rule, that that remedy is reserved.</p> <p>(3) The date and time the order of protection was issued, whether it is an emergency, interim or plenary order and the duration of the order.</p> <p>(4) The date, time and place for any scheduled hearing for extension of that order of protection or for another order of greater duration or scope.</p> <p>(5) For each remedy in an emergency order of protection, the reason for entering that remedy without prior notice to respondent or greater notice than was actually given.</p> <p>(6) For emergency and interim orders of protection, that respondent may petition the court, in accordance with Section 224 [750 ILCS 60/224], to re-open that order if he or she did not receive actual prior notice of the hearing, in accordance with Section 211 [750 ILCS 60/211], and alleges that he or she had a meritorious defense to the order or that the order or any of its remedies was not authorized by this Act.</p> <p>(c) Any order of protection shall include the following notice, printed in conspicuous type: “Any knowing violation of an order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present, or granting exclusive possession of the residence or household, or granting a stay away order is a Class A misdemeanor. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment.”</p> <p>(d) An emergency order of protection shall state, “This Order of</p>

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	<p>assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), aggravated discharge of a firearm (Section 24-1.2), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections. In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.</p> <p>(f) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without</p>	<p>Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262).”</p> <p>(e) An interim or plenary order of protection shall state, “This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262). The respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922(g)(8) and (9)).”</p> <p style="text-align: center;"><b>750 ILCS 60/223</b></p> <p><b>§ 750 ILCS 60/223. Enforcement of orders of protection</b></p> <p>(g) Penalties.</p> <p>(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys’ fees and costs, or community service.</p> <p>(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.</p> <p>(3) To the extent permitted by law, the court is encouraged to:</p> <p>(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent’s violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;</p> <p>(ii) impose a minimum penalty of 24 hours imprisonment for respondent’s first violation of any order of protection; and</p> <p>(iii) impose a minimum penalty of 48 hours imprisonment for respondent’s second or subsequent violation of an order of protection unless the court explicitly finds that an increased</p>



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	<p>regard to the mental state of the third party acting at the direction of the defendant.</p> <p style="text-align: center;"><b>750 ILCS 60/223</b></p> <p><b>§ 750 ILCS 60/223. Enforcement of orders of protection</b></p> <p>(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when:</p> <p>(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/12-3.4 or 720 ILCS 5/12-30], by having knowingly violated:</p> <p>(i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of this Act [750 ILCS 60/214]; or</p> <p>(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory; or</p> <p>(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/1-1 et seq.].</p> <p>Prosecution for a violation of an order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order of protection; or</p> <p>(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10-5], by having knowingly violated:</p> <p>(i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 214 of this Act; or</p>	<p>penalty or that period of imprisonment would be manifestly unjust.</p> <p>(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:</p> <p>(i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963 [725 ILCS 5/110-6];</p> <p>(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections [730 ILCS 5/5-6-4];</p> <p>(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections [730 ILCS 5/5-7-2].</p> <p>(5) In addition to any other penalties, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections [730 ILCS 5/5-9-1.11] upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.</p> <p>(e) The enforcement of an order of protection in civil or criminal court shall not be affected by either of the following:</p> <p>(1) The existence of a separate, correlative order, entered under Section 215 [750 ILCS 60/215].</p> <p>(2) Any finding or order entered in a conjoined criminal proceeding.</p> <p>(f) Circumstances. The court, when determining whether or not a violation of an order of protection has occurred, shall not require physical manifestations of abuse on the person of the victim.</p> <p style="text-align: center;"><b>730 ILCS 5/5-9-1.11</b></p> <p><b>§ 730 ILCS 5/5-9-1.11. Violation of an order of protection; Fund.</b></p> <p>(a) In addition to any other penalty imposed, a fine of \$20 shall be imposed upon any person who is convicted of or placed on supervision for violation of an order of protection; provided that the offender and victim are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/103].</p> <p>The additional amount shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to</p>

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	<p>(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.</p> <p>(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.</p> <p>(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.</p> <p>(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.</p> <p>(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.</p> <p>(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of</p>	<p>the fine, if any, and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer for deposit into the Domestic Violence Abuser Services Fund. The Circuit Clerk shall retain 10% of the penalty to cover the costs incurred in administering and enforcing this Section. The additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.</p> <p>The State Treasurer shall deposit into the Domestic Violence Abuser Services Fund each fine received from circuit clerks under Section 5-9-1.5 of the Unified Code of Corrections [730 ILCS 5/5-9-1.5].</p> <p>Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.</p> <p>Not later than March 1 of each year the Clerk of the Circuit Court shall submit to the State Comptroller a report of the amount of funds remitted by her or him to the State Treasurer under this Section during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in sentencing an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for in this Section shall be collected from the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney, and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for in this Section, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "Fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act [705 ILCS 105/27.3a] and the fee, if applicable, payable to the county in which the violation occurred under Section 5-1101 of the Counties Code [55 ILCS 5/5-1101].</p> <p>(b) Domestic Violence Abuser Services Fund; administration. There is created a Domestic Violence Abuser Services Fund in the State Treasury. Moneys deposited into the Fund under this Section</p>

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	<p>any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.</p> <p>(c) Violation of custody or support orders or temporary or final judgments allocating parental responsibilities. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/607.5]. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/501 et seq. and 750 ILCS 5/701 et seq.].</p> <p>(d) Actual knowledge. An order of protection may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:</p> <p>(1) By service, delivery, or notice under Section 210 [750 ILCS 60/210].</p> <p>(2) By notice under Section 210.1 or 211 [750 ILCS 60/210.1 or 750 ILCS 60/211].</p> <p>(3) By service of an order of protection under Section 222 [750 ILCS 60/222].</p> <p>(4) By other means demonstrating actual knowledge of the contents of the order.</p>	<p>shall be appropriated to the Department of Human Services for the purpose of providing services specified by this Section. Upon appropriation of moneys from the Domestic Violence Abuser Services Fund, the Department of Human Services shall set aside 10% of all appropriated funds for the purposes of program training, development and assessment. The Department shall make grants of all remaining moneys from the Fund to qualified domestic violence abuser services programs through a competitive application process. A “qualified domestic violence abuser services program” is one which the Department determines is in compliance with protocols for abuser services promulgated by the Department. To the extent possible the Department shall ensure that moneys received from penalties imposed by courts in judicial districts are returned to qualified abuser services programs serving those districts.</p>
INDIANA	<p><b>Burns Ind. Code Ann. § 34-26-5-3</b></p> <p><b>34-26-5-3. Forms to extend, modify, terminate, or register order.</b></p> <p>(a) The office of judicial administration shall:</p> <p>(1) develop and adopt:</p> <p>(A) a petition for an order for protection;</p> <p>(B) an order for protection, including:</p>	<p><b>Burns Ind. Code Ann. § 34-26-1-16</b></p> <p><b>34-26-1-16. Undertaking by person arrested; commitment to jail</b></p> <p>(a) If the court is not in session, the officer making the arrest shall cause the person to enter into a written undertaking, with surety to be approved by the officer. The written undertaking must contain the person's assurances to:</p>

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	<p>(i) orders issued under this chapter;</p> <p>(ii) ex parte orders;</p> <p>(iii) no contact orders under IC 31 and IC 35;</p> <p>(iv) forms relating to workplace violence restraining orders under IC 34-26-6; and</p> <p>(v) forms relating to a child protective order under IC 31-34-2.3;</p> <p>(C) a confidential form;</p> <p>(D) a notice of modification or extension for an order for protection, a no contact order, a workplace violence restraining order, or a child protective order;</p> <p>(E) a notice of termination for an order for protection, a no contact order, a workplace violence restraining order, or a child protective order; and</p> <p>(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and</p> <p>(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.</p> <p>(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:</p> <p>(1) either party; or</p> <p>(2) a child of either party.</p> <p>(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, a workplace violence restraining order, or a child protective order:  <b>VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE. IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED. PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN</b></p>	<p>(1) personally appear in open court;</p> <p>(2) answer the contempt; and</p> <p>(3) pay to the plaintiff all damages and costs occasioned by the breach of the order.</p> <p>(b) In default of the provisions in subsection (a), the person shall be committed to the jail of the county, until the person enters into a written undertaking with surety, or is otherwise legally discharged.</p> <p style="text-align: center;"><b>Burns Ind. Code Ann. § 34-26-5-17</b></p> <p><b>34-26-5-17. Foreign protection orders.</b></p> <p>(a) A foreign protection order is facially valid if it:</p> <p>(1) identifies the protected person and the respondent;</p> <p>(2) is currently in effect;</p> <p>(3) was issued by a state or tribal court with jurisdiction over the:</p> <p>(A) parties; and</p> <p>(B) subject matter;</p> <p>under the law of the issuing state or Indian tribe; and</p> <p>(4) was issued after a respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process. In the case of an ex parte order, notice and opportunity to be heard must be provided within the time required by state or tribal law and within a reasonable time after the order is issued sufficient to protect the respondent's due process rights.</p> <p>(b) A facially valid foreign protection order is prima facie evidence of its validity. The protection order may be inscribed on a tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an order for protection is not required for enforcement.</p> <p>(c) Except as provided in subsection (d), a protection order that is facially valid and issued by a court of a state (issuing state) or Indian tribe shall be accorded full faith and credit by Indiana courts.</p> <p>(d) A mutual foreign protection order is not entitled to full faith and credit if the order is issued by a state or tribal court against a person who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against a family or household member, unless:</p> <p>(1) a separate petition or motion was filed by a respondent;</p> <p>(2) the issuing court has reviewed each motion separately and granted or denied each on its individual merits; and</p>

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	<p>ORDER ISSUED IN THAT STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:</p> <p>(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;</p> <p>(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR</p> <p>(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.</p> <p>INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.</p> <p>(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:</p> <p>(1) the forms adopted under subsection (a);</p> <p>(2) all other forms required to petition for an order for protection, including forms:</p> <p>(A) necessary for service; and</p> <p>(B) required under IC 31-21 (or IC 31-17-3 before its repeal); and</p> <p>(3) clerical assistance in reading or completing the forms and filing the petition.</p> <p>Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the</p>	<p>(3) separate orders were issued and the issuing court made specific findings that each party was entitled to an order.</p> <p>(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a protection order that is consistent with this section shall be accorded full faith and credit notwithstanding a failure to register or file the order in Indiana. However, if a petitioner wishes to register a foreign protection order in Indiana, all Indiana courts of record shall accommodate the request. The division of state court administration shall develop a form to be used by courts, clerks, and law enforcement agencies when a petitioner makes a request to register a foreign protection order. Except for a protective order issued to the Indiana protective order registry established by IC 5-2-9-5.5, the courts, clerks of the courts, and sheriffs or law enforcement agencies maintaining depositories shall employ the same procedures required under IC 5-2-9-6 for entering, modifying, extending, or terminating a foreign protection order as those used for a protection order and a no contact order originating in Indiana.</p> <p>(f) A facially valid foreign protection order shall be enforced by a law enforcement officer and a state court as if it were an order originating in Indiana. The order must be enforced if the foreign protection order contains relief that the state courts lack the power to provide in an order for protection issued in Indiana.</p> <p>(g) An Indiana law enforcement officer:</p> <p>(1) may not require notification, registration, or filing of a facially valid foreign order for protection as a prerequisite to enforcement of an order;</p> <p>(2) if a foreign protection order is not presented, may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign order for protection exists; and</p> <p>(3) who determines that an otherwise valid foreign protection order cannot be enforced because a respondent has not been notified or served with the order, shall:</p> <p>(A) inform the respondent of the order;</p> <p>(B) serve the order on the respondent;</p> <p>(C) ensure that the order and service of the order are entered into the state depository;</p> <p>(D) allow the respondent a reasonable opportunity to comply with the order before enforcing the order; and</p> <p>(E) ensure the safety of the protected person while giving the</p>

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	<p>person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.</p> <p>(e) A petition for an order for protection must be:</p> <p>(1) verified or under oath under Trial Rule 11; and</p> <p>(2) issued on the forms adopted under subsection (a).</p> <p>(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.</p> <p>(g) After receiving a petition for an order for protection, the clerk of the circuit court shall immediately enter the case in the Indiana protective order registry established by IC 5-2-9-5.5.</p> <p style="text-align: center;"><b>Burns Ind. Code Ann. § 34-26-1-14</b></p> <p><b>34-26-1-14. Contempt for failure to obey order</b></p> <p>(a) This section applies when it appears to any court or judge granting an order of injunction, by affidavit, that any person has willfully disobeyed the order.</p> <p>(b) After giving notice, the court or judge shall award an attachment for contempt against the party charged or a rule to show cause why the attachment for contempt should not issue. The attachment or rule shall be issued by the clerk of the court, and directed to the sheriff, and shall be served by the sheriff.</p>	<p>respondent the opportunity to comply with the order.</p> <p>(h) After a foreign protective order is registered, the clerk shall enter the order in the Indiana protective order registry established by IC 5-2-9-5.5.</p> <p style="text-align: center;"><b>Burns Ind. Code Ann. § 34-26-1-15</b></p> <p><b>34-26-1-15. Attachment for contempt;</b></p> <p>The attachment for contempt shall be immediately served by arresting the party charged, and bringing the party into court, if in session, to be dealt with as in other cases of contempt. The court shall also take all necessary measures to secure and indemnify the plaintiff against damages in the premises.</p>
IOWA	<p style="text-align: center;"><b>Iowa Code § 664A.7</b></p> <p><b>664A.7 Violation of no-contact order or protective order--contempt or simple misdemeanor penalties</b></p> <p>1. Violation of a no-contact order issued under this chapter or a protective order issued pursuant to chapter 232, 235F, 236, or 598, including a modified no-contact order, is punishable by summary contempt proceedings.</p> <p>2. A hearing in a contempt proceeding brought pursuant to this section shall be held not less than five and not more than fifteen days after the issuance of a rule to show cause, as determined by the court.</p> <p>3. If convicted of or held in contempt for a violation of a no-contact order or a modified no-contact order for a public offense referred to in section 664A.2,</p>	<p style="text-align: center;"><b>Iowa Code § 664A.6</b></p> <p><b>664A.6 Mandatory arrest for violation of no-contact order--immunity for actions</b></p> <p>1. If a peace officer has probable cause to believe that a person has violated a no-contact order issued under this chapter, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody.</p> <p>2. If the peace officer is investigating a domestic abuse assault pursuant to section 708.2A, the officer shall also comply with sections 236.11 and 236.12.</p> <p>3. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided the peace officer acts in good faith and on reasonable grounds and the peace officer's acts</p>

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	<p>subsection 1, or held in contempt of a no-contact order issued during a contempt proceeding brought pursuant to section 236.11, the person shall be confined in the county jail for a minimum of seven days. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. No portion of the mandatory minimum term of confinement imposed by this subsection shall be deferred or suspended. A deferred judgment, deferred sentence, or suspended sentence shall not be entered for a violation of a no-contact order, modified no-contact order, or protective order and the court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence.</p> <p>4. If convicted or held in contempt for a violation of a civil protective order referred to in section 664A.2, the person shall serve a jail sentence. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. A person who is convicted of or held in contempt for a violation of a protective order referred to in section 664A.2 may be ordered by the court to pay the plaintiff's attorney's fees and court costs.</p> <p>5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A or a violation of a protective order issued pursuant to chapter 232, 235F, 236, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.</p> <p>6. A person shall not be held in contempt or convicted of violations under multiple no-contact orders, protective orders, or consent agreements, for the same set of facts and circumstances that constitute a single violation.</p>	<p>do not constitute a willful or wanton disregard for the rights or safety of another.</p> <p style="text-align: center;"><b>Iowa Code § 236.11</b></p> <p><b>236.11 Duties of peace officer--magistrate</b></p> <p>1. A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under chapter 232. If a peace officer has reason to believe that domestic abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or, if the person is an adult, a violation of a protective order under chapter 232, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.</p> <p>2. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under chapter 232, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer</p>

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		<p>the matter to the county attorney.</p> <p>3. If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under this section. The magistrate shall cause the original court to be notified of the contents of the magistrate’s order.</p> <p>4. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts in good faith, on probable cause, and the officer’s acts do not constitute a willful and wanton disregard for the rights or safety of another.</p>
<p>KANSAS</p>	<p><b>K.S.A. § 60-3107</b></p> <p><b>60-3107 Protection from abuse orders procedure; modifications; inconsistent orders; extension of orders; violation of orders, criminal violations and penalties</b></p> <p>(a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:</p> <p>(1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as defined in subsection (a) of K.S.A. 21-5412, and amendments thereto, battery as defined in subsection (a) of K.S.A. 21-5413, and amendments thereto, domestic battery as defined in K.S.A. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto.</p> <p>(2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is</p>	<p><b>K.S.A. § 60-31b04</b></p> <p><b>60-31b04 Nonjudicial enforcement of order</b></p> <p>(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(d) Registration or filing of an order in this state is not required for</p>



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	<p>violated, such violation shall constitute criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.</p> <p>(3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.</p> <p>(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.</p> <p>(5) Ordering a law enforcement officer to evict the defendant from the residence or household.</p> <p>(6) Ordering support payments by a party for the support of a party's minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.</p> <p>(7) Awarding costs and attorney fees to either party.</p> <p>(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.</p> <p>(9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.</p> <p>(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.</p> <p>(b) No protection from abuse order shall be entered against the plaintiff unless:</p> <p>(1) The defendant properly files a written cross or counter petition seeking such a protection order;</p> <p>(2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as</p>	<p>the enforcement of a valid foreign protection order pursuant to this act.</p> <p style="text-align: center;"><b>K.S.A. § 60-3110</b></p> <p><b>60-3110 Contempt</b>  If, upon hearing, the court finds a violation of any order or consent agreement, the court may find the defendant in contempt pursuant to K.S.A. 20-1204a.</p>

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	<p>provided in subsection (d) of K.S.A. 60-3104, and amendments thereto; and</p> <p>(3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.</p> <p>(c) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 23-3201 through 23-3207 and 23-3218 and article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 23-3201 through 23-3207 or 23-3218 or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 23-3201 through 23-3207 and 23-3218 and articles 22 and 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific</p>	

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	<p>in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242, and amendments thereto. Any custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated. Any inconsistent custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.</p> <p>(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.</p> <p>(e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except as provided in subsection (e)(1) and (e)(2).</p> <p>(1) Upon motion of the plaintiff, such period may be extended for one additional year.</p> <p>(2) Upon verified motion of the plaintiff and after the defendant has been personally served with a copy of the motion and has had an opportunity to present evidence and cross-examine witnesses at a hearing on the motion, if the court determines by a preponderance of the evidence that the defendant has</p>	

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	<p>violated a valid protection order or (A) has previously violated a valid protection order, or (B) has been convicted of a person felony or any conspiracy, criminal solicitation or attempt thereof, under the laws of Kansas or the laws of any other jurisdiction which are substantially similar to such person felony, committed against the plaintiff or any member of the plaintiff's household, the court shall extend a protective order for not less than two additional years and may extend the protective order up to the lifetime of the defendant. No service fee shall be required for a motion filed pursuant to this subsection.</p> <p>(f) The court may amend its order or agreement at any time upon motion filed by either party.</p> <p>(g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.</p> <p>(h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as defined in subsection (a) of K.S.A. 21-5412, and amendments thereto, battery as defined in subsection (a) of K.S.A. 21-5413, and amendments thereto, domestic battery as defined in K.S.A. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto.</p>	
KENTUCKY	<p style="text-align: center;"><b>KRS § 403.761</b></p> <p><b>403.761. Amendment of domestic violence order to require participation in global positioning system—Cost to be paid by respondent and</b></p>	<p style="text-align: center;"><b>KRS § 403.7529</b></p> <p><b>403.7529. Authentication of foreign protective order.</b>  (1) Upon ex parte review of the foreign protective order and the affidavit filed pursuant to KRS 403.7527, and after determining</p>

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	<p><b>system operator—Shortening or vacating of order—Penalty for violation.</b></p> <p>(1) Upon a petitioner’s request and after an evidentiary hearing, a court may amend a domestic violence order to require a respondent to participate in a global positioning monitoring system if:</p> <p>(a) The respondent has committed a substantial violation of a previously entered domestic violence order;</p> <p>(b) The court has reviewed an updated history of the respondent’s Kentucky criminal and protective order history; and</p> <p>(c) The court makes a factual determination that the use of a global positioning monitoring system would increase the petitioner’s safety.</p> <p>(2) An order requiring participation in a global positioning monitoring system shall:</p> <p>(a) Require the respondent to pay the cost of participation up to the respondent’s ability to pay, with the system operator bearing any uncovered costs for indigent respondents;</p> <p>(b) State with specificity the locations or areas where the respondent is prohibited from being located or persons with whom the respondent shall have no contact;</p> <p>(c) Include the date that the order expires, which shall be no longer than the expiration date of the domestic violence order, although participation may be extended if the underlying order is extended;</p> <p>(d) Require the entity that operates the monitoring system to immediately notify the petitioner, the local law enforcement agency named in the order, and the court if a respondent violates the order; and</p> <p>(e) Include any other information as the court deems appropriate.</p> <p>(3) The Administrative Office of the Courts shall prepare a publicly available informational pamphlet containing information on the method of applying for, hearing, amending, and terminating an order requiring participation in a global positioning monitoring system.</p> <p>(4)</p>	<p>the order is entitled to full faith and credit in this Commonwealth pursuant to 18 U.S.C. sec. 2265, the court shall declare the order to be authenticated and record the finding on the affidavit.</p> <p>(2) If the court declares the order to be authenticated, the court shall:</p> <p>(a) Direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with, if applicable; and</p> <p>(b) Order its enforcement in any county of the Commonwealth in the same manner as an domestic violence order of this state issued pursuant to KRS 403.740.</p> <p>(3) The clerk shall notify the person who filed the foreign protective order of the decision of the court and provide the person a certified copy of the affidavit declaring the authentication of the order.</p> <p style="text-align: center;"><b>KRS § 508.155</b></p> <p><b>508.115. Restraining order or interpersonal protective order to be issued upon violation of KRS 508.140 to 508.150.</b></p> <p>(1)</p> <p>(a) Before January 1, 2016, a verdict of guilty or a plea of guilty to KRS 508.140 or 508.150 shall operate as an application for a restraining order utilizing the provisions of this section and limiting the contact of the defendant and the victim who was stalked, unless the victim requests otherwise.</p> <p>(b) Beginning January 1, 2016, a verdict of guilty or a plea of guilty to KRS 508.140 or 508.150 shall operate as an application for an interpersonal protective order issued under KRS Chapter 456, unless the victim requests otherwise. Notwithstanding the provisions of KRS Chapter 456:</p> <p>1. An interpersonal protective order requested under this subsection may be issued by the court that entered the judgment of conviction;</p> <p>2. The judgment of conviction shall constitute sufficient cause for the entry of the order without the necessity of further proof being taken; and</p> <p>3. The order may be effective for up to ten (10) years, with further renewals in increments of up to ten (10) years.</p> <p>(2) The court shall give the defendant notice of his or her right to request a hearing on the application for a restraining order. If the</p>

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	<p>(a) The Supreme Court may establish by rule a sliding scale of payment responsibility for indigent defendants for use in establishing required payments under subsection (2) of this section.</p> <p>(b) A person, county, or other organization may voluntarily agree to pay all or a portion of a respondent's monitoring costs specified in this section.</p> <p>(5) An order requiring participation in a global positioning monitoring system may be shortened or vacated by the court either:</p> <p>(a) Upon request of the petitioner; or</p> <p>(b) Upon request of the respondent after an evidentiary hearing, if the respondent has not violated the order and:</p> <ol style="list-style-type: none"> <li>1. Three (3) months have elapsed since the entry of the order; and</li> <li>2. No previous request has been made by the respondent in the previous six (6) months.</li> </ol> <p>(6) A respondent who fails to wear, removes, tampers with, or destroys a global positioning monitoring system device in contravention of an order entered under this section shall be guilty of a Class D felony.</p> <p style="text-align: center;"><b>KRS § 403.763</b></p> <p><b>403.763. Violation order of protection constitutes contempt of court and criminal offense</b></p> <p>(1) Violation of the terms or conditions of an order of protection after the person has been served or given notice of the order shall constitute contempt of court and a criminal offense under this section. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.</p> <p>(2)</p> <p>(a) Court proceedings for contempt of court for violation of an order of protection shall be held in the county where the order was issued or filed.</p> <p>(b) Court proceedings for a criminal violation of an order of protection shall follow the rules of venue</p>	<p>defendant waives his or her right to a hearing on this matter, then the court may issue the restraining order without a hearing.</p> <p>(3) If the defendant requests a hearing, it shall be held at the time of the verdict or plea of guilty, unless the victim or defendant requests otherwise. The hearing shall be held in the court where the verdict or plea of guilty was entered.</p> <p>(4) A restraining order may grant the following specific relief:</p> <p>(a) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim; or</p> <p>(b) An order restraining the defendant from making contact with the victim, including an order forbidding the defendant from personally, or through an agent, initiating any communication likely to cause serious alarm, annoyance, intimidation, or harassment, including but not limited to personal, written, telephonic, or any other form of written or electronic communication or contact with the victim. An order issued pursuant to this subsection relating to a school, place of business, or similar nonresidential location shall be sufficiently limited to protect the stalking victim but shall also protect the defendant's right to employment, education, or the right to do legitimate business with the employer of a stalking victim as long as the defendant does not have contact with the stalking victim. The provisions of this subsection shall not apply to a contact by an attorney regarding a legal matter.</p> <p>(5) A restraining order issued pursuant to this section shall be valid for a period of not more than ten (10) years, the specific duration of which shall be determined by the court. Any restraining order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim, his or her immediate family, or both.</p> <p>(6) Unless the defendant has been convicted of a felony, or is otherwise ineligible to purchase or possess a firearm under federal law, a restraining order issued pursuant to this section shall not operate as a ban on the purchase or possession of firearms or ammunition by the defendant.</p> <p>(7) The restraining order shall be issued on a form prescribed by the Administrative Office of the Courts and may be lifted upon application of the stalking victim to the court which granted the order.</p> <p>(8) Within twenty-four (24) hours of entry of a restraining order or entry of an order rescinding a restraining order, the circuit clerk shall forward a copy of the order to the Law Information Network</p>

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	<p>applicable to criminal cases generally.</p> <p>(3) Nothing in this section shall preclude the Commonwealth from prosecuting and convicting the respondent of criminal offenses other than violation of an order of protection.</p> <p>(4)</p> <p>(a) A person is guilty of a violation of an order of protection when he or she intentionally violates the provisions of an order of protection after the person has been served or given notice of the order.</p> <p>(b) Violation of an order of protection is a Class A misdemeanor.</p> <p style="text-align: center;"><b>KRS § 508.155</b></p> <p><b>508.115. Restraining order or interpersonal protective order to be issued upon violation of KRS 508.140 to 508.150.</b></p> <p>(1)</p> <p>(a) Before January 1, 2016, a verdict of guilty or a plea of guilty to KRS 508.140 or 508.150 shall operate as an application for a restraining order utilizing the provisions of this section and limiting the contact of the defendant and the victim who was stalked, unless the victim requests otherwise.</p> <p>(b) Beginning January 1, 2016, a verdict of guilty or a plea of guilty to KRS 508.140 or 508.150 shall operate as an application for an interpersonal protective order issued under KRS Chapter 456, unless the victim requests otherwise.</p> <p>Notwithstanding the provisions of KRS Chapter 456:</p> <ol style="list-style-type: none"> <li>1. An interpersonal protective order requested under this subsection may be issued by the court that entered the judgment of conviction;</li> <li>2. The judgment of conviction shall constitute sufficient cause for the entry of the order without the necessity of further proof being taken; and</li> <li>3. The order may be effective for up to ten (10) years, with further renewals in increments of up to ten (10) years.</li> </ol> <p>(2) The court shall give the defendant notice of his or</p>	<p>of Kentucky (LINK).</p> <p>(9) A restraining order issued under this section shall be enforced in any county of the Commonwealth. Law enforcement officers acting in good faith in enforcing a restraining order shall be immune from criminal and civil liability.</p> <p>(10) A violation by the defendant of an order issued pursuant to this section shall be a Class A misdemeanor. Nothing in this section shall preclude the filing of a criminal complaint for stalking based on the same act which is the basis for the violation of the restraining order.</p> <p style="text-align: center;"><b>KRS § 534.040</b></p> <p><b>534.040. Fines for misdemeanors and violations</b></p> <p>(1) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.</p> <p>(2) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:</p> <ol style="list-style-type: none"> <li>(a) For a Class A misdemeanor, five hundred dollars (\$500); or</li> <li>(b) For a Class B misdemeanor, two hundred fifty dollars (\$250); or</li> <li>(c) For a violation, two hundred fifty dollars (\$250).</li> </ol> <p>(3) This section shall not apply to a corporation.</p> <p>(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.</p> <p style="text-align: center;"><b>KRS § 532.090</b></p>

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	<p>her right to request a hearing on the application for a restraining order. If the defendant waives his or her right to a hearing on this matter, then the court may issue the restraining order without a hearing.</p> <p>(3) If the defendant requests a hearing, it shall be held at the time of the verdict or plea of guilty, unless the victim or defendant requests otherwise. The hearing shall be held in the court where the verdict or plea of guilty was entered.</p> <p>(4) A restraining order may grant the following specific relief:</p> <p>(a) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim; or</p> <p>(b) An order restraining the defendant from making contact with the victim, including an order forbidding the defendant from personally, or through an agent, initiating any communication likely to cause serious alarm, annoyance, intimidation, or harassment, including but not limited to personal, written, telephonic, or any other form of written or electronic communication or contact with the victim. An order issued pursuant to this subsection relating to a school, place of business, or similar nonresidential location shall be sufficiently limited to protect the stalking victim but shall also protect the defendant's right to employment, education, or the right to do legitimate business with the employer of a stalking victim as long as the defendant does not have contact with the stalking victim. The provisions of this subsection shall not apply to a contact by an attorney regarding a legal matter.</p> <p>(5) A restraining order issued pursuant to this section shall be valid for a period of not more than ten (10) years, the specific duration of which shall be determined by the court. Any restraining order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim, his or her immediate family, or both.</p> <p>(6) Unless the defendant has been convicted of a felony, or is otherwise ineligible to purchase or</p>	<p><b>532.090. Sentence of imprisonment for misdemeanor</b></p> <p>A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:</p> <p>(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and</p> <p>(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.</p>



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	<p>possess a firearm under federal law, a restraining order issued pursuant to this section shall not operate as a ban on the purchase or possession of firearms or ammunition by the defendant.</p> <p>(7) The restraining order shall be issued on a form prescribed by the Administrative Office of the Courts and may be lifted upon application of the stalking victim to the court which granted the order.</p> <p>(8) Within twenty-four (24) hours of entry of a restraining order or entry of an order rescinding a restraining order, the circuit clerk shall forward a copy of the order to the Law Information Network of Kentucky (LINK).</p> <p>(9) A restraining order issued under this section shall be enforced in any county of the Commonwealth. Law enforcement officers acting in good faith in enforcing a restraining order shall be immune from criminal and civil liability.</p> <p>(10) A violation by the defendant of an order issued pursuant to this section shall be a Class A misdemeanor. Nothing in this section shall preclude the filing of a criminal complaint for stalking based on the same act which is the basis for the violation of the restraining order.</p>	
<p><b>LOUISIANA</b></p>	<p><b>La. R.S. 14:79</b></p> <p><b>§ 14: 79. Violation of protective orders [Effective October 1, 2018]</b></p> <p>A.</p> <p>(1)</p> <p>(a) Violation of protective orders is the willful disobedience of a preliminary or permanent injunction or protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 320, and 871.1 after a contradictory court hearing, or the willful disobedience of a temporary restraining order or any ex parte protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S.</p>	<p><b>La. R.S. 14:79</b></p> <p><b>§ 14: 79. Violation of protective orders [Effective October 1, 2018]</b></p> <p>E.</p> <p>(1) Law enforcement officers shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce a preliminary or permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1, 335.1, 335.2, and 871.1 after a contradictory court hearing, or to enforce a temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1,</p>

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	<p>46:2151, R.S. 46:2171 et seq., criminal stay-away orders as provided for in Code of Criminal Procedure Articles 320, Children’s Code Article 1564 et seq., or Code of Civil Procedure Articles 3604 and 3607.1, if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.</p> <p>(b) A defendant may also be deemed to have been properly served if tendered a certified copy of a temporary restraining order or ex parte protective order, or if tendered a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge or court, by any law enforcement officer who has been called to any scene where the named defendant is present. Such service of a previously issued temporary restraining order or ex parte protective order if noted in the police report shall be deemed sufficient evidence of service of process and admissible in any civil or criminal proceedings.</p> <p>(2) Violation of protective orders shall also include the willful disobedience of an order of protection issued by a foreign state.</p> <p>(3) Violation of protective orders shall also include the willful disobedience of the following:</p> <p>(a) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a criminal defendant stay away from a specific person or persons as a condition of that defendant’s release on bond.</p> <p>(b) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a defendant convicted of a violation of any state, federal, parish, municipal, or city criminal offense stay away from any specific person as a condition of that defendant’s release on probation.</p> <p>(c) A condition of a parole release which requires that the parolee stay away from any specific person.</p> <p>(d) An order issued pursuant to R.S. 46:1846.</p>	<p>or Code of Criminal Procedure Articles 327.1, 335.1, and 335.2 if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.</p> <p>(2) Law enforcement officers shall at a minimum issue a summons to the person in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2181 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.2, and 871.1.</p> <p>F. This Section shall not be construed to bar or limit the effect of any other criminal statute or civil remedy.</p> <p>G. “Instant offense” as used in this Section means the offense which is before the court.</p> <p>H. An offender ordered to participate in a court-monitored domestic abuse intervention program under the provision of this Section shall pay the cost incurred in participating in the program, unless the court determines that the offender is unable to pay. Failure to make payment under this Subsection shall subject the offender to revocation of probation.</p> <p style="text-align: center;"><b>La. R.S. 46:2140</b></p> <p><b>§ 46:2140. Law enforcement officers; duties</b></p> <p>A. If a law enforcement officer has reason to believe that a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1, the officer shall immediately arrest the abusing party.</p> <p>B. If a law enforcement officer has reason to believe that a family or household member or dating partner has been abused, and the abusing party is not in violation of a restraining order, a preliminary or permanent injunction, or a protective order, the officer shall immediately use all reasonable means to prevent further abuse, including:</p>

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	<p>B.</p> <p>(1) On a first conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.</p> <p>(2) On a second or subsequent conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than fourteen days nor more than two years. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.</p> <p>C.</p> <p>(1) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than three months nor more than two years. At least thirty days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.</p> <p>(2) Whoever is convicted of the offense of violation</p>	<p>(1) Arresting the abusive party with a warrant or without a warrant pursuant to Code of Criminal Procedure Article 213, if probable cause exists to believe that a felony has been committed by that person, whether or not the offense occurred in the officer's presence.</p> <p>(2) Arresting the abusive party in case of any misdemeanor crime which endangers the physical safety of the abused person whether or not the offense occurred in the presence of the officer. If there is no cause to believe there is impending danger, arresting the abusive party is at the officer's discretion.</p> <p>(3) Assisting the abused person in obtaining medical treatment necessitated by the battery; arranging for, or providing, or assisting in the procurement of transportation for the abused person to a place of shelter or safety.</p> <p>(4) Notifying the abused person of his right to initiate criminal or civil proceedings; the availability of the protective order, R.S. 46:2136; and the availability of community assistance for domestic violence victims.</p> <p>C.</p> <p>(1) When a law enforcement officer receives conflicting accounts of domestic abuse or dating violence, the officer shall evaluate each account separately to determine if one party was the predominant aggressor.</p> <p>(2) In determining if one party is the predominant aggressor, the law enforcement officer may consider any other relevant factors, but shall consider the following factors based upon his or her observation:</p> <ul style="list-style-type: none"> <li>(a) Evidence from complainants and other witnesses.</li> <li>(b) The extent of personal injuries received by each person.</li> <li>(c) Whether a person acted in self-defense.</li> <li>(d) An imminent threat of future injury to any of the parties.</li> <li>(e) Prior complaints of domestic abuse or dating violence, if that history can be reasonably ascertained by the officer.</li> <li>(f) The future welfare of any minors who are present at the scene.</li> <li>(g) The existence of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. The officer shall presume that the predominant aggressor is the person against whom the order was issued.</li> </ul>

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	<p>of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, and who has a conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.</p> <p>D. If, as part of any sentence imposed under this Section, a fine is imposed, the court may direct that the fine be paid for the support of the spouse or children of the offender.</p> <p style="text-align: center;"><b>La. Ch.C. Art. 1571</b></p> <p><b>Art. 1571. Penalties; notice of penalty in order</b></p> <p>A. Upon violation of a temporary restraining order, a protective order, or a court-approved consent agreement, the court may hold the defendant in contempt of court and punish the defendant by imprisonment in the parish jail for not more than six months or a fine of not more than five hundred dollars, or both, and may order that all or a part of any fine be forwarded for the support of petitioner and dependents, in the discretion of the court.</p> <p>B. Such sentence shall be imposed only after trial by the judge of a rule against the defendant to show cause why he should not be adjudged guilty of contempt and punished accordingly. The rule to show cause may issue on the court's own motion or on motion of a party to the action or proceeding, and shall state the facts alleged to constitute the contempt. A certified copy of the motion and of the rule to show cause shall be served upon the person</p>	<p>(3)</p> <p>(a) If the officer determines that one person was the predominant aggressor in a felony offense, the officer shall arrest that person. The arrest shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law.</p> <p>(b) If the officer determines that one person was the predominant aggressor in a misdemeanor offense, the officer shall arrest the predominant aggressor if there is reason to believe that there is impending danger or if the predominant aggressor is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. If there is no threat of impending danger or no violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order, the officer may arrest the predominant aggressor at the officer's discretion, whether or not the offense occurred in the presence of the officer. An arrest pursuant to the provisions of this Subparagraph shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law. The exceptions provided for in this Section shall apply.</p> <p>(4) As used in this Subsection:</p> <p>(a) "Dating violence" has the meaning as defined in R.S. 46:2151(C).</p> <p>(b) "Domestic abuse" has the meaning as defined in R.S. 46:2132</p> <p>(3).</p>

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	<p>charged with contempt in the same manner as a subpoena, at least forty-eight hours before the time assigned for the trial of the rule, which shall be scheduled within twenty days of the filing of the motion for contempt.</p> <p>C. Each protective order issued under this Chapter, including a temporary ex parte order, shall have the following statement printed in bold-faced type or in capital letters: “A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF NOT MORE THAN \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH, AND MAY BE FURTHER PUNISHED UNDER THE CRIMINAL LAWS OF THE STATE OF LOUISIANA. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF LOUISIANA.”</p> <p>D. Nothing contained herein shall be construed as a limitation on any applicable provisions of Title 14 of the Louisiana Revised Statutes of 1950.</p>	
<p><b>MAINE</b></p>	<p><b>5 M.R.S. § 4659</b></p> <p><b>Violation</b></p> <p>1. Crime committed. Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a court-approved consent agreement, when the defendant has prior actual notice of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F. Violation of these paragraphs must be treated as contempt and punished in accordance with law.</p> <p>2. Warrantless arrest. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation as defined in this section of an order or</p>	<p><b>19-A M.R.S. § 4012</b></p> <p><b>Law enforcement agency responsibilities</b></p> <p>1. Reports. A law enforcement agency shall report all incidents of abuse by adults of family or household members as required by the State Bureau of Identification under Title 25, section 1544.</p> <p>2. Agency procedures. Law enforcement agencies shall establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of abuse or violation of an order of protection are informed of a recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of a recorded order of protection.</p> <p>3. Officer training. Law enforcement agencies shall provide officers employed by them with an education and training program designed to inform the officers of the problems of family and household abuse, procedures to deal with these problems, the provisions of this chapter and the services and facilities available</p>

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	<p>consent agreement may be made without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.</p> <p style="text-align: center;"><b>19-A M.R.S. § 4011</b></p> <p><b>Violation</b></p> <p>1. Crime committed. Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:</p> <p>A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or</p> <p>B. A court-approved consent agreement.</p> <p>2. Exception. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraph F or F-1 or section 4007, subsection 1, paragraphs H to N, the violation must be treated as contempt and punished in accordance with law.</p> <p>4. Reckless conduct; assault. A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.</p> <p>3. Warrantless arrest. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation of an order or consent agreement may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer</p>	<p>to abused family and household members. The amount and degree of officer training, beyond the distribution of information, must be determined by each local law enforcement agency.</p> <p>4. Maine Criminal Code enforcement. A law enforcement officer at the scene of an alleged incident of abuse shall use the same standard of enforcing relevant Maine Criminal Code<sup>1</sup> sections when the incident involves family or household members as when it involves strangers.</p> <p>5. Arrest in certain situations. When a law enforcement officer has probable cause to believe that there has been a criminal violation under section 4011 of a court-approved consent agreement or a protection order issued pursuant to this chapter or Title 15, chapter 12-A, or that a violation of Title 17-A, section 208 has occurred between members of the same family or household, that enforcement officer shall arrest and take into custody the alleged offender.</p> <p>6. Officer responsibilities. When a law enforcement officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further abuse, including:</p> <p>A. Remaining on the scene as long as the officer reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer, including, but not limited to, staying in the dwelling unit;</p> <p>B. Assisting that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital;</p> <p>C. Giving that person immediate and adequate written notice of that person's rights, which include information summarizing the procedures and relief available to victims of the family or household abuse; or</p> <p>D. Arresting the abusing party with or without a warrant pursuant to section 4011 and Title 17-A, section 15.</p> <p>Beginning no later than January 1, 2015, in addition to the actions specified in this subsection, the law enforcement officer shall make a good faith effort to administer a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety. The law enforcement officer administering this assessment shall provide the results of the</p>

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	<p>may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.</p> <p>4. Reckless Conduct; Assault. A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.</p>	<p>assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the abuse took place.</p> <p>7. Law enforcement agency policy. Every municipal, county and state law enforcement agency with the duty to investigate, prosecute and arrest offenders of this chapter and Title 17-A shall adopt a written policy on the enforcement of this chapter and the handling of domestic abuse cases in general.</p> <p>8. District attorney prosecutorial policy. The Attorney General, in consultation with the prosecutors' association, shall develop a written policy regarding prosecution of domestic abuse cases under the provisions of Title 17-A. The district attorney for each of the several counties within the State shall adopt a written policy regarding prosecution of domestic abuse cases.</p> <p>9. Notification of attempted purchase of firearm. When the Department of Public Safety receives notification from a federal agency that a background criminal records check conducted under the system established pursuant to 18 United States Code, Section 922(t) indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a temporary or final protection from abuse order, the department shall make every reasonable effort to notify as quickly as practicable both the individual intended to be protected by the protection from abuse order and another law enforcement agency with jurisdiction in the municipality in which that individual resides of the information received from the federal agency.</p> <p>For the purposes of this subsection, notification may be made by the Department of Public Safety to the individual intended to be protected by the protection from abuse order through a law enforcement agency within the county in which the individual resides. When the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. If, when notifying a law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make a reasonable effort to notify that individual as quickly as practicable, including through a different law enforcement agency within the county in which the individual resides.</p> <p>10. Liability for damages. The State, a political subdivision of the State or a law enforcement officer is not liable for damage that</p>

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		<p>may be caused by the failure or inability to inform an individual who is the subject of a protection from abuse order in accordance with subsection 9. This subsection does not prohibit the State or a political subdivision of the State from pursuing legally authorized disciplinary action.</p> <p>11. Service of protection from abuse order. Every municipal, county and state law enforcement agency shall adopt a written policy on the service of protection from abuse orders that directs that every order issued under this chapter is served on the subject of the order as quickly as possible. Service of a protection from abuse order that is not in compliance with a policy adopted under this subsection does not affect the validity of the service or the order.</p>
<p><b>MARYLAND</b></p>	<p><b>Md. FAMILY LAW Code Ann. § 4-509</b></p> <p><b>§ 4-509. Penalties</b></p> <p>(a) A person who fails to comply with the relief granted in an interim protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:</p> <p>(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and</p> <p>(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.</p> <p>(b) Prior conviction under § 3-1508 of the Courts Article. -- For the purpose of second or subsequent offender penalties provided under subsection (a)(2) of this section, a prior conviction under § 3-1508 of the Courts Article shall be considered a conviction under this section.</p> <p>(c) Arrest. -- An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.</p>	<p><b>Md. FAMILY LAW Code Ann. § 4-508.1</b></p> <p><b>§ 4-508.1 Out-of-state protective orders</b></p> <p>(a) "Order for protection" defined. --</p> <p>(1) In this section, "order for protection" means a temporary or final order or injunction that:</p> <p>(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;</p> <p>(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and</p> <p>(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.</p> <p>(2) "Order for protection" does not include a support or child custody order.</p> <p>(b) Full faith and credit -- State or tribal law. -- An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:</p> <p>(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and</p> <p>(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.</p> <p>(c) Duty to arrest. -- A law enforcement officer shall arrest with or without a warrant and take into custody a person who the</p>



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	<p align="center"><b>Md. FAMILY LAW Code Ann. § 4-508</b></p> <p><b>Sanctions for violating order</b></p> <p>(a) In general. -- An interim protective order, temporary protective order, and final protective order issued under this subtitle shall state that a violation of the order may result in:</p> <p>(1) criminal prosecution; and</p> <p>(2) imprisonment or fine or both.</p> <p>(b) Contempt. -- A temporary protective order and final protective order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.</p> <p align="center"><b>Md. FAMILY LAW Code Ann. § 4-508.1</b></p> <p><b>Out-of-state protective orders</b></p> <p>(a) "Order for protection" defined. --</p> <p>(1) In this section, "order for protection" means a temporary or final order or injunction that:</p> <p>(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;</p> <p>(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and</p> <p>(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.</p> <p>(2) "Order for protection" does not include a support or child custody order.</p> <p>(b) Full faith and credit -- State or tribal law. -- An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:</p> <p>(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and</p> <p>(2) in the case of an order for protection, other than</p>	<p>officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:</p> <p>(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or</p> <p>(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.</p> <p>(d) Officer immunity. -- A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.</p> <p>(e) Full faith and credit -- Federal law. -- It is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law.</p> <p align="center"><b>Md. FAMILY LAW Code Ann. § 4-509</b></p> <p><b>§ 4-509. Penalties</b></p> <p>(a) In general. -- A person who fails to comply with the relief granted in an interim protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:</p> <p>(1) for a first offense, a fine not exceeding \$ 1,000 or imprisonment not exceeding 90 days or both; and</p> <p>(2) for a second or subsequent offense, a fine not exceeding \$ 2,500 or imprisonment not exceeding 1 year or both.</p> <p>(b) Prior conviction under § 3-1508 of the Courts Article. -- For the purpose of second or subsequent offender penalties provided under subsection (a)(2) of this section, a prior conviction under § 3-1508 of the Courts Article shall be considered a conviction under this section.</p> <p>(c) Arrest. -- An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.</p>

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	<p>an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.</p> <p>(c) Duty to arrest. -- A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:</p> <p>(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or</p> <p>(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.</p> <p>(d) Officer immunity. -- A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.</p> <p>(e) Full faith and credit -- Federal law. -- It is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law.</p>	
<p><b>MASSACHUSETTS</b></p>	<p><b>M.G.L.A. 208 § 34C</b></p> <p><b>Notification, Violation and Enforcement of Order to Vacate.</b></p> <p>Whenever a division of the probate and family court department issues an order to vacate under the provisions of section thirty-four B, or an order prohibiting a person from imposing any restraint on the personal liberty of another person under section eighteen or under the provisions of section thirty-two of chapter two hundred and nine or section three, four or five of chapter two hundred and nine A or section fifteen or twenty of chapter two hundred and nine C or an order for custody pursuant to any abuse prevention action, the register shall transmit two</p>	<p><b>M.G.L.A. 209A § 7</b></p> <p><b>Abuse prevention orders; domestic violence record search; service of order; enforcement; violations</b></p> <p>When considering a complaint filed under this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances</p>

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	<p>certified copies of each order forthwith to the appropriate law enforcement agency which shall serve one copy of each such order upon the defendant. Unless otherwise ordered by the court, service shall be by delivering a copy in hand to the defendant. Law enforcement officers shall use every reasonable means to enforce such order. Law enforcement agencies shall establish procedures adequate to insure that an officer at the scene of an alleged violation of such order may be informed of the existence and terms of such order.</p> <p>The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated by the court and shall direct the agency to destroy all records of such vacated order and such agency shall comply with such directive. Any violation of such order shall be punishable by a fine of not more than five thousand dollars or by imprisonment for not more than two and one-half years in the house of correction, or both such fine and imprisonment. Each such order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.</p> <p>Any such violation may be enforced in the superior or district or Boston municipal court departments. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The superior, probate and family, district and Boston municipal court departments may each enforce by civil contempt procedure a violation of its own court order.</p> <p style="text-align: center;"><b>M.G.L.A. 209A § 7</b></p> <p><b>Search of Domestic Violence Records; Outstanding Warrants; Service of Order, Complaint and Summons; Enforcement; Violations.</b></p> <p>When a defendant has been ordered to participate in a treatment program pursuant to this section, the defendant shall be required to regularly attend a</p>	<p>where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.</p> <p>Whenever the court orders under sections eighteen, thirty-four B, and thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four and five of this chapter, or sections fifteen and twenty of chapter two hundred and nine C, the defendant to vacate, refrain from abusing the plaintiff or to have no contact with the plaintiff or the plaintiff's minor child, the register or clerk-magistrate shall transmit two certified copies of each such order and one copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve one copy of each order upon the defendant, together with a copy of the complaint, order and summons and notice of any suspension or surrender ordered pursuant to section three B of this chapter. Law enforcement agencies shall establish adequate procedures to ensure that, when effecting service upon a defendant pursuant to this paragraph, a law enforcement officer shall, to the extent practicable: (i) fully inform the defendant of the contents of the order and the available penalties for any violation of an order or terms thereof and (ii) provide the defendant with informational resources, including, but not limited to, a list of certified batterer intervention programs, substance abuse counseling, alcohol abuse counseling and financial counseling programs located within or near the court's jurisdiction. The law enforcement agency shall promptly make its return of service to the court.</p> <p>Law enforcement officers shall use every reasonable means to enforce such abuse prevention orders. Law enforcement agencies shall establish procedures adequate to insure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.</p> <p>Each abuse prevention order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL</p>

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	<p>certified or provisionally certified batterer's treatment program. To the extent permitted by professional requirements of confidentiality, said program shall communicate with local battered women's programs for the purpose of protecting the victim's safety. Additionally, it shall specify the defendant's attendance requirements and keep the probation department informed of whether the defendant is in compliance.</p> <p>In addition to, but not in lieu of, such orders for treatment, if the defendant has a substance abuse problem, the court may order appropriate treatment for such problem. All ordered treatment shall last until the end of the probationary period or until the treatment program decides to discharge the defendant, whichever comes first. When the defendant is not in compliance with the terms of probation, the court shall hold a revocation of probation hearing. To the extent possible, the defendant shall be responsible for paying all costs for court ordered treatment.</p> <p>Where a defendant has been found in violation of an abuse prevention order under this chapter or a protection order issued by another jurisdiction, the court may, in addition to the penalties provided for in this section after conviction, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence, place of employment, and the complainant's child's school, and order that the defendant to wear a global positioning satellite tracking device designed to transmit and record the defendant's location data. If the defendant enters a court defined exclusion zone, the defendant's location data shall be immediately transmitted to the complainant, and to the police, through an appropriate means including, but not limited to, the telephone, an electronic beeper or a paging device. The global positioning satellite device and its tracking shall be administered by the</p>	<p>OFFENSE.</p> <p>Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. The court shall not order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program as required by the terms of his probation. If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.</p>

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	<p>department of probation. If a court finds that the defendant has entered a geographic exclusion zone, it shall revoke his probation and the defendant shall be fined, imprisoned or both as provided in this section. Based on the defendant's ability to pay, the court may also order him to pay the monthly costs or portion thereof for monitoring through the global positioning satellite tracking system.</p> <p>In each instance where there is a violation of an abuse prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, cost for shelter or emergency housing, loss of earnings or support, out-of-pocket losses for injuries sustained or property damaged, medical expenses, moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees.</p> <p>Any such violation may be enforced in the superior, the district or Boston municipal court departments. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The superior, probate and family, district and Boston municipal court departments may each enforce by civil contempt procedure a violation of its own court order.</p> <p>The provisions of section eight of chapter one hundred and thirty-six shall not apply to any order, complaint or summons issued pursuant to this section.</p>	
MICHIGAN	<p style="text-align: center;"><b>MCLS § 600.2950</b></p> <p><b>§ 600.2950. Personal protection orders; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents;</b></p>	<p style="text-align: center;"><b>MCLS § 600.2950</b></p> <p><b>§ 600.2950. Personal protection orders; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection</b></p>

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	<p><b>issuance, contents, effectiveness, duration, and service of personal protection order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; ownership interest in animals; definitions.</b></p> <p>(1) Except as provided in subsections (27) and (28), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:</p> <p>(a) Entering onto premises.</p> <p>(b) Assaulting, attacking, beating, molesting, or wounding a named individual.</p> <p>(c) Threatening to kill or physically injure a named individual.</p> <p>(d) Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.</p> <p>(e) Purchasing or possessing a firearm.</p> <p>(f) Interfering with petitioner’s efforts to remove petitioner’s children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.</p> <p>(g) Interfering with petitioner at petitioner’s place of employment or education or engaging in conduct that impairs petitioner’s employment or educational relationship or environment.</p> <p>(h) Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner’s minor child or about petitioner’s</p>	<p><b>order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; ownership interest in animals; definitions.</b></p> <p>(13) A personal protection order issued under subsection (12) is valid for not less than 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. The motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after the 14 days have elapsed.</p> <p>(14) Except as otherwise provided in this subsection, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 14 days after the filing of the motion to modify or rescind. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the filing of the motion to modify or rescind.</p> <p>(15) The clerk of the court that issues a personal protection order shall do all of the following immediately upon issuance and without requiring a proof of service on the individual restrained or enjoined:</p> <p>(a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.</p> <p>(b) Provide the petitioner with 2 or more true copies of the personal protection order.</p> <p>(c) If respondent is identified in the pleadings as a law enforcement officer, notify the officer’s employing law enforcement agency, if known, about the existence of the personal protection order.</p> <p>(d) If the personal protection order prohibits respondent from purchasing or possessing a firearm, notify the concealed weapon licensing board in respondent’s county of residence about the existence and contents of the personal protection order.</p> <p>(e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.</p>

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	<p>employment address.</p> <p>(i) Engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.</p> <p>(j) Any of the following with the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest:</p> <p>(i) Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal. A restraining order that enjoins conduct under this subparagraph does not prohibit the lawful killing or other use of the animal as described in section 50(11) of the Michigan penal code, 1931 PA 328, MCL 750.50.</p> <p>(ii) Removing the animal from the petitioner’s possession.</p> <p>(iii) Retaining or obtaining possession of the animal.</p> <p>(k) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.</p> <p>(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer licensed or certified by the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent’s occupation prior to the issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent’s occupation.</p> <p>(3) A petitioner may omit his or her address of residence from documents filed with the court under this section. If a petitioner omits his or her address of residence, the petitioner shall provide the court with a mailing address.</p>	<p>(f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.</p> <p>(16) The clerk of the court shall inform the petitioner that he or she may take a true copy of the personal protection order to the law enforcement agency designated by the court under subsection (10) to be immediately entered into the law enforcement information network.</p> <p>(17) The law enforcement agency that receives a true copy of the personal protection order under subsection (15) or (16) shall immediately and without requiring proof of service enter the personal protection order into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.</p> <p>(18) A personal protection order issued under this section must be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the individual restrained or enjoined or by any other manner provided in the Michigan court rules. If the individual restrained or enjoined has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined about the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. If the respondent is less than 18 years of age, the parent, guardian, or custodian of that individual must also be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the parent, guardian, or custodian of the individual restrained or enjoined. A proof of service or proof of oral notice must be filed with the clerk of the court issuing the personal protection order. This subsection does not prohibit the immediate effectiveness of a personal protection order or its immediate enforcement under subsections (21) and (22).</p>

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	<p>(4) The court shall issue a personal protection order under this section if the court determines that there is reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1). In determining whether reasonable cause exists, the court shall consider all of the following:</p> <p>(a) Testimony, documents, or other evidence offered in support of the request for a personal protection order.</p> <p>(b) Whether the individual to be restrained or enjoined has previously committed or threatened to commit 1 or more of the acts listed in subsection (1).</p> <p>(5) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1)(a) if all of the following apply:</p> <p>(a) The individual to be restrained or enjoined is not the spouse of the moving party.</p> <p>(b) The individual to be restrained or enjoined or the parent, guardian, or custodian of the minor to be restrained or enjoined has a property interest in the premises.</p> <p>(c) The moving party or the parent, guardian, or custodian of a minor petitioner has no property interest in the premises.</p> <p>(6) A court shall not refuse to issue a personal protection order solely due to the absence of any of the following:</p> <p>(a) A police report.</p> <p>(b) A medical report.</p> <p>(c) A report or finding of an administrative agency.</p> <p>(d) Physical signs of abuse or violence.</p> <p>(7) If the court refuses to grant a personal protection order, it shall state immediately in writing the specific reasons it refused to issue a personal protection order. If a hearing is held, the court shall also immediately state on the record the specific reasons it refuses to issue a personal protection order.</p> <p>(8) A personal protection order may not be made mutual. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court under subsection (1).</p>	<p>(19) The clerk of the court shall immediately notify the law enforcement agency that received the personal protection order under subsection (15) or (16) if either of the following occurs:</p> <p>(a) The clerk of the court has received proof that the individual restrained or enjoined has been served.</p> <p>(b) The personal protection order is rescinded, modified, or extended by court order.</p> <p>(20) The law enforcement agency that receives information under subsection (19) shall enter the information or cause the information to be entered into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.</p> <p>(21) Subject to subsection (22), a personal protection order is immediately enforceable anywhere in this state by any law enforcement agency that has received a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.</p> <p>(22) If the individual restrained or enjoined has not been served, a law enforcement agency or officer responding to a call alleging a violation of a personal protection order shall serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the law enforcement information network that the individual restrained or enjoined has actual notice of the personal protection order. The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing the personal protection order. If the individual restrained or enjoined has not received notice of the personal protection order, the individual restrained or enjoined must be given an opportunity to comply with the personal protection order before the law enforcement officer makes a custodial arrest for violation of the personal protection order. The failure to immediately comply with the personal protection order is grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section</p>



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	<p>(9) A personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.</p> <p>(10) The court shall designate the law enforcement agency that is responsible for entering the personal protection order into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.</p> <p>(11) A personal protection order shall include all of the following, and to the extent practicable the following shall be contained in a single form:</p> <p>(a) A statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:</p> <p>(i) If the respondent is 17 years of age or more, immediate arrest and the civil and criminal contempt powers of the court, and that if he or she is found guilty of criminal contempt, he or she shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.</p> <p>(ii) If the respondent is less than 17 years of age, immediate apprehension or being taken into custody, and subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.</p> <p>(iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the respondent is subject to the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.</p> <p>(b) A statement that the personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge, and that, upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a</p>	<p>14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.</p> <p>(23) An individual who is 17 years of age or more and who refuses or fails to comply with a personal protection order under this section is subject to the criminal contempt powers of the court and, if found guilty, shall be imprisoned for not more than 93 days and may be fined not more than \$500.00. An individual who is less than 17 years of age and who refuses or fails to comply with a personal protection order issued under this section is subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided for under this section may be imposed in addition to a penalty that may be imposed for another criminal offense arising from the same conduct.</p> <p>(24) An individual who knowingly and intentionally makes a false statement to the court in support of his or her petition for a personal protection order is subject to the contempt powers of the court.</p> <p>(25) A personal protection order issued under this section is also enforceable under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15b.</p> <p>(26) A personal protection order issued under this section is also enforceable under chapter 17.</p> <p>(27) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1) if any of the following apply:</p> <p>(a) The respondent is the unemancipated minor child of the petitioner.</p> <p>(b) The petitioner is the unemancipated minor child of the respondent.</p> <p>(c) The respondent is a minor child less than 10 years of age.</p> <p>(28) If the respondent is less than 18 years of age, issuance of a personal protection order under this section is subject to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.</p> <p>(29) A personal protection order that is issued before March 1, 1999 is not invalid on the ground that it does not comply with 1 or more of the requirements added by 1998 PA 477.</p> <p>(30) For purposes of subsection (1)(j), a petitioner has an ownership interest in an animal if 1 or more of the following are applicable:</p>

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	<p>territory of the United States.</p> <p>(c) A statement listing the type or types of conduct enjoined.</p> <p>(d) An expiration date stated clearly on the face of the order.</p> <p>(e) A statement that the personal protection order is enforceable anywhere in Michigan by any law enforcement agency.</p> <p>(f) The law enforcement agency designated by the court to enter the personal protection order into the law enforcement information network.</p> <p>(g) For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court.</p> <p>(12) A court shall issue an ex parte personal protection order without written or oral notice to the individual restrained or enjoined or his or her attorney if it clearly appears from specific facts shown by verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued.</p> <p style="text-align: center;"><b>MCLS § 600.2950m (2016)</b></p> <p><b>Foreign protection order; violation as misdemeanor; penalty.</b></p> <p>A person who violates a foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$500.00, or both.</p>	<p>(a) The petitioner has a right of property in the animal.</p> <p>(b) The petitioner keeps or harbors the animal.</p> <p>(c) The animal is in the petitioner’s care.</p> <p>(d) The petitioner permits the animal to remain on or about premises occupied by the petitioner.</p> <p>(31) As used in this section:</p> <p>(a) “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.</p> <p>(b) “Federal law enforcement officer” means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is the enforcement of laws of the United States.</p> <p>(c) “Neglect” means that term as defined in section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.</p> <p>(d) “Personal protection order” means an injunctive order issued by the circuit court or the family division of circuit court restraining or enjoining activity and individuals listed in subsection (1).</p>
MINNESOTA	Minn. Stat. Ann. § 518B.01	Minn. Stat. § 518B.01

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	<p><b>§ 518B.01 Domestic Abuse Act</b>  Subdivision 1. Short title. — This section may be cited as the “Domestic Abuse Act.”  Subd. 2. Definitions. — As used in this section, the following terms shall have the meanings given them:  (a) “Domestic abuse” means the following, if committed against a family or household member by a family or household member:  (1) physical harm, bodily injury, or assault;  (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or  (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.  (b) “Family or household members” means:  (1) spouses and former spouses;  (2) parents and children;  (3) persons related by blood;  (4) persons who are presently residing together or who have resided together in the past;  (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;  (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and  (7) persons involved in a significant romantic or sexual relationship.  Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the</p>	<p><b>§ 518B.01 Domestic Abuse Act</b>  Subd. 8. Service; alternate service; publication; notice.  (a) The petition and any order issued under this section other than orders for dismissal shall be served on the respondent personally. Orders for dismissal may be served personally or by certified mail. In lieu of personal service of an order for protection, a law enforcement officer may serve a person with a short form notification as provided in subdivision 8a.  (b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d’affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.  (c)  If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner’s most recent contacts with the respondent; the last known location of the respondent’s employment; the names and locations of the respondent’s parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent’s whereabouts; and a description of efforts to locate those persons.  The court shall consider the length of time the respondent’s location has been unknown, the likelihood that the respondent’s location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent</p>

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	<p>relationship has terminated, length of time since the termination.</p> <p>(c) “Qualified domestic violence-related offense” has the meaning given in section 609.02, subdivision 16.</p> <p>Subd. 3. Court jurisdiction. — An application for relief under this section may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred. There are no residency requirements that apply to a petition for an order for protection. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence in the action in the same manner and subject to the same limitations provided in section 518.13. Actions under this section shall be given docket priorities by the court.</p> <p>Subd. 3a. Filing fee.— The filing fees for an order for protection under this section are waived for the petitioner and respondent. The court administrator, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff or other law enforcement or corrections officer is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.01.</p> <p>Subd. 3b. Information on petitioner’s location or residence. — Upon the petitioner’s request, information maintained by the court regarding the petitioner’s location or residence is not accessible to the public and may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.</p> <p>Subd. 4. Order for protection. — There shall exist an</p>	<p>of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.</p> <p>(d) A petition and any order issued under this section, including the short form notification, must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any parenting time proceeding, the court shall consider the order for protection in making a decision regarding parenting time.</p> <p>Subd. 8a. Short form notification.</p> <p>(a)</p> <p>In lieu of personal service of an order for protection under subdivision 8, a law enforcement officer may serve a person with a short form notification. The short form notification must include the following clauses: the respondent’s name; the respondent’s date of birth, if known; the petitioner’s name; the names of other protected parties; the date and county in which the ex parte order for protection or order for protection was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.</p> <p>The short form notification must be in bold print in the following form:</p> <p>The order for protection is now enforceable. You must report to your nearest sheriff office or county court to obtain a copy of the order for protection. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the order for protection or this short form notification.</p> <p>(b) Upon verification of the identity of the respondent and the existence of an unserved order for protection against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short form notification.</p> <p>(c) When service is made by short form notification, it may be proved by the affidavit of the law enforcement officer making the service.</p> <p>(d) For service under this section only, service upon an individual may occur at any time, including Sundays, and legal holidays.</p> <p>(e) The superintendent of the Bureau of Criminal Apprehension shall provide the short form to law enforcement agencies.</p> <p>Subd. 9. Assistance of sheriff in service or execution. — When an order is issued under this section upon request of the petitioner,</p>

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	<p>action known as a petition for an order for protection in cases of domestic abuse.</p> <p>(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (26), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.</p> <p>(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.</p> <p>(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.</p> <p>(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.</p> <p>(e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.</p> <p>(f) The court shall advise a petitioner under</p>	<p>the court shall order the sheriff to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution or service of the order of protection. If the application for relief is brought in a county in which the respondent is not present, the sheriff shall forward the pleadings necessary for service upon the respondent to the sheriff of the county in which the respondent is present. This transmittal must be expedited to allow for timely service.</p> <p>Subd. 9a. Service by others. — Peace officers licensed by the state of Minnesota and corrections officers, including, but not limited to, probation officers, court services officers, parole officers, and employees of jails or correctional facilities, may serve an order for protection.</p> <p>Subd. 10. Right to apply for relief.</p> <p>(a) A person's right to apply for relief shall not be affected by the person's leaving the residence or household to avoid abuse.</p> <p>(b) The court shall not require security or bond of any party unless it deems necessary in exceptional cases.</p> <p>Subd. 11. Modifying or vacating order.</p> <p>(a) Upon application, notice to all parties, and hearing, the court may modify the terms of an existing order for protection.</p> <p>(b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named in the order for protection may request to have the order vacated or modified if the order has been in effect for at least five years and the respondent has not violated the order during that time. Application for relief under this subdivision must be made in the county in which the order for protection was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the order for protection not less than 30 days before the date of the hearing. At the hearing, the respondent named in the order for protection has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting or extending the order for protection no longer apply and are unlikely to occur. If the court finds that the respondent named in the order for protection has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the order for protection has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the order for protection until five years have elapsed from the date of denial. An order vacated or modified under this</p>

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	<p>paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.</p> <p>(g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.</p> <p>(h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.</p> <p>(i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.</p> <p>(j) The court shall advise the petitioner of the right to request supervised parenting time, as provided in section 518.175, subdivision 1a.</p> <p>Subd. 5. Hearing on application; notice.</p> <p>(a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing unless an ex parte order is issued.</p> <p>(b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only the relief under subdivision 7, paragraph (a), a hearing is not required unless:</p> <ol style="list-style-type: none"> <li>(1) the court declines to order the requested relief; or</li> <li>(2) one of the parties requests a hearing.</li> </ol> <p>(c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief requested by the petitioner, a hearing must be held within seven days. Personal service of the ex parte order may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance</p>	<p>paragraph must be personally served on the petitioner named in the order for protection.</p> <p>Subd. 12. Real estate. — Nothing in this section shall affect the title to real estate.</p> <p>Subd. 13. Copy to law enforcement agency.</p> <p>(a) An order for protection and any continuance of an order for protection granted pursuant to this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant. Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section.</p> <p>(b) If the applicant notifies the court administrator of a change in the applicant’s residence so that a different local law enforcement agency has jurisdiction over the residence, the order for protection and any continuance of an order for protection must be forwarded by the court administrator to the new law enforcement agency within 24 hours of the notice. If the applicant notifies the new law enforcement agency that an order for protection has been issued under this section and the applicant has established a new residence within that agency’s jurisdiction, within 24 hours the local law enforcement agency shall request a copy of the order for protection from the court administrator in the county that issued the order.</p> <p>(c) When an order for protection is granted, the applicant for an order for protection must be told by the court that:</p> <ol style="list-style-type: none"> <li>(1) notification of a change in residence should be given immediately to the court administrator and to the local law enforcement agency having jurisdiction over the new residence of the applicant;</li> <li>(2) the reason for notification of a change in residence is to forward an order for protection to the proper law enforcement agency; and</li> <li>(3) the order for protection must be forwarded to the law enforcement agency having jurisdiction over the new residence within 24 hours of notification of a change in residence, whether notification is given to the court administrator or to the local law enforcement agency having jurisdiction over the applicant’s new residence.</li> </ol>

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	<p>of up to five days if served fewer than five days prior to the hearing which continuance shall be granted unless there are compelling reasons not to.</p> <p>(d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph (a), and the respondent requests a hearing, the hearing shall be held within ten days of the court’s receipt of the respondent’s request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date no more than five days later.</p> <p>(e) If for good cause shown either party is unable to proceed at the initial hearing and requests a continuance and the court finds that a continuance is appropriate, the hearing may be continued. Unless otherwise agreed by the parties and approved by the court, the continuance shall be for no more than five days. If the court grants the requested continuance, the court shall also issue a written order continuing all provisions of the ex parte order pending the issuance of an order after the hearing.</p> <p>(f) Notwithstanding the preceding provisions of this subdivision, service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff or other law enforcement or corrections officer was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent’s residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court</p>	<p>An order for protection is enforceable even if the applicant does not notify the court administrator or the appropriate law enforcement agency of a change in residence.</p> <p><b>Subd. 14.</b> Violation of an order for protection.</p> <p>(a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).</p> <p>(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court’s treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.</p> <p>(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.</p> <p>(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$ 10,000, or both, if the person violates this subdivision:</p> <p>(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or</p> <p>(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6. Upon a felony conviction under this</p>

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	<p>shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (d).</p> <p>Subd. 6. Relief by court.</p> <p>(a) Upon notice and hearing, the court may provide relief as follows:</p> <p>(1) restrain the abusing party from committing acts of domestic abuse;</p> <p>(2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;</p> <p>(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;</p> <p>(4) award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. In addition to the primary safety considerations, the court may consider particular best interest factors that are found to be relevant to the temporary custody and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not required with respect to the particular best interest factors not considered by the court. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court shall condition or restrict parenting time as to time, place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and parenting time shall in no way delay the issuance of an order for protection granting other relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;</p> <p>(5) on the same basis as is provided in chapter 518 or 518A, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518A;</p>	<p>paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.</p> <p>(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.</p> <p>(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.</p> <p>(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the</p>



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	<p>(6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;</p> <p>(7) order the abusing party to participate in treatment or counseling services, including requiring the abusing party to successfully complete a domestic abuse counseling program or educational program under section 518B.02;</p> <p>(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;</p> <p>(9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;</p> <p>(10) order the abusing party to have no contact with the petitioner whether in person, by telephone, mail, or electronic mail or messaging, through a third party, or by any other means;</p> <p>(11) order the abusing party to pay restitution to the petitioner;</p> <p>(12) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation;</p> <p>(13) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or other law enforcement or corrections officer as provided by this section;</p> <p>(14) direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent; and</p> <p>(15) direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor</p>	<p>person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.</p> <p>(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p> <p>Subd. 14. Violation of an order for protection</p> <p>(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories restraining the person or excluding the person from the residence or the</p>

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	<p>child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.</p> <p>(b) Any relief granted by the order for protection shall be for a period not to exceed two years, except when the court determines a longer period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee’s signature.</p> <p>(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.</p> <p>(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.</p> <p>(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.</p> <p>(f) An order for restitution issued under this subdivision is enforceable as civil judgment.</p> <p>(g) An order granting relief shall prohibit the abusing party from possessing firearms for the length the order is in effect if the order (1) restrains the abusing party from harassing, stalking, or threatening the petitioner or restrains the abusing party from engaging in other conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents a credible threat to the physical safety of the petitioner or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the</p>	<p>petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.</p> <p>(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).</p> <p>(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection. A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).</p> <p>Subd. 15. Admissibility of testimony in criminal proceeding. —</p>

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	<p>petitioner. The order shall inform the abusing party of that party's prohibited status. Except as provided in paragraph (i), the court shall order the abusing party to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. An abusing party may not transfer firearms to a third party who resides with the abusing party. If an abusing party makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the abusing party a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to an abusing party shall comply with state and federal law. If an abusing party permanently transfers the abusing party's firearms to a law enforcement agency, the agency is not required to compensate the abusing party and may charge the abusing party a reasonable processing fee. A law enforcement agency is not required to accept an abusing party's firearm under this paragraph.</p> <p>(h) An abusing party who is ordered to transfer firearms under paragraph (g) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public</p>	<p>Any testimony offered by a respondent in a hearing pursuant to this section is inadmissible in a criminal proceeding.</p> <p>Subd. 16. Other remedies available. — Any proceeding under this section shall be in addition to other civil or criminal remedies.</p> <p>Subd. 17. Effect on custody proceedings. — In a subsequent custody proceeding the court must consider a finding in a proceeding under this chapter or under a similar law of another state that domestic abuse has occurred between the parties.</p> <p>Subd. 18. Notices.</p> <p>(a) Each order for protection granted under this chapter must contain a conspicuous notice to the respondent or person to be restrained that:</p> <p>(1) violation of an order for protection is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$ 1,000, or both, (ii) a gross misdemeanor punishable by imprisonment of up to one year or a fine of up to \$ 3,000, or both, or (iii) a felony punishable by imprisonment of up to five years or a fine of up to \$ 10,000, or both;</p> <p>(2) the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person; in no event is the order for protection voided;</p> <p>(3) a peace officer must arrest without warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order for protection restraining the person or excluding the person from a residence; and</p> <p>(4) pursuant to the Violence Against Women Act of 1994, United States Code, title 18, section 2265, the order is enforceable in all 50 states, the District of Columbia, tribal lands, and United States territories, that violation of the order may also subject the respondent to federal charges and punishment under United States Code, title 18, sections 2261 and 2262, and that if a final order is entered against the respondent after the hearing, the respondent may be prohibited from possessing, transporting, or accepting a firearm under the 1994 amendment to the Gun Control Act, United States Code, title 18, section 922(g)(8).</p> <p>(b) If the court grants relief under subdivision 6a, paragraph (c), the order for protection must also contain a conspicuous notice to the respondent or person to be restrained that the respondent must wait five years to seek a modification of the order.</p> <p>Subd. 19. Recording required. — Proceedings under this section must be recorded.</p> <p>Subd. 19a. Entry and enforcement of foreign protective orders.</p>

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	<p>either acknowledging that the abusing party permanently transferred the abusing party’s firearms to the third party or agreeing to temporarily store the abusing party’s firearms until such time as the abusing party is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the abusing party to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the abusing party gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the abusing party. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the abusing party, date of transfer, and the serial number, make, and model of all transferred firearms. The abusing party shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.</p> <p>(i) When a court issues an order containing a firearms restriction provided for in paragraph (g), the court shall determine by a preponderance of evidence if an abusing party poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the abusing party’s possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the abusing party’s firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The</p>	<p>(a) As used in this subdivision, “foreign protective order” means an order for protection entered by a court of another state; an order by an Indian tribe or United States territory that would be a protective order entered under this chapter; a temporary or permanent order or protective order to exclude a respondent from a dwelling; or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Minnesota.</p> <p>(b) A person for whom a foreign protection order has been issued or the issuing court or tribunal may provide a certified or authenticated copy of a foreign protective order to the court administrator in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present, for filing and entering of the same into the state order for protection database.</p> <p>(c) The court administrator shall file and enter foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.</p> <p>(d) The court administrator shall provide copies of the order as required by this section.</p> <p>(e) A valid foreign protective order has the same effect and shall be enforced in the same manner as an order for protection issued in this state whether or not filed with a court administrator or otherwise entered in the state order for protection database.</p> <p>(f) A foreign protective order is presumed valid if it meets all of the following:</p> <ol style="list-style-type: none"> <li>(1) the order states the name of the protected individual and the individual against whom enforcement is sought;</li> <li>(2) the order has not expired;</li> <li>(3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and</li> <li>(4) the order was issued in accordance with the respondent’s due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.</li> </ol>

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	<p>local law enforcement agency shall, upon written notice from the abusing party, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (h). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (g) and (h) as if accepting transfer from the abusing party. If the law enforcement agency does not receive written notice from the abusing party within three business days, the agency may charge a reasonable fee to store the abusing party's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the abusing party be notified via certified mail prior to disposal of abandoned firearms.</p> <p>Subd. 6a. Subsequent orders and extensions.</p> <p>(a) Upon application, notice to all parties, and hearing, the court may extend the relief granted in an existing order for protection or, if a petitioner's order for protection is no longer in effect when an application for subsequent relief is made, grant a new order. If the petitioner seeks only the relief under subdivision 7, paragraph (a), a hearing is not required unless the court declines to order the requested relief or the respondent requests a hearing. If a hearing is required, subdivisions 5 and 7 apply to service of the application, notice to the parties, and time for the hearing.</p> <p>(b) The court may extend the terms of an existing order or, if an order is no longer in effect, grant a new order upon a showing that:</p>	<p>(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any action seeking enforcement of the order.</p> <p>(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.</p> <p>(i) The fact that a foreign protective order has not been filed with the court administrator or otherwise entered into the state order for protection database shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.</p> <p>(j) A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order is immune from civil and criminal liability in any action arising in connection with the enforcement.</p> <p>(k) Filing and service costs in connection with foreign protective orders are waived.</p> <p>Subd. 20. Statewide application. — An order for protection granted under this section applies throughout this state.</p> <p>Subd. 21. Order for protection forms. — The state court administrator, in consultation with city and county attorneys and legal advocates who work with victims, shall update the uniform order for protection form that facilitates the consistent enforcement of orders for protection throughout the state.</p> <p>Subd. 22. [Repealed, 2010 c 299 s 15]</p> <p>Subd. 23. Prohibition against employer retaliation.</p> <p>(a) An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain relief under this chapter. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the employer.</p> <p>(b) An employer who violates paragraph (a) is guilty of a</p>

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	<p>(1) the respondent has violated a prior or existing order for protection;</p> <p>(2) the petitioner is reasonably in fear of physical harm from the respondent;</p> <p>(3) the respondent has engaged in the act of stalking within the meaning of section 609.749, subdivision 2; or</p> <p>(4) the respondent is incarcerated and about to be released, or has recently been released from incarceration.</p> <p>A petitioner does not need to show that physical harm is imminent to obtain an extension or a subsequent order under this subdivision.</p> <p>(c) Relief granted by the order for protection may be for a period of up to 50 years, if the court finds:</p> <p>(1) the respondent has violated a prior or existing order for protection on two or more occasions; or</p> <p>(2) the petitioner has had two or more orders for protection in effect against the same respondent.</p> <p>An order issued under this paragraph may restrain the abusing party from committing acts of domestic abuse; or prohibit the abusing party from having any contact with the petitioner, whether in person, by telephone, mail or electronic mail or messaging, through electronic devices, through a third party, or by any other means.</p> <p>Subd. 7. Ex parte order.</p> <p>(a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper, including an order:</p> <p>(1) restraining the abusing party from committing acts of domestic abuse;</p> <p>(2) excluding any party from the dwelling they share or from the residence of the other, including a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order, except by further order of the court;</p> <p>(3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the</p>	<p>misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to pay back wages and offer job reinstatement to any employee discharged from employment in violation of paragraph (a).</p> <p>(c) In addition to any remedies otherwise provided by law, an employee injured by a violation of paragraph (a) may bring a civil action for recovery of damages, together with costs and disbursements, including reasonable attorneys fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court.</p>

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	<p>petitioner’s place of employment;</p> <p>(4) ordering the abusing party to have no contact with the petitioner whether in person, by telephone, mail, e-mail, through electronic devices, or through a third party;</p> <p>(5) continuing all currently available insurance coverage without change in coverage or beneficiary designation;</p> <p>(6) directing the care, possession, or control of a pet or companion animal owned, possessed, or kept by a party or a child of a party; and</p> <p>(7) directing the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.</p> <p>(b) A finding by the court that there is a basis for issuing an ex parte order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.</p> <p>(c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed period set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order becomes effective upon the referee’s signature. Upon request, a hearing, as provided by this section, shall be set. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days</p>	

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	<p>of service of the order.</p> <p>(d) Service of the ex parte order may be made by published notice, as provided under subdivision 5, provided that the petitioner files the affidavit required under that subdivision. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.</p> <p>(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.</p> <p>(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.</p>	
<p><b>MISSISSIPPI</b></p>	<p><b>Miss. Code Ann. § 93-21-21</b></p> <p><b>Knowing violation of protection orders, court-approved consent agreements or cond conditions issued by Mississippi or foreign courts is misdemeanor or contempt; penalties</b></p> <p>(1) Upon a knowing violation of (a) a protection order or court-approved consent agreement issued pursuant to this chapter, (b) a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, or (c) a bond condition imposed pursuant to Section 99-5-37, the person violating the order or condition commits a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both.</p> <p>(2) Alternatively, upon a knowing violation of a protection order or court-approved consent agreement issued pursuant to this chapter or a bond</p>	<p><b>Miss. Code Ann. § 93-22-7</b></p> <p><b>Nonjudicial enforcement of order</b></p> <p>(1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent, and on its face is in effect at the time enforcement is being sought, constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(2) If the protection order is not presented, the officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(3) If a law enforcement officer of this state determines that an</p>



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	<p>condition issued pursuant to Section 99-5-37, the issuing court may hold the person violating the order or bond condition in contempt, the contempt to be punishable as otherwise provided by applicable law. A person shall not be both convicted of a misdemeanor and held in contempt for the same violation of an order or bond condition.</p> <p>(3) When investigating allegations of a violation under subsection (1) of this section, law enforcement officers shall utilize the uniform offense report prescribed for this purpose by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under subsection (1) of this section.</p> <p>(4) In any conviction for a violation of a domestic abuse protection order as described in subsection (1) of this section, the court shall enter the disposition of the matter into the corresponding uniform offense report.</p> <p>(5) Nothing in this section shall be construed to interfere with the court's authority, if any, to address bond condition violations in a more restrictive manner.</p>	<p>otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order under the provisions of this chapter.</p> <p style="text-align: center;"><b>Miss. Code Ann. §93-21-29</b></p> <p><b>Remedy supplemental</b></p> <p>Any proceeding under this chapter shall be in addition to other available civil or criminal remedies.</p>
<p style="text-align: center;"><b>MISSOURI</b></p>	<p style="text-align: center;"><b>Mo. Ann. Stat. § 455.090</b></p> <p><b>Jurisdiction, duration -- enforceability of orders</b></p> <p>1. The court shall retain jurisdiction over the full order of protection issued under this chapter for its entire duration. The court may schedule compliance review hearings to monitor the respondent's compliance with the order.</p> <p>2. The terms of the order of protection issued under this chapter are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who willfully violates the order of protection to the same extent as provided by law for contempt of the court in any other suit or</p>	<p style="text-align: center;"><b>Mo. Ann. Stat. § 455.085</b></p> <p><b>Arrest for violation of order -- penalties -- good faith immunity for law enforcement officials</b></p> <p>1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer</p>

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	<p>proceeding cognizable by the court.</p> <p style="text-align: center;"><b>Mo. Ann. Stat. § 455.085</b></p> <p><b>Arrest for violation of order -- penalties -- good faith immunity for law enforcement officials</b></p> <p>4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.</p> <p>5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.</p> <p>6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.</p> <p>7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to</p>	<p>subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.</p> <p>2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.</p> <p>3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term “<b>primary physical aggressor</b>” is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:</p> <ol style="list-style-type: none"> <li>(1) The intent of the law to protect victims from continuing domestic violence;</li> <li>(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;</li> <li>(3) The history of domestic violence between the persons involved.</li> </ol> <p>No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.</p>

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	<p>submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.</p> <p>8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent.</p> <p>9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.</p>	

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MONTANA	<p style="text-align: center;"><b>Mont. Code Ann. § 45-5-626</b></p> <p><b>Violation of order of protection</b></p> <p>(1) Except as provided in [section 9], a person commits the offense of violation of an order of protection if the person, with knowledge of the order, purposely or knowingly violates a provision of any order provided for in 40-4-121 or an order of protection under Title 40, chapter 15. It may be inferred that the defendant had knowledge of an order at the time of an offense if the defendant had been served with the order before the time of the offense. Service of the order is not required upon a showing that the defendant had knowledge of the order and its content.</p> <p>(2) Only the respondent under an order of protection may be cited for a violation of the order. The petitioner who filed for an order of protection may not be cited for a violation of that order of protection.</p> <p>(3) An offender convicted of violation of an order of protection shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both, for a first offense. Upon conviction for a second offense, an offender shall be fined not less than \$200 and not more than \$500 and be imprisoned in the county jail not less than 24 hours and not more than 6 months. Upon conviction for a third or subsequent offense, an offender shall be fined not less than \$500 and not more than \$2,000 and be imprisoned in the county jail or state prison for a term not less than 10 days and not more than 2 years.</p> <p style="text-align: center;"><b>Mont. Code Ann. § 40-15-403</b></p> <p><b>Judicial enforcement of order</b></p> <p>(1) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a court of this state. The court shall enforce the terms of the order, including terms that provide relief that a court of this state would lack power to provide but</p>	<p style="text-align: center;"><b>Mont. Code Anno., § 40-15-404</b></p> <p><b>Nonjudicial enforcement of order</b></p> <p>(1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(2) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(3) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part.</p>

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	<p>for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.</p> <p>(2) A court of this state may not enforce a foreign protection order issued by a court of a state that does not recognize the standing of a protected individual to seek enforcement of the order.</p> <p>(3) A court of this state shall enforce the provisions of a valid foreign protection order that govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.</p> <p>(4) A court of this state may not enforce under this part a provision of a foreign protection order with respect to support.</p> <p>(5) A foreign protection order is valid if it:</p> <ul style="list-style-type: none"> <li>(a) identifies the protected individual and the respondent;</li> <li>(b) is currently in effect;</li> <li>(c) was issued by a court that had jurisdiction over the parties and subject matter under the law of the issuing state; and</li> <li>(d) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the court issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard before the order was issued or had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.</li> </ul> <p>(6) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(7) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.</p>	

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	<p>(8) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if:</p> <p>(a) the respondent filed a written pleading seeking a protection order from the court of the issuing state; and</p> <p>(b) the court of the issuing state made specific findings in favor of the respondent.</p>	
<p><b>NEBRASKA</b></p>	<p><b>Neb. Rev. Stat. § 42-924</b></p> <p><b>Protection order; when authorized; term; violation; penalty; construction of sections</b></p> <p>(1) Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in subsections (2) and (3) of this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a protection order without bond granting the following relief:</p> <p>(a) Enjoining the respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner;</p> <p>(b) Enjoining the respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner;</p> <p>(c) Enjoining the respondent from telephoning, contacting, or otherwise communicating with the petitioner;</p> <p>(d) Removing and excluding the respondent from the residence of the petitioner, regardless of the ownership of the residence;</p> <p>(e) Ordering the respondent to stay away from any place specified by the court;</p> <p>(f) Awarding the petitioner temporary custody of any minor children not to exceed ninety days;</p> <p>(g) Enjoining the respondent from possessing or purchasing a firearm as defined in section 28-1201; or</p> <p>(h) Ordering such other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.</p> <p>(2) Petitions for protection orders shall be filed with</p>	<p><b>Neb. Rev. Stat. § 42-928</b></p> <p><b>Protection order; restraining order; violation; arrest, when</b></p> <p>A peace officer shall with or without a warrant arrest a person if</p> <p>(1) the officer has probable cause to believe that the person has committed a violation of an order issued pursuant to section 42-924, a violation of section 42-925, a violation of an order excluding a person from certain premises issued pursuant to section 42-357, or a violation of a valid foreign protection order recognized pursuant to section 42-931 and (2) a petitioner under section 42-924 or 42-925, an applicant for an order excluding a person from certain premises issued pursuant to section 42-357, or a person protected under a valid foreign protection order recognized pursuant to section 42-931 provides the peace officer with a copy of a protection order or an order excluding a person from certain premises issued under such sections or the peace officer determines that such an order exists after communicating with the local law enforcement agency.</p> <p><b>Neb. Rev. Stat. § 42-929</b></p> <p><b>Arrest; peace officer; duties; conditions of release</b></p> <p>A peace officer making an arrest pursuant to section 42-928 shall take such person into custody and take such person before a judge of the county court or the court which issued the protection order. At such time the court shall establish the conditions of such person's release from custody, including the determination of bond or recognizance, as the case may be. The court shall issue an order directing that such person shall have no contact with the alleged victim of the abuse or violation.</p> <p><b>Neb. Rev. Stat. §42-935</b></p>

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	<p>the clerk of the district court, and the proceeding may be heard by the county court or the district court as provided in section 25-2740. A petition for a protection order may not be withdrawn except upon order of the court.</p> <p>(3)</p> <p>(a) A protection order shall specify that it is effective for a period of one year and, if the order grants temporary custody, the number of days of custody granted to the petitioner unless otherwise modified by the court.</p> <p>(b) Any victim of domestic abuse may file a petition and affidavit to renew a protection order. Such petition and affidavit for renewal shall be filed on or after thirty days before the expiration of the previous protection order. Such renewed order shall specify that it is effective for a period of one year to commence on the first day following the expiration of the previous order and, if the court grants temporary custody, the number of days of custody granted to the petitioner unless otherwise modified by the court.</p> <p>(4) Any person who knowingly violates a protection order issued pursuant to subsection (1) of this section or section 42-931 after service or notice as described in subsection (2) of section 42-926 shall be guilty of a Class I misdemeanor, except that any person convicted of violating such order who has a prior conviction for violating a protection order shall be guilty of a Class IV felony.</p> <p>(5) If there is any conflict between sections 42-924 to 42-926 and any other provision of law, sections 42-924 to 42-926 shall govern.</p>	<p><b>Nonjudicial enforcement of order</b></p> <p>(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.</p>
NEVADA	<p><b>Nev. Rev. Stat. Ann. § 33.100</b></p> <p><b>Penalty for intentional violation of order</b> A person who intentionally violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act</p>	<p><b>Nev. Rev. Stat. Ann. § 33.070</b></p> <p><b>Inclusion in order of requirement of arrest; verification of notice to adverse party.</b></p> <p>1. Every temporary or extended order must include a provision</p>

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	<p>that constitutes the violation of the order.</p> <p style="text-align: center;"><b>Nev. Rev. Stat. Ann. § 22.100</b></p> <p><b>Penalty for contempt</b></p> <p>1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged.</p> <p>2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both.</p> <p>3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.</p>	<p>ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. The law enforcement officer may make an arrest with or without a warrant and regardless of whether the violation occurs in the officer's presence.</p> <p>2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, the officer shall:</p> <p>(a) Inform the adverse party of the specific terms and conditions of the order;</p> <p>(b) Inform the adverse party that the adverse party now has notice of the provisions of the order and that a violation of the order will result in the adverse party's arrest;</p> <p>(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order; and</p> <p>(d) Inform the adverse party of the date and time set for a hearing on an application for an extended order, if any.</p> <p>3. Information concerning the terms and conditions of the order, the date and time of the notice provided to the adverse party and the name and identifying number of the officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court..</p>
NEW HAMPSHIRE	<p style="text-align: center;"><b>N.H. Rev. Stat. Ann. 173-B:5</b></p> <p><b>173-B:5 Relief</b></p> <p>I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:</p> <p>(a) Protective orders:</p> <p>(1) Restraining the defendant from abusing the plaintiff.</p> <p>(2) Restraining the defendant from entering the</p>	<p style="text-align: center;"><b>N.H. Rev. Stat. Ann. 173-B:9 (2016)</b></p> <p><b>Violation of Protective Order; Penalty</b></p> <p>I.</p> <p>(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.</p> <p>(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been</p>



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	<p>premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.</p> <p>(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.</p> <p>(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.</p> <p>(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.</p> <p>(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.</p> <p>(7) Granting the petitioner exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the petitioner, defendant, or a minor child in either household, and ordering the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.</p> <p>(b) Other relief including, but not limited to:</p> <p>(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.</p> <p>(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.</p>	<p>used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.</p> <p>II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.</p> <p>III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.</p> <p>IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:</p> <p>(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;</p> <p>(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;</p> <p>(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;</p> <p>(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;</p> <p>(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.</p> <p>V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.</p> <p style="text-align: center;"><b>N.H. Rev. Stat. 173-B:10</b></p> <p><b>Protection by Peace Officers</b></p> <p>I. Whenever any peace officer has probable cause to believe that a</p>

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	<p>(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.</p> <p>(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.</p> <p>(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:</p> <p>(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.</p> <p>(B) The department may move at any time to rescind its custody of the parties' minor children.</p> <p>(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation, requiring supervised visitation that shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site, or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:</p> <p>(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.</p> <p>(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation or by ordering supervised visitation at a</p>	<p>person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:</p> <p>(a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.</p> <p>(b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.</p> <p>(c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.</p> <p>(d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:</p> <p>“If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place to be used as a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department.”</p> <p>II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between</p>

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	<p>center that uses a metal detection device and has trained security personnel on-site.</p> <p>(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.</p> <p>(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.</p> <p>(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.</p> <p>(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.</p> <p>(10) Ordering the defendant to pay reasonable attorney's fees.</p> <p>II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.</p> <p>III. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of</p>	<p>these persons if that history can reasonably be obtained by the officer.</p> <p style="text-align: center;"><b>N.H. Rev. Stat. 594:10</b></p> <p><b>Arrest Without a Warrant</b></p> <p>I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation is lawful whenever:</p> <p>(a) He has probable cause to believe that the person to be arrested has committed a misdemeanor or violation in his presence; or</p> <p>(b) He has probable cause to believe that the person to be arrested has within the past 12 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, has within the past 12 hours violated a temporary or permanent protective order issued under RSA 173-B or RSA 458:16 by committing assault, criminal trespass, criminal mischief or another criminal act, or has within the last 12 hours violated stalking provisions under RSA 633:3-a.</p> <p>(c) He has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy or conceal evidence of the offense, or will cause further personal injury or damage to property.</p> <p>II. An arrest by a peace officer without a warrant on a charge of felony is lawful whenever:</p> <p>(a) A felony has actually been committed by the person arrested, regardless of the reasons which led the officer to make the arrest.</p> <p>(b) The officer has reasonable ground to believe that the person arrested has committed a felony.</p>

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	<p>time between an act of domestic violence and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety.</p> <p>IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a circuit court, or title to real or personal property.</p> <p>V.</p> <p>(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.</p> <p>(b) Cross orders for relief may be granted only if:</p> <p>(1) The court has made specific findings that each party has committed abuse against the other; and</p> <p>(2) The court cannot determine who is the primary physical aggressor.</p> <p>VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order, and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.</p> <p>VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear</p>	

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	<p>the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint or a petition for contempt if there is a violation of any court order.</p> <p>VIII.</p> <p>(a) No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.</p> <p>(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.</p> <p>(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.</p> <p>(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.</p> <p>VIII-a. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.</p> <p>IX.</p> <p>(a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An</p>	

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	<p>emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.</p> <p>(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.</p> <p>(c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.</p> <p>(d) Notwithstanding any other provision of law, the administrative office of the courts or the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.</p> <p>IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.</p> <p>X.</p> <p>(a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have</p>	

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	<p>the right to appear and be heard, and to the law enforcement agency which has control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:</p> <p>(1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and</p> <p>(2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.</p> <p>(b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the ownership or possession of firearms, or if the court denies the plaintiff's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.</p> <p>(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be turned over to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.</p>	

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	(d) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.	
NEW JERSEY	<p data-bbox="541 402 827 427" style="text-align: center;"><b>N.J. Stat. Ann. § 2C:25-30</b></p> <p data-bbox="411 461 632 485"><b>Violations, penalties</b></p> <p data-bbox="411 492 953 1208">Except as provided below, a violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection b. of N.J.S. 2C:29-9 and each order shall so state. All contempt proceedings conducted pursuant to N.J.S. 2C:29-9 involving domestic violence orders, other than those constituting indictable offenses, shall be heard by the Family Part of the Chancery Division of the Superior Court. All contempt proceedings brought pursuant to P.L.1991, c.261(C.2C:25-17 et seq.) shall be subject to any rules or guidelines established by the Supreme Court to guarantee the prompt disposition of criminal matters. Additionally, and notwithstanding the term of imprisonment provided in N.J.S. 2C:43-8, any person convicted of a second or subsequent nonindictable domestic violence contempt offense shall serve a minimum term of not less than 30 days. Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of this act shall be excluded from enforcement under subsection b. of N.J.S. 2C:29-9; however, violations of these orders may be enforced in a civil or criminal action initiated by the plaintiff or by the court, on its own motion, pursuant to applicable court rules.</p> <p data-bbox="548 1242 821 1266" style="text-align: center;"><b>N.J. Stat. Ann. § 2C:29-9</b></p> <p data-bbox="411 1300 527 1325"><b>Contempt</b></p> <p data-bbox="411 1331 953 1411">a. A person is guilty of a crime of the fourth degree if he purposely or knowingly disobeys a judicial order or protective order, pursuant to section 1 of P.L.1985,</p>	<p data-bbox="1178 402 1463 427" style="text-align: center;"><b>N.J. Stat. Ann. § 2C:25-31</b></p> <p data-bbox="984 461 1415 485"><b>Contempt, law enforcement procedures</b></p> <p data-bbox="984 492 1659 659">Where a law enforcement officer finds that there is probable cause that a defendant has committed contempt of an order entered pursuant to the provisions of P.L. 1981, c. 426 (C. 2C:25-1 et seq.) or P.L. 1991, c. 261 (C. 2C:25-17 et seq.), the defendant shall be arrested and taken into custody by a law enforcement officer. The law enforcement officer shall follow these procedures:</p> <p data-bbox="984 665 1633 745">The law enforcement officer shall transport the defendant to the police station or such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall:</p> <ol data-bbox="984 751 1659 1237" style="list-style-type: none"> <li>a. Conduct a search of the domestic violence central registry and sign a complaint concerning the incident which gave rise to the contempt charge;</li> <li>b. Telephone or communicate in person or by facsimile with the appropriate judge assigned pursuant to this act and request bail be set on the contempt charge;</li> <li>c. If the defendant is unable to meet the bail set, take the necessary steps to insure that the defendant shall be incarcerated at police headquarters or at the county jail; and</li> <li>d. During regular court hours, the defendant shall have bail set by a Superior Court judge that day. On weekends, holidays and other times when the court is closed, the officer shall arrange to have the clerk of the Family Part notified on the next working day of the new complaint, the amount of bail, the defendant's whereabouts and all other necessary details. In addition, if a municipal court judge set the bail, the arresting officer shall notify the clerk of that municipal court of this information.</li> </ol>



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	<p>c. 250 (C.2C:28-5.1), or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative entity.</p> <p>b.</p> <p>(1) Except as provided in paragraph (2) of this subsection, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the provisions of the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.</p> <p>Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered under the laws of another state or the United States shall be excluded from the provisions of this paragraph.</p> <p>(2) In all other cases a person is guilty of a disorderly persons offense if that person purposely or knowingly violates an order entered under the provisions of the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States.</p> <p>Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered under the laws of another state or the United States shall be excluded from the provisions of this paragraph.</p> <p>c. A person is guilty of a crime of the third degree if that person purposely or knowingly violates any provision in an order entered under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an order</p>	

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	<p>entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.</p> <p>d.</p> <p>(1) Except as provided in paragraph (2) of this subsection, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.</p> <p>(2) In all other cases a person is guilty of a disorderly persons offense if that person purposely or knowingly violates an order entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States.</p> <p>As used in this section, “state” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by a federal law or formally acknowledged by a state.</p> <p>e. A person is guilty of a crime of the fourth degree if the person purposely or knowingly violates any provision of an order entered under the provisions of the “Extreme Risk Protective Order Act of 2018,” P.L.2018, c.35 (C.2C:58-20 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States.</p> <p>As used in this section, “state” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or</p>	

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	band, or Alaskan native village, which is recognized by a federal law or formally acknowledged by a state.	
NEW MEXICO	<p align="center"><b>N.M. Stat. Ann. § 40-13-6</b></p> <p><b>Service of order; duration; penalty; remedies not exclusive</b></p> <p>A. An order of protection granted under the Family Violence Protection Act [40-13-1 NMSA 1978] shall be filed with the clerk of the court, and a copy shall be sent by the clerk to the local law enforcement agency. The order shall be personally served upon the restrained party, unless the restrained party or the restrained party's attorney was present at the time the order was issued. The order shall be filed and served without cost to the protected party.</p> <p>B. A local law enforcement agency receiving an order of protection from the clerk of the court that was issued under the Family Violence Protection Act [40-13-1 NMSA 1978] shall have the order entered in the national crime information center's order of protection file within seventy-two hours of receipt. This does not include temporary orders of protection entered pursuant to the provisions of Section 40-13-4 NMSA 1978.</p> <p>C. An order of protection granted by the court involving custody or support shall be effective for a fixed period of time not to exceed six months. The order may be extended for good cause upon motion of the protected party for an additional period of time not to exceed six months. Injunctive orders shall continue until modified or rescinded upon motion by either party or until the court approves a subsequent consent agreement entered into by the parties.</p> <p>D. A peace officer may arrest without a warrant and take into custody a restrained party whom the peace officer has probable cause to believe has violated an order of protection that is issued pursuant to the Family Violence Protection Act [40-13-1 NMSA 1978] or entitled to full faith and credit.</p> <p>E. A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor</p>	<p align="center"><b>N.M. Stat. Ann. § 40-13-7 (2016)</b></p> <p><b>Law enforcement officers; emergency assistance; limited liability; providing notification to victims when an alleged perpetrator is released from detention; statement in judgment and sentence document</b></p> <p>A. A person who allegedly has been a victim of domestic abuse may request the assistance of a local law enforcement agency.</p> <p>B. A local law enforcement officer responding to the request for assistance shall be required to take whatever steps are reasonably necessary to protect the victim from further domestic abuse, including:</p> <ol style="list-style-type: none"> <li>(1) advising the victim of the remedies available under the Family Violence Protection Act; the right to file a written statement, a criminal complaint and a request for an arrest warrant; and the availability of domestic violence shelters, medical care, counseling and other services;</li> <li>(2) upon the request of the victim, providing or arranging for transportation of the victim to a medical facility or place of shelter;</li> <li>(3) upon the request of the victim, accompanying the victim to the victim's residence to obtain the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children then in the care of the victim;</li> <li>(4) upon the request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution, enforcement or service of an order of protection;</li> <li>(5) arresting the alleged perpetrator when appropriate and including a written statement in the attendant police report to indicate that the arrest of the alleged perpetrator was, in whole or in part, premised upon probable cause to believe that the alleged perpetrator committed domestic abuse against the victim and, when appropriate, indicate that the party arrested was the predominant aggressor; and</li> <li>(6) advising the victim when appropriate of the procedure for initiating proceedings under the Family Violence Protection Act [40-13-1 NMSA 1978] or criminal proceedings and of the importance of preserving evidence.</li> </ol> <p>C. The jail or detention center shall make a reasonable attempt to notify the arresting law enforcement agency or officer when the</p>

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	<p>and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.</p> <p>F. In addition to any other punishment provided in the Family Violence Protection Act, the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and shall order the person convicted to participate in and complete a program of professional counseling, at the person's own expense, if possible.</p> <p>G. In addition to charging the person with violating an order of protection, a peace officer shall file all other possible criminal charges arising from an incident of domestic abuse when probable cause exists.</p> <p>H. The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the protected party or the state.</p>	<p>alleged perpetrator is released from custody. The arresting law enforcement agency shall make a reasonable attempt to notify the victim that the alleged perpetrator is released from custody.</p> <p>D. Any law enforcement officer responding to a request for assistance under the Family Violence Protection Act [40-13-1 NMSA 1978] is immune from civil liability to the extent allowed by law. Any jail, detention center or law enforcement agency that makes a reasonable attempt to provide notification that an alleged perpetrator is released from custody is immune from civil liability to the extent allowed by law.</p> <p>E. A statement shall be included in a judgment and sentence document to indicate when a conviction results from the commission of domestic abuse.</p>
NEW YORK	<p style="text-align: center;"><b>N.Y. Fam. Ct. Act § 846</b></p> <p><b>Petition; violation of court order</b>  Proceedings under this part shall be originated by the filing of a petition containing an allegation that the respondent has failed to obey a lawful order of this court or an order of protection issued by a court of competent jurisdiction of another state, territorial or tribal jurisdiction. (a) Persons who may originate proceedings. The original petitioner, or any person who may originate proceedings under section eight hundred twenty-two of this article, may originate a proceeding under this part.  (a-1) The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his or her favor nor may such protected party be arrested for violating such order.  (b) Issuance of summons.</p>	<p style="text-align: center;"><b>N.Y. CLS CPL § 140.10</b></p> <p><b>140.10. Arrest without a warrant; by police officer; when and where authorized</b>  1. Subject to the provisions of subdivision two, a police officer may arrest a person for:  (a) Any offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence; and  (b) A crime when he or she has reasonable cause to believe that such person has committed such crime, whether in his or her presence or otherwise.  2. A police officer may arrest a person for a petty offense, pursuant to subdivision one, only when:  (a) Such offense was committed or believed by him or her to have been committed within the geographical area of such police officer's employment or within one hundred yards of such geographical area; and  (b) Such arrest is made in the county in which such offense was</p>

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	<p>(i) Upon the filing of a petition under this part, the court may cause a copy of the petition and summons to be issued requiring the respondent to show cause why respondent should not be dealt with in accordance with section eight hundred forty-six-a of this part. The summons shall include on its face, printed or typewritten in a size equal to at least eight point bold type, a notice warning the respondent that a failure to appear in court may result in immediate arrest, and that, after an appearance in court, a finding that the respondent willfully failed to obey the order may result in commitment to jail for a term not to exceed six months, for contempt of court. The notice shall also advise the respondent of the right to counsel, and the right to assigned counsel, if indigent.</p> <p>(ii) Upon the filing of a petition under this part alleging a violation of a lawful order of this or any other court, as provided in this section, the court may, on its own motion, or on motion of the petitioner:</p> <p>(A) hear the violation petition and take such action as is authorized under this article; or</p> <p>(B) retain jurisdiction to hear and determine whether such violation constitutes contempt of court, and transfer the allegations of criminal conduct constituting such violation to the district attorney for prosecution pursuant to section eight hundred thirteen of this article; or</p> <p>(C) transfer the entire proceeding to the criminal court pursuant to section eight hundred thirteen of this article.</p> <p>(c) Service of summons. Upon issuance of a summons, the provisions of section eight hundred twenty-six of this article shall apply, except that no order of commitment may be entered upon default in appearance by the respondent if service has been made pursuant to subdivision (b) of such section.</p> <p>(d) Issuance of warrant. The court may issue a warrant, directing that the respondent be arrested and brought before the court, pursuant to section eight hundred twenty-seven of this article.</p>	<p>committed or believed to have been committed or in an adjoining county; except that the police officer may follow such person in continuous close pursuit, commencing either in the county in which the offense was or is believed to have been committed or in an adjoining county, in and through any county of the state, and may arrest him or her in any county in which he or she apprehends him or her.</p> <p>3. A police officer may arrest a person for a crime, pursuant to subdivision one, whether or not such crime was committed within the geographical area of such police officer's employment, and he or she may make such arrest within the state, regardless of the situs of the commission of the crime. In addition, he or she may, if necessary, pursue such person outside the state and may arrest him or her in any state the laws of which contain provisions equivalent to those of section 140.55.</p> <p>4. [Expires repealed Sept 1, 2019] Notwithstanding any other provisions of this section, a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that:</p> <p>(a) a felony, other than subdivision three, four, nine or ten of section 155.30 of the penal law, has been committed by such person against a member of the same family or household, as member of the same family or household is defined in subdivision one of section 530.11 of this chapter; or</p> <p>(b) a duly served order of protection or special order of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of this chapter is in effect, or an order of which the respondent or defendant has actual knowledge because he or she was present in court when such order was issued, where the order appears to have been issued by a court of competent jurisdiction of this or another state, territorial or tribal jurisdiction; and</p> <p>(i) Such order directs that the respondent or defendant stay away from persons on whose behalf the order of protection or special order of conditions has been issued and the respondent or defendant committed an act or acts in violation of such "stay away" provision of such order; or</p> <p>(ii) The respondent or defendant commits a family offense as defined in subdivision one of section eight hundred twelve of the family court act or subdivision one of section 530.11 of this chapter in violation of such order of protection or special order of conditions.</p>

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	<p align="center"><b>N.Y. Fam. Ct. Act § 846-a</b></p> <p><b>§ 846-a. Powers on failure to obey order</b>            If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection or temporary order of protection issued pursuant to this act or issued by a court of competent jurisdiction of another state, territorial or tribal jurisdiction and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey any such order, the court may modify an existing order or temporary order of protection to add reasonable conditions of behavior to the existing order, make a new order of protection in accordance with section eight hundred forty-two of this part, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to this act, may order the respondent to pay the petitioner's reasonable and necessary counsel fees in connection with the violation petition where the court finds that the violation of its order was willful, and may commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. If the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, and disposal of any firearm such respondent owns or</p>	<p>The provisions of this subdivision shall apply only to orders of protection issued pursuant to sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act and section 530.12 of this chapter, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of this chapter insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and to orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction. In determining whether reasonable cause exists to make an arrest for a violation of an order issued by a court of another state, territorial or tribal jurisdiction, the officer shall consider, among other factors, whether the order, if available, appears to be valid on its face or whether a record of the order exists on the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law or the protection order file maintained by the national crime information center; provided, however, that entry of the order of protection or special order of conditions into the statewide registry or the national protection order file shall not be required for enforcement of the order. When a special order of conditions is in effect and a defendant or respondent has been taken into custody pursuant to this paragraph, nothing contained in this paragraph shall restrict or impair a police officer from acting pursuant to section 9.41 of the mental hygiene law; or</p> <p>(c) a misdemeanor constituting a family offense, as described in subdivision one of section 530.11 of this chapter and section eight hundred twelve of the family court act, has been committed by such person against such family or household member, unless the victim requests otherwise. The officer shall neither inquire as to whether the victim seeks an arrest of such person nor threaten the arrest of any person for the purpose of discouraging requests for police intervention. Notwithstanding the foregoing, when an officer has reasonable cause to believe that more than one family or household member has committed such a misdemeanor, the officer is not required to arrest each such person. In such circumstances, the officer shall attempt to identify and arrest the primary physical aggressor after considering: (i) the comparative extent of any injuries inflicted by and between the parties; (ii)</p>

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	<p>possesses. If the willful failure to obey such order involves the infliction of physical injury as defined in subdivision nine of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, such revocation and immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law six and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.</p> <p style="text-align: center;"><b>N.Y. Fam. Ct. Act § 847</b></p> <p><b>Procedures for violation of orders of protection; certain cases</b> An assault, attempted assault or other family offense as defined in section eight hundred twelve of this article which occurs subsequent to the issuance of an order of protection under this article shall be deemed a new offense for which the petitioner may file a petition alleging a violation of an order of protection or file a new petition alleging a new family offense and may seek to have an accusatory instrument filed in a criminal court, as authorized by section one hundred fifteen of this act.</p> <p style="text-align: center;"><b>NY CLS Penal § 215.51</b></p> <p><b>Criminal contempt in the first degree</b> A person is guilty of criminal contempt in the first degree when: (a) he contumaciously and unlawfully refuses to be sworn as a witness before a grand jury, or, when after having been sworn as a witness before a grand jury, he refuses to answer any legal and proper interrogatory; or (b) in violation of a duly served order of protection, or such order of which the defendant has actual</p>	<p>whether any such person is threatening or has threatened future harm against another party or another family or household member; (iii) whether any such person has a prior history of domestic violence that the officer can reasonably ascertain; and (iv) whether any such person acted defensively to protect himself or herself from injury. The officer shall evaluate each complaint separately to determine who is the primary physical aggressor and shall not base the decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding.</p> <p>The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his or her favor nor may such protected party be arrested for violating such order.</p> <p>Nothing contained in this subdivision shall be deemed to (a) require the arrest of any person when the officer reasonably believes the person's conduct is justifiable under article thirty-five of title C of the penal law; or (b) restrict or impair the authority of any municipality, political subdivision, or the division of state police from promulgating rules, regulations and policies requiring the arrest of persons in additional circumstances where domestic violence has allegedly occurred.</p> <p>No cause of action for damages shall arise in favor of any person by reason of any arrest made by a police officer pursuant to this subdivision, except as provided in sections seventeen and eighteen of the public officers law and sections fifty-k, fifty-l, fifty-m and fifty-n of the general municipal law, as appropriate.</p> <p>5. Upon investigating a report of a crime or offense between members of the same family or household as such terms are defined in section 530.11 of this chapter and section eight hundred twelve of the family court act, a law enforcement officer shall prepare, file, and translate, in accordance with section two hundred fourteen-b or eight hundred forty of the executive law, a written report of the incident, on a form promulgated pursuant to section eight hundred thirty-seven of the executive law, including statements made by the victim and by any witnesses, and make any additional reports required by local law enforcement policy or regulations. Such report shall be prepared and filed, whether or not an arrest is made as a result of the officers' investigation, and shall be retained by the law enforcement agency for a period of not less than four years. Where the reported incident involved an offense committed against a person who is sixty-five years of age</p>

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	<p>knowledge because he or she was present in court when such order was issued, or an order of protection issued by a court of competent jurisdiction in this or another state, territorial or tribal jurisdiction, he or she:</p> <p>(i) intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm or by means of a threat or threats; or</p> <p>(ii) intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of physical injury, serious physical injury or death by repeatedly following such person or engaging in a course of conduct or repeatedly committing acts over a period of time; or</p> <p>(iii) intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of physical injury, serious physical injury or death when he or she communicates or causes a communication to be initiated with such person by mechanical or electronic means or otherwise, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication; or</p> <p>(iv) with intent to harass, annoy, threaten or alarm a person for whose protection such order was issued, repeatedly makes telephone calls to such person, whether or not a conversation ensues, with no purpose of legitimate communication; or</p> <p>(v) with intent to harass, annoy, threaten or alarm a person for whose protection such order was issued, strikes, shoves, kicks or otherwise subjects such other person to physical contact or attempts or threatens to do the same; or</p> <p>(vi) by physical menace, intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of death, imminent serious physical injury or physical injury.</p> <p>(c) he or she commits the crime of criminal contempt</p>	<p>or older a copy of the report required by this subdivision shall be sent to the New York state committee for the coordination of police services to elderly persons established pursuant to section eight hundred forty-four-b of the executive law. Where the reported incident involved an offense committed by an individual known by the law enforcement officer to be under probation or parole supervision, he or she shall transmit a copy of the report as soon as practicable to the supervising probation department or the department of corrections and community supervision.</p>



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	<p>in the second degree as defined in subdivision three of section 215.50 of this article by violating that part of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, under sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act and section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which requires the respondent or defendant to stay away from the person or persons on whose behalf the order was issued, and where the defendant has been previously convicted of the crime of aggravated criminal contempt or criminal contempt in the first or second degree for violating an order of protection as described herein within the preceding five years; or</p> <p>(d) in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, or an order issued by a court of competent jurisdiction in this or another state, territorial or tribal jurisdiction, he or she intentionally or recklessly damages the property of a person for whose protection such order was issued in an amount exceeding two hundred fifty dollars. Criminal contempt in the first degree is a class E felony.</p>	
<p><b>NORTH CAROLINA</b></p>	<p><b>N.C. Gen. Stat. Ann. § 50B-4.1</b></p> <p><b>Violation of valid protective order</b></p> <p>(a) Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.</p> <p>(b) A law enforcement officer shall arrest and take a person into custody, with or without a warrant or</p>	<p><b>N.C. Gen. Stat. Ann. § 50D-10</b></p> <p><b>Violation</b></p> <p>(a) A person who knowingly violates an order entered pursuant to this Chapter is guilty of a Class A1 misdemeanor.</p> <p>(b) A permanent civil no-contact order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court. A law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to</p>

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	<p>other process, if the officer has probable cause to believe that the person knowingly has violated a valid protective order excluding the person from the residence or household occupied by a victim of domestic violence or directing the person to refrain from doing any or all of the acts specified in G.S. 50B-3(a)(9).</p> <p>(c) When a law enforcement officer makes an arrest under this section without a warrant, and the party arrested contests that the out-of-state order or the order issued by an Indian court remains in full force and effect, the party arrested shall be promptly provided with a copy of the information applicable to the party which appears on the National Crime Information Center registry by the sheriff of the county in which the arrest occurs.</p> <p>(d) Unless covered under some other provision of law providing greater punishment, a person who commits a felony at a time when the person knows the behavior is prohibited by a valid protective order as provided in subsection (a) of this section shall be guilty of a felony one class higher than the principal felony described in the charging document. This subsection shall not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (f) or subsection (g) of this section.</p> <p>(e) An indictment or information that charges a person with committing felonious conduct as described in subsection (d) of this section shall also allege that the person knowingly violated a valid protective order as described in subsection (a) of this section in the course of the conduct constituting the underlying felony. In order for a person to be punished as described in subsection (d) of this section, a finding shall be made that the person knowingly violated the protective order in the course of conduct constituting the underlying felony.</p> <p>(f) Unless covered under some other provision of law providing greater punishment, any person who knowingly violates a valid protective order as provided in subsection (a) of this section, after</p>	<p>believe that the person knowingly has violated a permanent civil no-contact order.</p> <p style="text-align: center;"><b>N.C. Gen. Stat. Ann. § 50D-8</b></p> <p><b>Enforcement</b> A victim may file a motion for contempt for violation of an order entered pursuant to this Chapter.</p>

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	<p>having been previously convicted of two offenses under this Chapter, shall be guilty of a Class H felony.</p> <p>(g) Unless covered under some other provision of law providing greater punishment, any person who, while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person, knowingly violates a valid protective order as provided in subsection (a) of this section by failing to stay away from a place, or a person, as so directed under the terms of the order, shall be guilty of a Class H felony.</p> <p>(g1) Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property.</p>	
<p><b>NORTH DAKOTA</b></p>	<p align="center"><b>N.D. Cent. Code § 14-07.1-06</b></p> <p><b>Penalty for violation of a protection order</b> Whenever a protection order is granted under section 14-07.1-02 or 14-07.1-03 and the respondent or individual to be restrained has been served a copy of the order, the first violation of any order is a class A misdemeanor and also constitutes contempt of court. A second or subsequent violation of any protection order is a class C felony. For purposes of this section, “first violation” means the first time any order is violated and a second or subsequent violation of any protection order includes two or more violations of protection orders.</p> <p align="center"><b>N.D. Cent. Code § 14-07.4-07</b></p> <p><b>Penalty</b> Violation of a protection order under this chapter is a</p>	<p align="center"><b>N.D. Cent. Code § 14-07.1-10</b></p> <p><b>Arrest procedures</b></p> <p>1. If a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the offense is a felony or misdemeanor, and whether or not the crime was committed in the presence of the officer, the law enforcement officer shall presume that arresting the person is the appropriate response.</p> <p>2. A law enforcement officer investigating a crime involving domestic violence may not threaten, suggest, or otherwise indicate, for the purpose of discouraging requests for law enforcement intervention, that family or household members will be arrested. When complaints are received from two or more family or household members, the officer shall evaluate each complaint separately to determine if either party acted in self-defense as defined in section 12.1-05-03. If self-defense is not a factor, to determine whether to seek an arrest warrant or to pursue further investigation, the officer shall consider which party was</p>

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	<p>class A misdemeanor. A second or subsequent violation of such an order is a class C felony.</p> <p style="text-align: center;"><b>N.D. Cent. Code § 14-07.1-14</b></p> <p><b>Law enforcement guidelines and training</b></p> <p>1. Every law enforcement agency shall develop and implement, with assistance from the criminal justice training and statistics division, specific operational guidelines for arrest policies and procedures in crimes involving domestic violence. The guidelines must include procedures for the conduct of criminal investigations, procedures for arrests and victim assistance by law enforcement officers, procedures concerning the provision of services to victims, and any additional procedures as may be necessary to carry out sections 14-07.1-02 through 14-07.1-14.</p> <p>2. The peace officer standards and training board shall establish, in conjunction with the state's attorneys association, an education and training program for law enforcement officers and state's attorneys concerning the handling of crimes involving domestic violence. The training must stress the enforcement of criminal laws in domestic violence cases and the use of community resources.</p>	<p>the predominant aggressor by considering certain factors, including the comparative severity of injuries involved, any history of domestic violence, or any other violent acts that the officer can reasonably ascertain and the likelihood of future harm.</p> <p>3. An individual arrested for a crime involving domestic violence may not be released on bail or on the individual's personal recognizance unless the individual has made a personal appearance before a magistrate pursuant to rule 5 of the North Dakota Rules of Criminal Procedure.</p> <p style="text-align: center;"><b>N.D. Cent. Code § 14-07.1-11</b></p> <p><b>Arrest without warrant</b></p> <p>1. A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under section 14-07.1-06, whether or not the violation was committed in the presence of the officer.</p> <p>2. A law enforcement officer may arrest a person without a warrant if the arrest is made within twelve hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in section 14-07.1-01, whether or not the assault took place in the presence of the officer. After twelve hours has elapsed, the officer must secure an arrest warrant before making an arrest. A law enforcement officer may not arrest a person pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim.</p> <p>3. A law enforcement officer may not be held criminally or civilly liable for making an arrest pursuant to this section if the officer acts in good faith on probable cause and without malice.</p>
<p><b>NORTHERN MARIANA ISLANDS</b></p>	<p style="text-align: center;"><b>6 N. Mar. I. Code § 1463</b></p> <p><b>§ 1463 Unlawful Contact</b></p> <p>(a) A person commits the crime of unlawful contact if the person:</p> <p>(1) Is arrested for a crime involving domestic violence, and before the person's initial appearance before a judge, the person initiates communication or attempts to communicate with the alleged victim of the crime for which the person was arrested, with the</p>	<p style="text-align: center;"><b>6 N. Mar. I. Code § 1465</b></p> <p><b>§1465. Duties of Law Enforcement Officer in a Crime Involving Domestic Violence</b></p> <p>(a) A law enforcement officer investigating a crime involving domestic violence shall protect the victim and any member of the victim's family and prevent further violence by</p> <p>(1) Transporting an adult victim and any member of the victim's family from the place of the offense or the place of contact, to a location within the community where the offense occurred that is</p>

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	<p>intent of inducing or encouraging the alleged victim to drop the charges, or not to cooperate with the investigation or prosecution of the case; or</p> <p>(2) Has been ordered not to contact the alleged victim or any witness in the case as a court-ordered condition of release, or a condition of probation or parole, and knowingly contacts or attempts to contact, either directly or indirectly, the alleged victim or witness in violation of the order. (b) In this section:</p> <p>(1) A defendant “initiates communication” or “attempts to communicate” by sending or causing to be sent, any oral, pictorial or written message to be conveyed to the victim, regardless of the form or medium, whether directly conveyed to the victim by the defendant, or delivered through some third party, whether or not the message actually reaches the victim.</p> <p>(2) In determining whether the defendant had the requisite intent of inducing or encouraging the alleged victim to drop the charges, or not to cooperate with the investigation or prosecution of the case, the court may consider any evidence going to the defendant’s intent, including prior incidents of domestic violence engaged in by the defendant, prior communications between the defendant and the victim or victims of such incidents, and what the victim believed the communication was intended to convey.</p> <p>(c) A person convicted under this section may be punished by imprisonment for a term not to exceed one year, by a fine not to exceed \$1,000, or both.</p> <p style="text-align: center;"><b>6 N. Mar. I. Code § 1464 (2007)</b></p> <p><b>§1464 Violating an Order for Protection</b></p> <p>(a) A person commits the crime of violating an order for protection if the person is subject to an order for protection containing a provision listed in section 205(c) or 206(b) or (c), as enacted by Public Law 12-19, codified in 8 CMC §§ 1915(c) and 1916(b) and (c), respectively, and knowingly commits or attempts</p>	<p>a shelter, a safe home, or another location in the community requested by the victim;</p> <p>(2) Assisting the victim in removing from the residence essential items belonging to the victim, such as clothing, vehicles, medication, personal records, and legal documents;</p> <p>(3) Assisting the victim and any member of the victim’s family in obtaining medical treatment necessitated by the offense, by contacting emergency medical services or by transporting the victim to a local medical facility; and</p> <p>(4) Providing notice of the rights of victims and services available to victims of domestic violence as provided in 6 CMC § 1466.</p> <p>(b) If a law enforcement officer investigating a crime involving domestic violence determines that it is necessary to protect the victim or the victim’s family from domestic violence or to protect the officer or the public during the investigation, the officer may</p> <p>(1) Seize a deadly weapon in plain view of the officer, and</p> <p>(2) If a deadly weapon was actually possessed during, or used in the domestic violence, shall seize all deadly weapons owned, used, possessed, or within the control of the alleged perpetrator.</p> <p style="text-align: center;"><b>5 N. Mar. I. Code § 1467</b></p> <p><b>§1467. Mandatory Arrest for Crimes Involving Domestic Violence Violation of Protective Orders, and Violation of Conditions of Release</b></p> <p>(a) Except as provided in (b) or (c) of this section, a law enforcement officer, with or without a warrant, shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours</p> <p>(1) Committed a crime involving domestic violence, except an offense under 6 CMC § 1101 or § 1102, whether the crime is a felony or a misdemeanor; or</p> <p>(2) Violated a condition of release imposed by a court pursuant to 6 CMC § 6407.</p> <p>(b) If a law enforcement officer receives complaints of domestic violence from more than one person arising from the same incident, the officer shall evaluate the conduct of each person to determine who was the principal physical aggressor. If the officer determines that one person was the principal physical aggressor, the other person or persons need not be arrested. In determining whether a person is a principal physical aggressor, the officer shall</p>

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	<p>to commit an act in violation of that provision.</p> <p>(b) Violating an order for protection is punishable by term of imprisonment not to exceed one year, by a fine of not more than \$2,000, or both. In addition, a person convicted of violating an order for protection, for conduct charged and specially found to be true, as described in (b)(1) or (b)(2) of this section, shall be sentenced to a mandatory minimum term of imprisonment, which may not be suspended, and which shall run consecutively to any other term of imprisonment:</p> <p>(1) If the person threatens to cause physical injury to any other person, or attempts to cause physical injury to any other person, 10 days; and</p> <p>(2) If the person causes physical injury to any other person, 20 days.</p> <p style="text-align: center;"><b>8 N. Mar. I. Code § 1926</b></p> <p><b>§ 1926. Penalties.</b></p> <p>(a) Whenever an order for protection is issued pursuant to this Chapter, and the respondent has been served with, or otherwise notified of the order, violation of the order shall constitute contempt of court, punishable by up to six months in jail, a \$100 fine, or both.</p> <p>(b) A peace officer may arrest, without warrant, and take into custody any person whom the peace officer has probable cause to believe has violated any order issued pursuant to this Chapter, provided the existence of the order has been verified by the officer.</p> <p>(c) Any person filing a false petition under this Act, or otherwise using this Act in a manner that constitutes abuse of process, or for purposes other than those specifically enumerated herein shall be in contempt of court and punished by a fine not to exceed \$100 or 6 months in jail, or both. Such filing will also render the petitioner liable to the respondent for damages which include, but are not limited to lost wages, attorneys fees, and other expenses that are directly related to the false filing. Source: PL 12-19, § 2 (216), modified.</p>	<p>consider</p> <p>(1) Prior complaints of domestic violence;</p> <p>(2) The relative severity of the injuries inflicted on each person;</p> <p>(3) The likelihood of future injury from domestic violence to each person; and</p> <p>(4) Whether one of the persons acted in defense of self or others.</p> <p>(c) A law enforcement officer is not required to make an arrest under (a) of this section if the officer has received authorization not to arrest from the Attorney General or an Assistant Attorney General assigned to the criminal division of the Attorney General’s Office.</p> <p>(d) When investigating a crime involving domestic violence, a law enforcement officer may not threaten or suggest the possible arrest of all persons involved in the same incident in a manner that would have a tendency to discourage requests for intervention by law enforcement in incidents involving domestic violence.</p> <p>(e) In addition to the contents of any other report, a law enforcement officer who does not make an arrest after investigating a complaint of domestic violence, or who arrests two or more persons based on the same incident, shall describe in writing the reasons for not making an arrest or for arresting more than one person.</p> <p>(f) A person may not bring a civil action for damages for a failure to comply with the provisions of this section.</p> <p style="text-align: center;"><b>8 N. Mar. I. Code § 1924</b></p> <p><b>§ 1924. Registration and Enforcement of Foreign Orders for Protection; Duties of Court Clerk.</b></p> <p>(a) A certified copy of an order for protection issued in another state may be filed in the office of the Clerk of the Superior Court. The clerk shall act upon the order in the same manner that the clerk acts upon an order for protection issued by the Superior Court of this Commonwealth.</p> <p>(b) An order for protection filed in accordance with subsection (a) has the same effect and must be enforced in the same manner as an order for protection issued by a court of this Commonwealth.</p> <p>(d) The Superior Court of this Commonwealth shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in the Commonwealth.</p> <p>Source: PL 12-19, § 2 (214), modified.</p>

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<p style="text-align: center;"><b>OHIO</b></p>	<p style="text-align: center;"><b>Ohio Rev. Code Ann. § 2919.27</b></p> <p><b>2919.27 Violating protection order</b>  (A) No person shall recklessly violate the terms of any of the following:  (1) A protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code;  (2) A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code;  (3) A protection order issued by a court of another state.  (B)  (1) Whoever violates this section is guilty of violating a protection order.  (2) Except as otherwise provided in division (B)(3) or (4) of this section, violating a protection order is a misdemeanor of the first degree.  (3) Violating a protection order is a felony of the fifth degree if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:  (a) A violation of a protection order issued or consent agreement approved pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code;  (b) Two or more violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement;  (c) One or more violations of this section.  (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.  (5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in</p>	<p style="text-align: center;"><b>Ohio Rev. Code Ann. § 2935.032</b></p> <p><b>2935.032 Policies and procedures for responding to alleged domestic violence offense or violation of protection order.</b>  (A) Not later than ninety days after the effective date of this amendment, each agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1) of section 2935.03 of the Revised Code shall adopt, in accordance with division (E) of this section, written policies, written procedures implementing the policies, and other written procedures for the peace officers who serve it to follow in implementing division (B)(3) of section 2935.03 of the Revised Code and for their appropriate response to each report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order. The policies and procedures shall conform to and be consistent with the provisions of divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code and divisions (B) to (D) of this section. Each policy adopted under this division shall include, but not be limited to, all of the following:  (1) Provisions specifying that, if a peace officer who serves the agency, instrumentality, or political subdivision responds to an alleged incident of the offense of domestic violence, an alleged incident of the offense of violating a protection order, or an alleged incident of any other offense, both of the following apply:  (a) If the officer determines that there are reasonable grounds to believe that a person knowingly caused serious physical harm to another or to another’s unborn or knowingly caused or attempted to cause physical harm to another or to another’s unborn by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as felonious assault, shall consider the offender to have committed and the victim to have been the victim of felonious assault, shall consider the offense that was committed to have been felonious assault in determining the manner in which the offender should be treated, and shall comply with whichever of the following is applicable:  (i) Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against</p>

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	<p>addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2151.34 and 2903.214 of the Revised Code shall not exceed three hundred thousand dollars per year.</p> <p>(C) It is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).</p> <p>(D) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.</p>	<p>each other, the officer shall arrest the offender who committed the felonious assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the arrest shall be for felonious assault.</p> <p>(ii) If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with division (B)(3)(d) of section 2935.03 of the Revised Code which of those persons is the primary physical aggressor. If the offender who committed the felonious assault is the primary physical aggressor, the officer shall arrest that offender for felonious assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.</p> <p>(b) If the officer determines that there are reasonable grounds to believe that a person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, knowingly caused serious physical harm to another or to another's unborn or knowingly caused or attempted to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as aggravated assault, shall consider the offender to have committed and the victim to have been the victim of aggravated assault, shall consider the offense that was committed to have been aggravated assault in determining the manner in which the offender should be treated, and shall comply with whichever of the following is applicable:</p> <p>(i) Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated</p>



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	<p>(E) As used in this section, “protection order issued by a court of another state” means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. “Protection order issued by a court of another state” does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.</p> <p style="text-align: center;"><b>Ohio Rev. Code Ann. 2919.272</b></p> <p><b>2919.272 Registration and filing out-of-state protection order</b></p> <p>(A) As used in this section, “protection order issued by a court of another state” has the same meaning as in section 2919.27 of the Revised Code.</p> <p>(B) A person who has obtained a protection order issued by a court of another state may provide notice of the issuance of the order to judicial and law enforcement officials in any county of this state by registering the order in that county and filing a copy of the registered order with a law enforcement agency in that county. To register the order, the person shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered. Upon accepting the certified copy of the order for registration, the clerk shall place an</p>	<p>assault and one or more other persons committed offenses against each other, the officer shall arrest the offender who committed the aggravated assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the arrest shall be for aggravated assault.</p> <p>(ii) If the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with division (B)(3)(d) of section 2935.03 of the Revised Code which of those persons is the primary physical aggressor. If the offender who committed the aggravated assault is the primary physical aggressor, the officer shall arrest that offender for aggravated assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the aggravated assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.</p> <p>(2) Provisions requiring the peace officers who serve the agency, instrumentality, or political subdivision to do all of the following:</p> <p>(a) Respond without undue delay to a report of an alleged incident of the offense of domestic violence or the offense of violating a protection order;</p> <p>(b) If the alleged offender has been granted pretrial release from custody on a prior charge of the offense of domestic violence or the offense of violating a protection order and has violated one or more conditions of that pretrial release, document the facts and circumstances of the violation in the report to the law enforcement agency that the peace officer makes pursuant to division (D) of this section;</p> <p>(c) Separate the victim of the offense of domestic violence or the offense of violating a protection order and the alleged offender, conduct separate interviews with the victim and the alleged offender in separate locations, and take a written statement</p>

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	<p>endorsement of registration on the order and give the person a copy of the order that bears proof of registration. The person then may file with a law enforcement agency in that county a copy of the order that bears proof of registration.</p> <p>(C) The clerk of each court of common pleas and the clerk of each municipal court and county court shall maintain a registry of certified copies of protection orders issued by courts of another state that have been registered with the clerk. Each law enforcement agency shall establish and maintain a registry for protection orders delivered to the agency pursuant to this section. The agency shall note in the registry the date and time that the agency received an order.</p> <p>(D) An officer of a law enforcement agency shall enforce a protection order issued by a court of another state in accordance with the provisions of the order, including removing the person allegedly violating the order from the premises, regardless of whether the order is registered as authorized by division (B) of this section in the county in which the officer's agency has jurisdiction.</p>	<p>from the victim that indicates the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known;</p> <p>(d) Comply with divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code and with divisions (B), (C), and (D) of this section.</p> <p>(3) Sanctions to be imposed upon a peace officer who serves the agency, instrumentality, or political subdivision and who fails to comply with any provision in the policy or with division (B)(1) or (B)(3) of section 2935.03 of the Revised Code or division (B), (C), or (D) of this section.</p> <p>(4) Examples of reasons that a peace officer may consider for not arresting and detaining until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state that the officer arrest the alleged offender, as described in division (B)(3)(b) of section 2935.03 of the Revised Code.</p> <p>(B)</p> <p>(1) Nothing in this section or in division (B)(1) or (B)(3) of section 2935.03 of the Revised Code precludes an agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1) of section 2935.03 of the Revised Code from including in the policy it adopts under division (A) of this section either of the following types of provisions:</p> <p>(a) A provision that requires the peace officers who serve it, if they have reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed within the limits of the jurisdiction of the agency, instrumentality, or political subdivision and reasonable cause to believe that a particular person committed the offense, to arrest the alleged offender;</p> <p>(b) A provision that does not require the peace officers who serve it, if they have reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed within the limits of the jurisdiction of the agency, instrumentality, or political subdivision and reasonable cause to believe that a particular person committed the offense, to arrest the alleged offender, but that grants the officers less discretion in those circumstances in deciding whether to arrest the</p>

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		<p>alleged offender than peace officers are granted by divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code.</p> <p>(2) If an agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1) of section 2935.03 of the Revised Code includes in the policy it adopts under division (A) of this section a provision of the type described in division (B)(1)(a) or (b) of this section, the peace officers who serve the agency, instrumentality, or political subdivision shall comply with the provision in making arrests authorized under division (B)(1) of section 2935.03 of the Revised Code.</p> <p>(C) When a peace officer described in division (B)(1) of section 2935.03 of the Revised Code investigates a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order, the officer shall do all of the following:</p> <ul style="list-style-type: none"> <li>(1) Complete a domestic violence report in accordance with division (D) of this section;</li> <li>(2) Advise the victim of the availability of a temporary protection order pursuant to section 2919.26 of the Revised Code or a protection order or consent agreement pursuant to section 3113.31 of the Revised Code;</li> <li>(3) Give the victim the officer's name, the officer's badge number if the officer has a badge and the badge has a number, the report number for the incident if a report number is available at the time of the officer's investigation, a telephone number that the victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program.</li> </ul> <p>(D) A peace officer who investigates a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order shall make a written report of the incident whether or not an arrest is made. The report shall document the officer's observations of the victim and the alleged offender, any visible injuries of the victim or alleged offender, any weapons at the scene, the actions of the alleged offender, any statements made by the victim or witnesses, and any other significant facts or circumstances. If the officer does not arrest and detain until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of section 2935.03 of the Revised Code that the alleged offender be</p>

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		<p>arrested, the officer must articulate in the report a clear statement of the officer's reasons for not arresting and detaining that alleged offender until a warrant can be obtained. The officer shall submit the written report to the law enforcement agency to which the officer has been appointed, employed, or elected.</p> <p>(E) Each agency, instrumentality, or political subdivision that is required to adopt policies and procedures under division (A) of this section shall adopt those policies and procedures in conjunction and consultation with shelters in the community for victims of domestic violence and private organizations, law enforcement agencies, and other public agencies in the community that have expertise in the recognition and handling of domestic violence cases.</p> <p>(F) To the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, a peace officer who arrests an offender for the offense of violating a protection order with respect to a protection order or consent agreement of this state or another state that on its face is valid is immune from liability in a civil action for damages for injury, death, or loss to person or property that allegedly was caused by or related to the arrest.</p> <p>(G) Each agency, instrumentality, or political subdivision described in division (A) of this section that arrests an offender for an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order shall consider referring the case to federal authorities for prosecution under 18 U.S.C. 2261 if the incident constitutes a violation of federal law.</p> <p>(H) As used in this section:</p> <p>(1) “Another's unborn” has the same meaning as in section 2903.09 of the Revised Code.</p> <p>(2) “Dangerous ordnance” and “deadly weapon” have the same meanings as in section 2923.11 of the Revised Code.</p> <p>(3) “The offense of violating a protection order” includes the former offense of violating a protection order or consent agreement or anti-stalking protection order as set forth in section 2919.27 of the Revised Code as it existed prior to the effective date of this amendment.</p>
OKLAHOMA	<p>22 Okl. St. § 60.6</p> <p>60.6 Violation of Protective Order—Penalty</p>	<p>22 Okl. St. § 60.9</p> <p>60.9 Warrantless arrest</p>

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	<p>A. Except as otherwise provided by this section, any person who:</p> <ol style="list-style-type: none"> <li>1. Has been served with an ex parte or final protective order or foreign protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the county jail of not more than one (1) year, or by both such fine and imprisonment; and</li> <li>2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be guilty of a felony and shall be punished by a term of imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than three (3) years, or by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.</li> </ol> <p>B. 1. Any person who has been served with an ex parte or final protective order or foreign protective order who violates the protective order and causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).</p> <p>2. Any person who is convicted of a second or subsequent violation of a protective order which causes physical injury or physical impairment to a plaintiff or to any other person named in the protective order shall be guilty of a felony and shall be punished by a term of imprisonment in the custody of the Department of Corrections of not less than one (1) year nor more than five (5) years, or by a fine of not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.</p>	<p>A. Pursuant to paragraph 7 of Section 196 of this title, a peace officer, without a warrant, shall arrest and take into custody a person if the peace officer has reasonable cause to believe that:</p> <ol style="list-style-type: none"> <li>1. An emergency ex parte or final protective order has been issued and served upon the person, pursuant to the Protection from Domestic Abuse Act;</li> <li>2. A true copy and proof of service of the order has been filed with the law enforcement agency having jurisdiction of the area in which the plaintiff or any family or household member named in the order resides or a certified copy of the order and proof of service is presented to the peace officer as provided in subsection D of this section;</li> <li>3. The person named in the order has received notice of the order and has had a reasonable time to comply with such order; and</li> <li>4. The person named in the order has violated the order or is then acting in violation of the order.</li> </ol> <p>B. A peace officer, without a warrant, shall arrest and take into custody a person if the following conditions have been met:</p> <ol style="list-style-type: none"> <li>1. The peace officer has reasonable cause to believe that a foreign protective order has been issued, pursuant to the law of the state or tribal court where the foreign protective order was issued;</li> <li>2. A certified copy of the foreign protective order has been presented to the peace officer that appears valid on its face; and</li> <li>3. The peace officer has reasonable cause to believe the person named in the order has violated the order or is then acting in violation of the order.</li> </ol> <p>C. A person arrested pursuant to this section shall be brought before the court within twenty-four (24) hours after arrest to answer to a charge for violation of the order pursuant to Section 60.8 of this title, at which time the court shall do each of the following:</p> <ol style="list-style-type: none"> <li>1. Set a time certain for a hearing on the alleged violation of the order within seventy-two (72) hours after arrest, unless extended by the court on the motion of the arrested person;</li> <li>2. Set a reasonable bond pending a hearing of the alleged violation of the order; and</li> <li>3. Notify the party who has procured the order and direct the party to appear at the hearing and give evidence on the charge.</li> </ol> <p>The court may also consider the safety of any and all alleged victims that are subject to the protection of the order prior to the court setting a reasonable bond pending a hearing of the alleged violation of the order.</p>

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	<p>3. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.</p> <p>4. The provisions of this subsection shall not affect the applicability of Sections 644, 645, 647 and 652 of Title 21 of the Oklahoma Statutes.</p> <p>C. The minimum sentence of imprisonment issued pursuant to the provisions of paragraph 2 of subsection A and paragraph 1 of subsection B of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.</p> <p>D. In addition to any other penalty specified by this section, the court shall require a defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim or to bring about the cessation of stalking or harassment of the victim. For every conviction of violation of a protective order:</p> <p>1. The court shall specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;</p> <p>2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.</p> <p>b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment</p>	<p>D. A copy of a protective order shall be prima facie evidence that such order is valid in this state when such documentation is presented to a law enforcement officer by the plaintiff, defendant, or another person on behalf of a person named in the order. Any law enforcement officer may rely on such evidence to make an arrest for a violation of such order, if there is reason to believe the defendant has violated or is then acting in violation of the order without justifiable excuse. When a law enforcement officer relies upon the evidence specified in this subsection, such officer and the employing agency shall be immune from liability for the arrest of the defendant if it is later proved that the evidence was false.</p> <p>E. Any person who knowingly and willfully presents any false or materially altered protective order to any law enforcement officer to effect an arrest of any person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00) and shall, in addition, be liable for any civil damages to the defendant.</p> <p style="text-align: center;"><b>22 Okl. St. § 60.9</b></p> <p><b>Warrantless arrest—Proceedings</b></p> <p>C. A person arrested pursuant to this section shall be brought before the court within twenty-four (24) hours after arrest to answer to a charge for violation of the order pursuant to Section 60.8 of this title, at which time the court shall do each of the following:</p> <ol style="list-style-type: none"> <li>1. Set a time certain for a hearing on the alleged violation of the order within seventy-two (72) hours after arrest, unless extended by the court on the motion of the arrested person;</li> <li>2. Set a reasonable bond pending a hearing of the alleged violation of the order; and</li> <li>3. Notify the party who has procured the order and direct the party to appear at the hearing and give evidence on the charge.</li> </ol> <p>The court may also consider the safety of any and all alleged victims that are subject to the protection of the order prior to the court setting a reasonable bond pending a hearing of the alleged violation of the order.</p>

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	<p>requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;</p> <p>3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements.</p> <p>b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning</p>	

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	<p>the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;</p> <p>4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;</p> <p>5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of this title and subject the defendant to any or all remaining portions of the original sentence;</p> <p>6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and</p> <p>7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.</p> <p>E. Ex parte and final protective orders shall include notice of these penalties.</p>	



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	<p>F. When a minor child violates the provisions of any protective order, the violation shall be heard in a juvenile proceeding and the court may order the child and the parent or parents of the child to participate in family counseling services necessary to bring about the cessation of domestic abuse against the victim and may order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.</p> <p>G. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:</p> <ol style="list-style-type: none"> <li>1. Attend a treatment program for domestic abusers certified by the Attorney General;</li> <li>2. Attend counseling or treatment services ordered as part of any final protective order or for any violation of a protective order; and</li> <li>3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers certified by the Attorney General.</li> </ol> <p>H. At no time, under any proceeding, may a person protected by a protective order be held to be in violation of that protective order. Only a defendant against whom a protective order has been issued may be held to have violated the order.</p> <p>I. In addition to any other penalty specified by this section, the court may order a defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device as a condition of a sentence. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.</p>	
<p><b>OREGON</b></p>	<p style="text-align: center;"><b>ORS §107.720</b></p> <p><b>§107.720 Enforcement of restraining orders; sheriff's proceedings; security; termination order</b> (1) (a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) or (d), 107.716 or 107.718, that includes a security amount and an expiration date pursuant to ORS 107.095, 107.716 or 107.718 and</p>	<p style="text-align: center;"><b>Or. Rev. Stat. Ann. §107.720 (2016)</b></p> <p><b>§107.720 Enforcement of restraining orders; sheriff's proceedings; security; termination order</b> (1)(a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) or (d), 107.716 or 107.718, that includes a security amount and an expiration date pursuant to ORS 107.095, 107.716 or 107.718 and this section, is issued and the person to be restrained has actual notice of the order, the clerk of the court or</p>

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	<p>this section, is issued and the person to be restrained has actual notice of the order, the clerk of the court or any other person serving the petition and order shall immediately deliver to a county sheriff a true copy of the affidavit of proof of service, on which it is stated that personal service of the petition and order was served on the respondent, and copies of the petition and order. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for service of the order and an affidavit of proof of service is waived. Upon receipt of a copy of the order and notice of completion of any required service by a member of a law enforcement agency, the county sheriff shall immediately enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States Department of Justice. If the petition and order were served on the respondent by a person other than a member of a law enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System and databases of the National Crime Information Center upon receipt of a true copy of the affidavit of proof of service. The sheriff shall provide the petitioner with a true copy of any required proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable in any county or tribal land in this state.</p> <p>(b) When a restraining order has been entered into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice under paragraph (a) of this subsection, a county sheriff shall cooperate with a request from a law enforcement agency from any other jurisdiction to verify the existence of the</p>	<p>any other person serving the petition and order shall immediately deliver to a county sheriff a true copy of proof of service, on which it is stated that personal service of the petition and order was served on the respondent, and copies of the petition and order. Proof of service may be made by affidavit or by declaration under penalty of perjury. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for service of the order and proof of service is waived. Upon receipt of a copy of the order and notice of completion of any required service by a member of a law enforcement agency, the county sheriff shall immediately enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States Department of Justice. If the petition and order were served on the respondent by a person other than a member of a law enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System and databases of the National Crime Information Center upon receipt of a true copy of proof of service. The sheriff shall provide the petitioner with a true copy of any required proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable in any county or tribal land in this state.</p> <p>(2)</p> <p>(a) A restraining order shall remain in effect until the order expires or is terminated by court order.</p> <p>(b) When a restraining order has been entered under ORS 107.718, the restraining order shall not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized.</p> <p>(3) In any situation where a restraining order described in subsection (1) of this section is terminated before the expiration date, the clerk of the court shall immediately deliver a copy of the termination order to the county sheriff with whom the original order was filed. Upon receipt of the termination order, the county sheriff shall promptly remove the original order from the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of</p>

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	<p>restraining order or to transmit a copy of the order to the requesting jurisdiction.</p> <p>(2)</p> <p>(a) A restraining order shall remain in effect until the order expires or is terminated by court order.</p> <p>(b) When a restraining order has been entered under ORS 107.718, the restraining order shall not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized.</p> <p>(3) In any situation where a restraining order described in subsection (1) of this section is terminated before the expiration date, the clerk of the court shall immediately deliver a copy of the termination order to the county sheriff with whom the original order was filed. Upon receipt of the termination order, the county sheriff shall promptly remove the original order from the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.</p> <p>(4) Pending a contempt hearing for alleged violation of a restraining order issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, the issuing court shall set a security amount for the violation of the order.</p> <p style="text-align: center;"><b>ORS § 107.728</b></p> <p><b>107.728 Where to file petition; contempt proceedings.</b> A petition under ORS 107.710 may be filed only in a county in which the petitioner or respondent resides. Any contempt proceedings for violation of a restraining order issued under ORS 107.700 to 107.735 must be conducted by the court that issued the order, or by the circuit court for a county in which a violation of the restraining order occurs. If contempt proceedings are initiated in the circuit court</p>	<p>Justice.</p> <p>(4) Pending a contempt hearing for alleged violation of a restraining order issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, the issuing court shall set a security amount for the violation of the order.</p> <p style="text-align: center;"><b>ORS § 133.310</b></p> <p><b>Authority of peace officer to arrest without warrant.</b></p> <p>(1) A peace officer may arrest a person without a warrant if the officer has probable cause to believe that the person has committed any of the following:</p> <p>(a) A felony.</p> <p>(b) A misdemeanor.</p> <p>(c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater than the maximum penalty allowed for a Class C misdemeanor.</p> <p>(d) Any other crime committed in the officer's presence.</p> <p>(2) A peace officer may arrest a person without a warrant when the peace officer is notified by telegraph, telephone, radio or other mode of communication by another peace officer of any state that there exists a duly issued warrant for the arrest of a person within the other peace officer's jurisdiction.</p> <p>(3) A peace officer shall arrest and take into custody a person without a warrant when the peace officer has probable cause to believe that:</p> <p>(a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718, 124.015, 124.020, 163.738, 163.765, 163.767 or 419B.845 or section 1 of this 2015 Act restraining the person;</p> <p>(b) A true copy of the order and proof of service on the person has been filed as required in ORS 107.720, 124.030, 163.741, 163.773 or 419B.845 or section 1 of this 2015 Act; and</p> <p>(c) The person to be arrested has violated the terms of that order.</p> <p>(4) A peace officer shall arrest and take into custody a person without a warrant if:</p> <p>(a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a copy of the foreign restraining order to</p>

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	<p>for a county in which a violation of the restraining order occurs, the person initiating the contempt proceedings shall file with the court a copy of the restraining order, certified by the clerk of the court that issued the order. Upon filing of the certified copy of the restraining order, the court shall enforce the order as though that court had issued the order.</p>	<p>the officer and represents to the officer that the order supplied is the most recent order in effect between the parties and that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order; and</p> <p>(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.</p> <p>(5) A peace officer shall arrest and take into custody a person without a warrant if:</p> <p>(a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy of the foreign restraining order with a court or has been identified by the officer as a party protected by a foreign restraining order entered in the Law Enforcement Data System or in the databases of the National Crime Information Center of the United States Department of Justice; and</p> <p>(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.</p> <p>(6) A peace officer shall arrest and take into custody a person without a warrant if the peace officer has probable cause to believe:</p> <p>(a) The person has been charged with an offense and is presently released as to that charge under ORS 135.230 to 135.290; and</p> <p>(b) The person has failed to comply with a no contact condition of the release agreement.</p>
<p><b>PENNSYLVANIA</b></p>	<p align="center"><b>23 Pa. Cons. Stat. § 6108</b></p> <p><b>6108 Relief</b></p> <p>(a) General rule. — Subject to subsection (a.1), the court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:</p> <p>(1) Directing the defendant to refrain from abusing the plaintiff or minor children.</p> <p>(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff if the residence or household is jointly owned or leased by the parties, is</p>	<p align="center"><b>23 Pa. Cons. Stat. § 6113</b></p> <p><b>6113 Arrest for violation of order</b></p> <p>(a) General rule.--An arrest for violation of an order issued pursuant to this chapter or a foreign protection order may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer or sheriff in circumstances where the defendant has violated a provision of an order consistent with section 6108(a)(1), (2), (3), (4), (6), (7) or (9) (relating to relief). The police officer or sheriff may verify the existence of a protection order by telephone, radio or other electronic communication with the appropriate police department, Pennsylvania State Police registry, protection order file or issuing authority. A police officer or sheriff shall arrest a defendant for violating an order issued under this chapter by a court within the</p>

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	<p>owned or leased by the entireties or is owned or leased solely by the plaintiff.</p> <p>(3) If the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff or, with the consent of the plaintiff, ordering the defendant to provide suitable alternate housing.</p> <p>(4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. In determining whether to award temporary custody or establish temporary visitation rights pursuant to this paragraph, the court shall consider any risk posed by the defendant to the children as well as risk to the plaintiff. The following shall apply:</p> <p>(i) A defendant shall not be granted custody, partial custody or unsupervised visitation where it is alleged in the petition, and the court finds after a hearing under this chapter, that the defendant:</p> <p>(A) abused the minor children of the parties or poses a risk of abuse toward the minor children of the parties; or</p> <p>(B) has been convicted of violating 18 Pa.C.S. § 2904 (relating to interference with custody of children) within two calendar years prior to the filing of the petition for protection order or that the defendant poses a risk of violating 18 Pa.C.S. § 2904.</p> <p>(ii) Where the court finds after a hearing under this chapter that the defendant has inflicted abuse upon the plaintiff or a child, the court may require supervised custodial access by a third party. The third party must agree to be accountable to the court for supervision and execute an affidavit of accountability.</p> <p>(iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:</p>	<p>judicial district, issued by a court in another judicial district within this Commonwealth or a foreign protection order issued by a comparable court.</p> <p>(b) Seizure of firearms, other weapons and ammunition.-- Subsequent to an arrest, the police officer or sheriff shall seize all firearms, other weapons and ammunition used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in the defendant's possession. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated firearms, other weapons and ammunition to the office of the sheriff. The sheriff shall maintain possession of the firearms, other weapons and ammunition until the court issues an order specifying the firearms, other weapons and ammunition to be relinquished and the persons to whom the firearms, other weapons and ammunition shall be relinquished.</p> <p>(c) Procedure following arrest.--Subsequent to an arrest, the defendant shall be taken by the police officer or sheriff without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When that court is unavailable, the police officer or sheriff shall convey the defendant to a magisterial district judge designated as appropriate by local rules of court or, in the city of Pittsburgh, to a magistrate of the Pittsburgh Magistrates Court or, in counties of the first class, to the appropriate hearing officer. For purposes of procedure relating to arraignments for arrest for violation of an order issued under this chapter, the judges of Pittsburgh Magistrates Court shall be deemed to be magisterial district judges.</p> <p>(d) Preliminary arraignment.--The defendant shall be afforded a preliminary arraignment without unnecessary delay.</p> <p>(e) Other emergency powers unaffected.--This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this chapter.</p> <p>(f) Hearing.--A hearing shall be scheduled within ten days of the filing of the charge or complaint of indirect criminal contempt. The hearing and any adjudication shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing or adjudication on other criminal charges preclude a hearing on a charge of indirect criminal contempt.</p> <p style="text-align: center;"><b>23 Pa. Cons. Stat. § 6105</b></p> <p><b>6105 Responsibilities of law enforcement agencies</b></p>

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	<p>(A) award supervised visitation in a secure visitation facility; or</p> <p>(B) deny the defendant custodial access to a child.</p> <p>(iv) If a plaintiff petitions for a temporary order under section 6107(b) (relating to hearings) and the defendant has partial, shared or full custody of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under section 6107(a). Where the defendant has forcibly or fraudulently removed any minor child from the care and custody of a plaintiff, the court shall order the return of the child to the plaintiff unless the child would be endangered by restoration to the plaintiff.</p> <p>(v) Nothing in this paragraph shall bar either party from filing a petition for custody under Chapter 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure.</p> <p>(vi) In order to prevent further abuse during periods of access to the plaintiff and child during the exercise of custodial rights, the court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.</p> <p>(5) After a hearing in accordance with section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under sections 4324 (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other</p>	<p>(a) General rule. — The police department of each municipal corporation, the Pennsylvania State Police and the sheriff of each county shall insure that all their officers, deputies and employees are familiar with the provisions of this chapter. Instruction concerning protection from abuse shall be made a part of the training curriculum for all trainee officers and deputies. All law enforcement agencies within this Commonwealth shall adopt a written domestic violence policy.</p> <p>(b) Notice of services and rights. — Each law enforcement agency shall provide the abused person with oral and written notice of the availability of safe shelter and of domestic violence services in the community, including the hotline number for domestic violence services. The written notice, which shall be in English and Spanish and any additional language required by local rule of court, shall include the following statement:          “If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa.C.S. Ch. 61), which could include the following:</p> <ol style="list-style-type: none"> <li>(1) An order restraining the abuser from further acts of abuse.</li> <li>(2) An order directing the abuser to leave your household.</li> <li>(3) An order preventing the abuser from entering your residence, school, business or place of employment.</li> <li>(4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.</li> <li>(5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”</li> </ol> <p>(c) Mandatory report. — Each law enforcement agency shall make an incident report, on a form prescribed by the Pennsylvania State Police, consistent with the report required by the Federal National Incident-Based Reporting System (NIBRS). The mandate for incident report completion shall not be operative until the Pennsylvania State Police have implemented NIBRS. The incident report may include the following:</p> <ol style="list-style-type: none"> <li>(1) Names, addresses and telephone numbers of the victim, the accused, any witnesses and the caller.</li> <li>(2) A second permanent address and telephone number for the victim, such as a close family member or a friend.</li> <li>(3) A statement of the relationship between the victim and the accused.</li> </ol>

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	<p>dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.</p> <p>(6) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff’s relatives or minor children.</p> <p>(7) Prohibiting the defendant from acquiring or possessing any firearm for the duration of the order, ordering the defendant to temporarily relinquish to the sheriff or the appropriate law enforcement agency any firearms under the defendant’s possession or control, and requiring the defendant to relinquish to the sheriff or the appropriate law enforcement agency any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. The court may also order the defendant to relinquish the defendant’s other weapons or ammunition that have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. A copy of the court’s order shall be transmitted to the chief or head of the appropriate law enforcement agency and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:</p> <p>(i)</p>	<p>(4) A narrative for the incident, including the date, time and whether the accused appeared intoxicated or under the influence of a controlled substance.</p> <p>(5) What, if any, weapons were used or threatened to be used.</p> <p>(6) A description of any injuries observed by the officer.</p> <p>(7) A description of any injuries described by the victim but not observed by the officer and an indication that the injury was not observed.</p> <p>(8) Documentation of any evidence that would tend to establish that a crime was committed.</p> <p>(9) An indication of whether an arrest was made and the reason for electing not to arrest, whether there was a warrantless arrest, an arrest with a warrant or no arrest.</p> <p>(10) Whether the accused actually was arrested or whether there is an outstanding arrest warrant.</p> <p>(11) The crimes with which the accused was charged.</p> <p>(12) If the accused was arrested and arraigned, whether bail was set and any conditions of bail imposed.</p> <p>(13) If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer’s decision not to arrest.</p> <p>(14) The names and ages of any children present in the household and their address and telephone number if children were relocated.</p> <p>(15) Notation of previous incidents of which the officer is personally aware.</p> <p>(16) Notation of previous incidents reported by the victim or witnesses.</p> <p>(17) If an officer was injured in the incident, the nature and circumstances of the injury.</p> <p>(d) Notice of arrest. — All law enforcement agencies shall make reasonable efforts to notify any adult or emancipated minor protected by an order issued under this chapter of the arrest of the defendant for violation of an order as soon as possible. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after preliminary arraignment.</p> <p>(e) Statewide registry.</p> <p>(1) The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders of protection, court- approved consent agreements and a foreign protection order filed pursuant to section 6104(d) (relating to full faith and credit and foreign protection orders). The</p>

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	<p>(A) The court’s order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs’ offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant’s firearms.</p> <p>(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff or the appropriate law enforcement agency with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff or the appropriate law enforcement agency pursuant to this clause for the duration of the temporary order.</p> <p>(C) As used in this subparagraph, the term “cause” shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.</p> <p>(ii) The court’s order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other</p>	<p>Statewide registry shall include, but need not be limited to, the following:</p> <p>(i) The names of the plaintiff and any protected parties.  (ii) The name and address of the defendant.  (iii) The relationship between the plaintiff and defendant.  (iv) The date the order was entered.  (v) The date the order expires.  (vi) The relief granted under sections 6108(a)(1), (2), (4), (6) and (7) (relating to relief) and 6110(a) (relating to emergency relief by minor judiciary).  (vii) The judicial district in which the order was entered.  (viii) Where furnished, the Social Security number and date of birth of the defendant.  (ix) Whether or not any or all firearms, other weapons or ammunition were ordered relinquished.</p> <p>(2) The prothonotary shall send, on a form prescribed by the Pennsylvania State Police, a copy of the protection order or approved consent agreement to the Statewide registry of protection orders so that it is received within 24 hours of the entry of the order. Likewise, amendments to or revocation of an order shall be transmitted by the prothonotary within 24 hours of the entry of the order for modification or revocation. The Pennsylvania State Police shall enter orders, amendments and revocations in the Statewide registry of protection orders within eight hours of receipt. Vacated or expired orders shall be purged from the registry.</p> <p>(3) The registry of the Pennsylvania State Police shall be available at all times to inform courts, dispatchers and law enforcement officers of any valid protection order involving any defendant.</p> <p>(4) When an order granting relief under section 6108(a)(7) has been entered by a court, such information shall be available to the Pennsylvania State Police for the purpose of conducting a criminal history records check in compliance with the applicable provisions of 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).</p> <p>(5) Information contained in the Statewide registry shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.</p> <p>(h) Enforcement of foreign protection orders.</p> <p>(1) All foreign protection orders shall have the presumption of validity in this Commonwealth, and police officers shall make arrests for violations thereof in the same manner as set for</p>



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	<p>weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff or the appropriate law enforcement agency pursuant to this paragraph. Where the sheriff or the appropriate law enforcement agency is designated, the sheriff or the appropriate law enforcement agency shall secure custody of the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff or the appropriate law enforcement agency shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff or the appropriate law enforcement agency shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition. The court shall inform the defendant that firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128.</p> <p>(iii) The sheriff or the appropriate law enforcement agency shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.</p> <p>(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' or appropriate law enforcement agencies' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff or the appropriate law enforcement agency</p>	<p>violations of protection orders issued within this Commonwealth. Until a foreign order is declared to be invalid by a court, it shall be enforced by all law enforcement personnel in this Commonwealth.</p> <p>(2) A police officer shall rely upon any copy of a foreign protection order which has been presented to the officer by any source and may verify the existence of a protection order consistent with the provisions of section 6113(a) (relating to arrest for violation of order). The fact that a foreign protection order has not been filed with a prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for law enforcement to refuse to enforce the order.</p> <p>(i) Immunity. — The following entities shall be immune from civil liability for good faith conduct in any action arising in connection with a court's finding that the foreign order is invalid or unenforceable:</p> <ol style="list-style-type: none"> <li>(1) Law enforcement agencies and their agents and employees.</li> <li>(2) County correctional and detention facilities and their agents and employees.</li> <li>(3) Prothonotaries and their agents and employees.</li> </ol> <p style="text-align: center;"><b>23 Pa.Cons.Stat. § 6114 (2015)</b></p> <p><b>6114 Contempt for violation of order or agreement</b></p> <p>(a) General rule.--Where the police, sheriff or the plaintiff have filed charges of indirect criminal contempt against a defendant for violation of a protection order issued under this chapter, a foreign protection order or a court-approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish the defendant in accordance with law.</p> <p>(a.1) Jurisdiction.--A court shall have jurisdiction over indirect criminal contempt charges for violation of a protection order issued pursuant to this chapter in the county where the violation occurred and in the county where the protection order was granted. A court shall have jurisdiction over indirect criminal contempt charges for violation of a foreign protection order in the county where the violation occurred.</p> <p>(a.2) Minor defendant.--Any defendant who is a minor and who is charged with indirect criminal contempt for allegedly violating a protection from abuse order shall be considered to have committed an alleged delinquent act as that term is defined in 42</p>

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	<p>shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies, as appropriate.</p> <p>(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:</p> <p>(A) upon an order of the court granted upon cause shown;</p> <p>(B) as necessary, by law enforcement and court personnel; or</p> <p>(C) after redaction of information listing any firearm, other weapon or ammunition.</p> <p>(vi) As used in this paragraph, the term “defendant’s firearms” shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant’s personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).</p> <p>(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant’s business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant’s business while fulfilling the goals of this chapter.</p> <p>(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained</p>	<p>Pa.C.S. § 6302 (relating to definitions) and shall be treated as provided in 42 Pa.C.S. Ch. 63 (relating to juvenile matters).</p> <p>(b) Trial and punishment.--</p> <p>(1) A sentence for contempt under this chapter may include:</p> <p>(i)(A) a fine of not less than \$300 nor more than \$1,000 and imprisonment up to six months; or</p> <p>(B) a fine of not less than \$300 nor more than \$1,000 and supervised probation not to exceed six months; and</p> <p>(ii) an order for other relief set forth in this chapter.</p> <p>(2) All money received under this section shall be distributed in the following order of priority:</p> <p>(i) \$ 100 shall be forwarded to the Commonwealth and shall be</p> <p>(i) \$100 shall be forwarded to the Commonwealth and shall be appropriated to the Pennsylvania State Police to establish and maintain the Statewide registry of protection orders provided for in section 6105 (relating to responsibilities of law enforcement agencies).</p> <p>(ii) \$100 shall be retained by the county and shall be used to carry out the provisions of this chapter as follows:</p> <p>(A) \$50 shall be used by the sheriff.</p> <p>(B) \$50 shall be used by the court.</p> <p>(iii) \$100 shall be forwarded to the Department of Public Welfare for use for victims of domestic violence in accordance with the provisions of section 2333 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.</p> <p>(iv) Any additional money shall be forwarded to the Commonwealth and shall be used by the Pennsylvania State Police to establish and maintain the Statewide registry of protection orders provided for in section 6105.</p> <p>(3) The defendant shall not have a right to a jury trial on a charge of indirect criminal contempt. However, the defendant shall be entitled to counsel.</p> <p>(4) Upon conviction for indirect criminal contempt and at the request of the plaintiff, the court shall also grant an extension of the protection order for an additional term.</p> <p>(5) Upon conviction for indirect criminal contempt, the court shall notify the sheriff of the jurisdiction which issued the protection order of the conviction.</p> <p>(6) The minimum fine required by subsection (b)(1) allocated pursuant to subsection (b)(2)(i) and (iii) shall be used to supplement and not to supplant any other source of funds received for the purpose of carrying out the provisions of this chapter.</p>

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	<p>from the acts of abuse giving rise to the award or a finding of contempt under this chapter.</p> <p>(9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and 2709.1 (relating to stalking).</p> <p>(10) Granting any other appropriate relief sought by the plaintiff.</p> <p>(a.1) Final order or agreement. — The following apply:</p> <p>(1) Any final order must direct the defendant to refrain from abusing, harassing, stalking, threatening or attempting or threatening to use physical force against the plaintiff or minor children and must order that the defendant is subject to the firearms, other weapons or ammunition and firearms license prohibition relinquishment provisions under subsection (a)(7).</p> <p>(2) A final agreement may direct the defendant to refrain from abusing, harassing, stalking, threatening or attempting or threatening to use physical force against the plaintiff or minor children and may order that the defendant is subject to the firearms, other weapons or ammunition and firearms license prohibition and relinquishment provisions under subsection (a)(7).</p> <p>(b) Identifying information. — Any order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant.</p> <p>(c) Mutual orders of protection. — Mutual orders of protection shall not be awarded unless both parties have filed timely written petitions, complied with service requirements under section 6106 (relating to commencement of proceedings) and are eligible for protection under this chapter. The court shall make separate findings and, where issuing orders on behalf of both petitioners, enter separate orders.</p> <p>(d) Duration and amendment of order or agreement. — A protection order or approved consent agreement shall be for a fixed period of time not to exceed three years. The court may amend its order or agreement at</p>	<p>(c) Notification upon release.--The appropriate releasing authority or other official as designated by local rule shall use all reasonable means to notify the victim sufficiently in advance of the release of the offender from any incarceration imposed under subsection (b). Notification shall be required for work release, furlough, medical leave, community service, discharge, escape and recapture. Notification shall include the terms and conditions imposed on any temporary release from custody. The plaintiff must keep the appropriate releasing authority or other official as designated by local rule advised of contact information; failure to do so will constitute waiver of any right to notification under this section.</p> <p>(d) Multiple remedies.--Disposition of a charge of indirect criminal contempt shall not preclude the prosecution of other criminal charges associated with the incident giving rise to the contempt, nor shall disposition of other criminal charges preclude prosecution of indirect criminal contempt associated with the criminal conduct giving rise to the charges.</p> <p style="text-align: center;"><b>23 Pa. Cons. Stat. § 6114.1 (2015)</b></p> <p><b>Civil contempt or modification for violation of an order or agreement</b></p> <p>(a) General rule.--A plaintiff may file a petition for civil contempt with the issuing court alleging that the defendant has violated any provision of an order or court-approved agreement issued under this chapter or a foreign protection order.</p> <p>(b) Civil contempt order.--Upon finding of a violation of a protection order or court-approved consent agreement issued under this chapter or a foreign protection order, the court, either pursuant to petition for civil contempt or on its own accord, may hold the defendant in civil contempt and constrain him in accordance with law.</p> <p>(c) Sentencing.--A sentence for civil contempt under this chapter may include imprisonment until the defendant complies with provisions in the order or consent agreement or demonstrates the intent to do so, but in no case shall a term of imprisonment under this section exceed a period of six months.</p> <p>(d) Jury trial and counsel.--The defendant shall not have a right to a jury trial; however, the defendant shall be entitled to counsel.</p>

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	<p>any time upon subsequent petition filed by either party.</p> <p>(e) Extension of protection orders.--</p> <p>(1) An extension of a protection order may be granted:</p> <p>(i) Where the court finds, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child.</p> <p>(ii) When a contempt petition or charge has been filed with the court or with a hearing officer in Philadelphia County, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition and may be extended for another term beyond the disposition of the contempt petition.</p> <p>(g) Notice.--Notice shall be given to the defendant, in orders issued under this section, stating that violations of an order will subject the defendant to arrest under section 6113 (relating to arrest for violation of order) or contempt of court under section 6114 (relating to contempt for violation of order or agreement). Resumption of coresidency on the part of the plaintiff and defendant shall not nullify the provisions of the court order.</p> <p style="text-align: center;"><b>23 Pa. Cons. Stat. § 6113.1</b></p> <p><b>Private criminal complaints for violation of order or agreement</b></p> <p>(a) General rule.--A plaintiff may file a private criminal complaint against a defendant, alleging indirect criminal contempt for a noneconomic violation of any provision of an order or court-approved consent agreement issued under this chapter or a foreign protection order, with the court, the office of the district attorney or the magisterial</p>	

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	<p>district judge in the jurisdiction or county where the violation occurred, except that, in a city of the first class, a complaint may only be filed with the family division of the court of common pleas or the office of the district attorney.</p> <p>(b) Procedure service.--Procedure for filing and service of a private criminal complaint shall be provided as set forth by local rule. No fees or costs associated with the prosecution of the private criminal complaint shall be assigned to the plaintiff at any stage of the proceeding, including, but not limited to, filing, service, failure to prosecute, withdrawal or dismissal. Nothing in this subsection is intended to expand or diminish the court's authority to enter an order pursuant to Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of Documents. Representations to the Court. Violation).</p> <p>(c) Fees and costs. — After a finding of indirect criminal contempt, fees and costs may be assessed against the defendant. The court shall waive fees and costs imposed pursuant to this chapter upon a showing of good cause or when the court makes a finding that the defendant is not able to pay the costs associated with the indirect criminal contempt action. Nothing in this subsection is intended to expand or diminish the court's authority to enter an order pursuant to Pa.R.C.P. No. 1023.1.</p>	
<p><b>PUERTO RICO</b></p>	<p><b>8 L.P.R.A. § 448f</b></p> <p><b>§ 448f. Failure to comply</b>  Failure to comply with a protection order issued pursuant to this chapter, shall constitute a felony in the third degree in its lesser half, and shall be punished accordingly.  Notwithstanding the provisions of Rule 11 of the Rules of Criminal Procedure, as amended, even though there is no order to that effect, all law enforcement officers must make an arrest when shown a protection order issued under this chapter or a similar law against the person to be arrested or if it is determined that said order exists by contacting the</p>	<p><b>8 L.P.R.A. § 628</b></p> <p><b>§ 628. Noncompliance of orders for protection</b>  Notwithstanding the provisions of Rule 11 of the Rules of Criminal Procedure, App. II of Title 34, even though an order to those effects has not been issued, every law enforcement officer must make an arrest if presented with an order for protection issued pursuant to this chapter or a similar act against the person to be arrested, or if the officer determines that such an order exists after having communicated with the pertinent authorities and has reasonable grounds for believing that the provisions thereof have been violated.</p>

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	<p>corresponding authorities and they have reason to believe that the provisions of the protection order have been violated.</p> <p style="text-align: center;"><b>8 L.P.R.A. § 628</b></p> <p><b>§ 628. Noncompliance of orders for protection</b> Any knowingly committed violation of an order for protection issued pursuant to this chapter shall be punished as a felony in the third degree in its lesser half.</p>	
<b>RHODE ISLAND</b>	<p style="text-align: center;"><b>R.I. Gen. Laws § 15-5-19</b></p> <p><b>Restraining orders -- Treatment for harmed or menaced spouse -- Custody of children -- Allowances -- Alimony and counsel fees</b></p> <p>(a) Whenever either party to a marriage is insane, or whenever a cause is in existence which is, or if continued, will be a cause for divorce, the family court, upon the original petition of one of the parties, or upon the filing of a complaint for divorce, may restrain either party from interfering with the personal liberty of the other, and may restrain either party from maliciously causing or attempting to cause bodily harm to the other, with or without a dangerous weapon, and may restrain either party from placing, by physical menace or threat of physical menace, the other in fear of imminent bodily injury; and upon a finding by the court that any party has been so harmed, menaced, or threatened the court may prescribe treatment including, but not limited to, out-patient counseling, and may regulate the custody and provide for the education, maintenance, and support of the children, if any, and may, in its discretion, order one of the parties to pay alimony and/or counsel fees to the other pursuant to § 15-5-</p>	<p style="text-align: center;"><b>R.I. Gen. Laws § 12-29-3</b></p> <p><b>Law enforcement officers -- Duties and immunity</b></p> <p>(a) The primary duty of law enforcement officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the victim.</p> <p>(b)</p> <p>(1) When a law enforcement officer responds to a domestic violence situation and has probable cause to believe that a crime has been committed, the officer shall exercise arrest powers pursuant to §§ 12-7-3 and 12-7-4; provided, that the officer shall arrest and take into custody the alleged perpetrator of the crime when the officer has probable cause to believe that any of the following acts has occurred:</p> <p>(i) A felonious assault;</p> <p>(ii) An assault that has resulted in bodily injury to the victim, whether or not the injury is observable by the responding officer;</p> <p>(iii) Physical action that was intended to cause another person reasonably to fear imminent serious bodily injury or death. “Bodily injury” means physical pain, illness, or an impairment of physical condition; or</p> <p>(iv) Violation of a protective order and the violator has previous knowledge of the order and the terms of it;</p> <p>(v) Violation of a no-contact order issued pursuant to § 12-29-4.</p> <p>(2) The decision to arrest and charge shall not:</p>

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	<p>16, which allowance shall not be regarded as a judgment for debt until the court, which made the order for maintenance and support of the children, alimony for one or the other of the parties, and counsel fees, has adjudicated in appropriate proceedings what, if anything, is due under the order. Suits may be brought or executions may issue for amounts due and unpaid, the executions to run against the goods and chattels of the husband or wife, as the case may be; the court may make all necessary orders and decrees concerning the suits or executions and at any time may alter, amend, or annul for sufficient cause, after notice to the interested parties.</p> <p>(b)(1) Any violation of the protective orders mentioned in subsection (a) of this section shall subject the defendant to being found in contempt of court.</p> <p>(2) The contempt order shall not be exclusive and shall not preclude any other available civil or criminal remedies.</p> <p>(c) Any violation of a restraining order under this chapter protecting a person against bodily harm and/or against threat of imminent bodily injury shall be a misdemeanor which shall be punished by a fine of no more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both. The penalties for violation of this section shall also include the penalties provided in § 12-29-5. The district court has criminal jurisdiction over violations of restraining orders protecting the person of the complainant against bodily harm and/or against the threat of imminent bodily injury.</p> <p>(d) In regulating the custody of the children, the court shall provide for the reasonable right of visitation by the natural parent not having custody of the children except upon the showing of cause as to why the right should not be granted. The court shall mandate compliance with its orders by both the custodial parent and the children. In the event of noncompliance, the non-custodial parent may file a motion for contempt in family court. Upon a finding by the court that its order for visitation has not been</p>	<p>(i) Be dependent on the specific consent of the victim;</p> <p>(ii) Consider the relationship of the parties; or</p> <p>(iii) Be based solely on a request by the victim.</p> <p>(3) An arrest without warrant made under this section shall be made within twenty-four (24) hours of the alleged crime.</p> <p>(4) If an arrest without warrant cannot be made pursuant to this section, the officer shall advise the victim of the right to file a criminal complaint and shall seek a warrant for arrest if there is probable cause to do so.</p> <p>(c)</p> <p>(1) When more than one family or household member involved in a domestic violence incident states a complaint, the officer shall investigate each complaint to determine whether there is probable cause to believe a crime has been committed. The officer shall not dismiss the incident by presuming two-party (2) guilt.</p> <p>(2) When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor.</p> <p>(d) A law enforcement officer shall not be held liable for false arrest in any civil action for an arrest based on probable cause or for enforcement in good faith of a court order issued pursuant to this chapter or pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8.</p> <p>(e) It shall be the responsibility of the law enforcement officer at the scene of a domestic violence incident to provide immediate assistance to the victim. This assistance shall include, but not be limited to:</p> <p>(1) Assisting the victim to obtain medical treatment if treatment is required, including transportation to an emergency medical treatment facility;</p> <p>(2) Giving the victim notice of her or his right to obtain a protective order in family court pursuant to chapter 15 of title 15 or district court pursuant to chapter 8.1 of title 8 as appropriate according to the relationship of the parties. This notice shall be provided by handing the victim a copy of the following statement written in English, Portuguese, Spanish, Cambodian, Hmong, Laotian, Vietnamese, and French and by reading the notice to that person when possible: "If you are in need of medical treatment, you have the right to have the officer present drive you to the nearest hospital or otherwise assist you.</p>

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	<p>complied with, the court shall exercise its discretion in providing a remedy, and define the non-custodial parent's visitation in detail. However, if a second finding of noncompliance by the court is made, the court shall consider this to be grounds for a change of custody to the non-custodial parent.</p> <p>(e) In all hearings regarding denial of visitation, the court shall make findings of fact.</p> <p>(f) This chapter does not affect the right of the family court to award alimony or support pendente lite.</p> <p style="text-align: center;"><b>R.I. Gen. Laws § 12-29-4</b></p> <p><b>Restrictions upon and duties of court</b></p> <p>(a)</p> <p>(1) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when a person is charged with or arrested for a crime involving domestic violence, that person may not be released from custody on bail or personal recognizance before arraignment without first appearing before the court or bail commissioner. The court or bail commissioner authorizing release shall issue a no-contact order prohibiting the person charged or arrested from having contact with the victim.</p> <p>(2) At the time of arraignment or bail hearing the court or bail commissioner shall determine whether a no-contact order shall be issued or extended.</p> <p>(3) Willful violation of a court order issued under subdivision (1), (2), or as part of disposition of this subdivision of this subsection is a misdemeanor. The written order releasing the person charged or the written order issued at the time of disposition shall contain the court's directive and shall bear the legend: "Violation of this order is a criminal offense under this section and will subject a violator to arrest". A copy of the order shall be provided to the victim.</p> <p>(4) Whenever an order prohibiting contact is issued, modified, or terminated under subdivision (1), (2), or (3) of this subsection, the clerk of the court shall</p>	<p>"If you believe that police protection is needed for your physical safety, you have the right to have the officer present remain at the scene until you and your children can leave or until your safety is otherwise obtained.</p> <p>"You have the right to file a criminal complaint with the responding officer or your local police department if the officer has not arrested the perpetrator.</p> <p>"Married/blood relatives/children in common. If your attacker is your spouse, former spouse, person to whom you are related by blood or marriage, or if you are not married to your attacker, but have a child in common, you have the right to go to family court and ask the court to issue:</p> <p>(i) An order restraining your attacker from abusing you or your minor child;</p> <p>(ii) An order awarding you exclusive use of your domicile; and</p> <p>(iii) An order awarding you custody of your minor child(ren).</p> <p>"Unmarried. If you are not married or related to your attacker, but have resided with him or her within the past three (3) years, or you or your attacker are in, or have been in, a substantive dating or engagement relationship within the past one year, you have the right to go to district court and request:</p> <p>(i) An order restraining your attacker from abusing you; and</p> <p>(ii) An order directing your attacker to leave your household, unless he or she has the sole legal interest in the household";</p> <p>(3) Informing the victim of available services; and</p> <p>(4) In cases where the officer has determined that no cause exists for an arrest, assistance shall also include:</p> <p>(i) Remaining at the scene as long as there is danger to the safety of the person or until the person is able to leave the dwelling. The officer shall transport the person if no reasonable transportation is available; and</p> <p>(ii) Informing the person that she or he has the right to file a criminal complaint with the responding officer or the local police department.</p> <p>(f) An officer responding to a domestic violence call shall complete a domestic violence report pursuant to § 12-29-8.</p> <p>(g)</p> <p>(1) It shall be the responsibility of the attorney general to develop a model Uniform Policy for Police Response to Domestic Violence which is consistent with the provisions of this section. This written policy shall be developed after conferring with the staff of the department of human services' domestic violence unit</p>



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	<p>forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order.</p> <p>(b) Because of the serious nature of domestic violence, the court in domestic violence actions:</p> <p>(1) Shall not dismiss any charge or delay disposition because of concurrent dissolution of marriage or other civil proceedings;</p> <p>(2) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;</p> <p>(3) Shall identify by reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and</p> <p>(4) Shall make clear to the defendant and victim that the prosecution of the domestic violence action is determined by the prosecutor and not the victim.</p> <p>(c) To facilitate compliance with the provisions of this section, the district court shall assure that the misdemeanor and felony complaint forms indicate whether the crime charged involves domestic violence and, if so, the relationship of the victim and defendant.</p> <p>(d) Notwithstanding the provisions of section 12-10-12, the filing of any complaint for a crime involving domestic violence shall be conditioned upon the defendant keeping the peace and being of good behavior for a period of three (3) years. In the event a particular case involving domestic violence is filed on a plea of not guilty, guilty or nolo contendere pursuant to section 12-10-12, the court having jurisdiction shall retain the records of the case for a period of three (3) years from the date of the filing. These records shall not be expunged, sealed, or otherwise destroyed for a period of three (3) years from the date of filing. Furthermore, the destruction or sealing of records in the possession of the department of attorney general bureau of criminal identification, the superintendent of the state police, or the police departments of any city or town after a filing related to a crime involving domestic violence shall be governed by section 12-1-12.</p>	<p>and with the council on domestic violence and shall be made available to any law enforcement agency.</p> <p>(2) Each law enforcement agency shall develop a Policy for Police Response to Domestic Violence which is consistent with the Uniform Policy for Police Response to Domestic Violence developed by the attorney general and shall file a copy of the policy with the attorney general within sixty (60) days of receiving the model policy.</p> <p style="text-align: center;"><b>R.I. Gen. Laws § 15-15.1-4</b></p> <p><b>Nonjudicial enforcement of order</b></p> <p>(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(c) If a law enforcement officer of the state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this chapter.</p>

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SOUTH CAROLINA	<p style="text-align: center;"><b>S.C. Code Ann. § 16-25-20</b></p> <p><b>Acts prohibited; penalties</b>  A) It is unlawful to:  (1) cause physical harm or injury to a person's own household member; or  (2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.  (B) Except as otherwise provided in this section, a person commits the offense of domestic violence in the first degree if the person violates the provisions of subsection (A) and:  (1) great bodily injury to the person's own household member results or the act is accomplished by means likely to result in great bodily injury to the person's own household member;  (2) the person violates a protection order and in the process of violating the order commits domestic violence in the second degree;  (3) has two or more prior convictions of domestic violence within ten years of the current offense;  (4) the person uses a firearm in any manner while violating the provisions of subsection (A); or  (5) in the process of committing domestic violence in the second degree one of the following also results:  (a) the offense is committed in the presence of, or while being perceived by a minor;  (b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;  (c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;  (d) the offense is committed by impeding the victim's breathing or air flow; or  (e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:</p>	<p style="text-align: center;"><b>S.C. Code Ann. § 20-4-340</b></p> <p><b>Enforcement by law enforcement officer; service of order on respondent</b>  (A) A law enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this State. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.  (B) If a foreign protection order is not presented, a law enforcement officer of this State may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.  (C) If a law enforcement officer of this State determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.  (D) Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order pursuant to this article.</p> <p style="text-align: center;"><b>S.C. Code Ann. § 20-4-100</b></p> <p><b>Responsibilities of law enforcement officer</b>  The primary duty of a law enforcement officer when responding to a domestic abuse incident is to enforce the laws allegedly violated and to protect the abused person if facts are found which substantiate the complaint. In such incidents, the law enforcement officer must take the following protective measures:</p>

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	<p>(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or</p> <p>(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.</p> <p>A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.</p> <p>Domestic violence in the first degree is a lesser included offense of domestic violence of a high and aggravated nature, as defined in Section 16-25-65.</p> <p>(C) A person commits the offense of domestic violence in the second degree if the person violates subsection (A) and:</p> <p>(1) moderate bodily injury to the person's own household member results or the act is accomplished by means likely to result in moderate bodily injury to the person's own household member;</p> <p>(2) the person violates a protection order and in the process of violating the order commits domestic violence in the third degree;</p> <p>(3) the person has one prior conviction for domestic violence in the past ten years from the current offense; or</p> <p>(4) in the process of committing domestic violence in the third degree one of the following also results:</p> <p>(a) the offense is committed in the presence of, or while being perceived by, a minor;</p> <p>(b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;</p> <p>(c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;</p> <p>(d) the offense is committed by impeding the victim's breathing or air flow; or</p> <p>(e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:</p> <p>(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or</p>	<p>(a) Notify the abused person of the right to initiate criminal proceedings and to seek an order of protection under this chapter.</p> <p>(b) Advise the parties of the importance of preserving evidence.</p> <p>To provide protection to the petitioner and any minor children, the officer may offer or arrange to provide transportation of the abused person to a hospital for treatment of injuries or to a place of shelter or safety and to accompany the abused person to his or her residence to allow for the removal of clothing, medication, and such personal property as is reasonably necessary.</p> <p style="text-align: center;"><b>S.C. Code Ann. § 16-25-70</b></p> <p><b>Warrantless arrest or search; admissibility of evidence</b></p> <p>(A) A law enforcement officer may arrest, with or without a warrant, a person at the person's place of residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony pursuant to the provisions of Section 16-25-20, 16-25-65, or 16-25-125, even if the act did not take place in the presence of the officer. The officer may, if necessary, verify the existence of probable cause related to a violation pursuant to the provisions of this chapter by telephone or radio communication with the appropriate law enforcement agency. A law enforcement agency must complete an investigation of an alleged violation of this chapter even if the law enforcement agency was not notified at the time the alleged violation occurred. The investigation must be documented on an incident report form which must be maintained by the investigating agency. If an arrest warrant is sought, the law enforcement agency must present the results of the investigation and any other relevant evidence to a magistrate who may issue an arrest warrant if probable cause is established.</p> <p>(B) A law enforcement officer may arrest, with or without a warrant, a person at the person's place of residence or elsewhere if physical manifestations of injury to the alleged victim are present and the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of Section 16-25-20 or 16-25-65 even if the act did not take place in the presence of the officer. A law enforcement officer may not make an arrest if he determines probable cause does not exist after consideration of the factors set forth in subsection (D) and observance that no physical manifestation of injury is present. The officer may, if necessary,</p>

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	<p>(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.</p> <p>A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned for not more than three years, or both.</p> <p>Domestic violence in the second degree is a lesser-included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65.</p> <p>Assault and battery in the second degree pursuant to Section 16-3-600(D) is a lesser-included offense of domestic violence in the second degree as defined in this subsection.</p> <p>(D) A person commits the offense of domestic violence in the third degree if the person violates subsection (A).</p> <p>(1) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense pursuant to the provisions of this subsection may be tried in summary court.</p> <p>(2) Domestic violence in the third degree is a lesser-included offense of domestic violence in the second degree, as defined in subsection (C), domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65.</p> <p>(3) Assault and battery in the third degree pursuant to Section 16-3-600(E) is a lesser-included offense of domestic violence in the third degree as defined in this subsection.</p> <p>(4) A person who violates this subsection is eligible for pretrial intervention pursuant to Chapter 22, Title 17.</p> <p>(E) When a person is convicted of a violation of</p>	<p>verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement agency.</p> <p>(C) In effecting a warrantless arrest under this section, a law enforcement officer may enter the residence of the person to be arrested in order to effect the arrest where the officer has probable cause to believe that the action is reasonably necessary to prevent physical harm or danger to a family or household member.</p> <p>(D) If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members involving an incident of domestic or family violence, the officer must evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer must not arrest the other person accused of having committed domestic or family violence. In determining whether a person is the primary aggressor, the officer must consider the following factors and any other factors he considers relevant:</p> <ol style="list-style-type: none"> <li>(1) prior complaints of domestic or family violence;</li> <li>(2) the relative severity of the injuries inflicted on each person taking into account injuries alleged which may not be easily visible at the time of the investigation;</li> <li>(3) the likelihood of future injury to each person;</li> <li>(4) whether one of the persons acted in self-defense; and</li> <li>(5) household member accounts regarding the history of domestic violence.</li> </ol> <p>(E) A law enforcement officer must not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage a party's requests for intervention by law enforcement.</p> <p>(F) A law enforcement officer who arrests two or more persons for a crime involving domestic or family violence must include the grounds for arresting both parties in the written incident report, and must include a statement in the report that the officer attempted to determine which party was the primary aggressor pursuant to this section and was unable to make a determination based upon the evidence available at the time of the arrest.</p> <p>(G) When two or more household members are charged with a crime involving domestic or family violence arising from the same incident and the court finds that one party was the primary aggressor pursuant to this section, the court, if appropriate, may dismiss charges against the other party or parties.</p>

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	<p>Section 16-25-20(B) or (C) or Section 16-25-65, the circuit court may suspend execution of all or part of the sentence and place the offender on probation, or if a person is convicted of a violation of Section 16-25-20(D), the court may suspend execution of all or part of the sentence, conditioned upon:</p> <p>(1) the offender's mandatory completion, to the satisfaction of the court, of a domestic violence intervention program designed to treat batterers in accordance with the provisions of subsection (G);</p> <p>(2) fulfillment of all the obligations arising under court order pursuant to this section and Section 16-25-65;</p> <p>(3) other reasonable terms and conditions of probation as the court may determine necessary to ensure the protection of the victim; and</p> <p>(4) making restitution as the court deems appropriate.</p> <p>(F) In determining whether or not to suspend the imposition or execution of all or part of a sentence as provided in this section, the court must consider the nature and severity of the offense, the number of times the offender has repeated the offense, and the best interests and safety of the victim.</p> <p>(G) An offender who participates in a domestic violence intervention program pursuant to this section, shall participate in a program offered through a government agency, nonprofit organization, or private provider selected and approved by the Circuit Solicitor with jurisdiction over the offense or the Attorney General if the offense is prosecuted by the Attorney General's Office. If the offender moves to a different circuit after entering a treatment program selected by the Circuit Solicitor, the Circuit Solicitor for the county in which the offender resides shall have the authority to select and approve the batterer's treatment program. The offender shall pay a reasonable fee, if required, for participation in the program but no person may be denied participation due to inability to pay. If the offender suffers from a substance abuse problem or mental health concern, the judge may order, or the program may refer, the offender to</p>	<p>(H) Evidence discovered as a result of a warrantless search administered pursuant to a complaint filed under this article is admissible in a court of law:</p> <p>(1) if it is found:</p> <p>(a) in plain view of a law enforcement officer in a room in which the officer is interviewing, detaining, or pursuing a suspect; or</p> <p>(b) pursuant to a search incident to a lawful arrest for a violation of this article or for a violation of Chapter 3, Title 16; or</p> <p>(2) if it is evidence of a violation of this article.</p> <p>An officer may arrest and file criminal charges against a suspect for any offense that arises from evidence discovered pursuant to this section.</p> <p>Unless otherwise provided for in this section, no evidence of a crime found as a result of a warrantless search administered pursuant to a complaint filed under this article is admissible in any court of law.</p> <p>(I) In addition to the protections granted to the law enforcement officer and law enforcement agency under the South Carolina Tort Claims Act, a law enforcement officer is not liable for an act, omission, or exercise of discretion under this section unless the act, omission, or exercise of discretion constitutes gross negligence, recklessness, wilfulness, or wantonness.</p>

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	<p>supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20 or the Department of Mental Health or Veterans' Hospital, respectively. The offender must pay a reasonable fee for participation in the substance abuse treatment or mental health program, if required, but no person may be denied participation due to inability to pay.</p> <p>(H) A person who violates the terms and conditions of an order of protection issued in this State pursuant to Chapter 4, Title 20, the "Protection from Domestic Abuse Act", or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days and fined not more than five hundred dollars.</p> <p>(I) Unless the complaint is voluntarily dismissed or the charge is dropped prior to the scheduled trial date, a person charged with a violation provided in this chapter must appear before a judge for disposition of the case or be tried in the person's absence.</p>	
SOUTH DAKOTA	<p style="text-align: center;"><b>S.D. Codified Laws § 22-19A-2</b></p> <p><b>Violation when restraining or protection order in effect—Penalty.</b> Any person who violates § 22-19A-1 when there is a temporary restraining order, or an injunction, or a protection order, or a no contact order issued pursuant to § 25-10-23 or 25-10-25 in effect prohibiting the behavior described in § 22-19A-1 against the same party, is guilty of a Class 6 felony.</p> <p style="text-align: center;"><b>S.D. Codified Laws § 22-19A-16</b></p>	<p style="text-align: center;"><b>S.D. Codified Laws § 25-10-12.3</b></p> <p><b>Foreign domestic violence protection order—Reliance on foreign order—Immunity from liability</b> A law enforcement officer may rely upon any foreign domestic violence protection order that has been provided to the officer by any source. The officer may make an arrest pursuant to § 25-10-13 for any violation of the foreign order in the same manner as for violation of a protection order issued in this state. A law enforcement officer may rely on the statement of the person protected by the foreign order that the order is in effect and that the respondent was personally served with a copy of the order. A law enforcement officer acting in good faith and without malice in enforcing a foreign order under this section is immune from civil or criminal liability for any action arising in connection with the enforcement of the foreign domestic violence protection order.</p>

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	<p><b>Violation of protection order -- Penalties</b>            If a temporary protection order or a protection order is granted pursuant to §§ 22-19A-8 to 22-19A-16, inclusive, and the respondent or person to be restrained knows of the order, violation of the order is a Class 1 misdemeanor. If any violation of this section constitutes an assault pursuant to § 22-18-1.1, the violation is a Class 6 felony. If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to, two or more violations of this section or § 25-10-13, the factual basis for which occurred after the date of the second conviction, and occurred within ten years of committing the current offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition to other civil or criminal remedies.</p>	<p style="text-align: center;"><b>S.D. Codified Laws § 25-10-13</b></p> <p><b>Violation of protection order as misdemeanor or felony</b>            If a temporary protection order or a protection order is granted pursuant to this chapter or a foreign protection order recognized pursuant to § 25-10-25 or 25-10-12.1, or if a no contact order is issued pursuant to § 25-10-23 or 25-10-25, and the respondent or person to be restrained knows of the order, the violation of the order is a Class 1 misdemeanor. If any violation of this section constitutes a violation of § 22-18-1, 22-18-1.1, or 22-19A-1, the violation is a Class 6 felony. If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to, two or more violations of this section or § 22-19A-16, the factual basis for which occurred after the date of the second conviction, and occurred within ten years of committing the current offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to other civil or criminal remedies.</p>
TENNESSEE	<p style="text-align: center;"><b>Tenn. Code Ann. § 36-3-612</b></p> <p><b>Contempt hearing</b>            (a) A person arrested for the violation of an order of protection issued pursuant to this part or a restraining order or court-approved consent agreement, shall be taken before a magistrate or the court having jurisdiction in the cause without unnecessary delay to answer a charge of contempt for violation of the order of protection, restraining order or court-approved consent agreement, and the court shall:            (1) Notify the clerk of the court having jurisdiction in the cause to set a time certain for a hearing on the alleged violation of the order of protection, restraining order or court-approved consent agreement within ten (10) working days after arrest, unless extended by the court on the motion of the arrested person;</p>	<p style="text-align: center;"><b>Tenn. Code Ann. § 36-3-611</b></p> <p><b>Arrest for violation of protection order</b>            (a) An arrest for violation of an order of protection issued pursuant to this part may be with or without warrant. Any law enforcement officer shall arrest the respondent without a warrant if:            (1) The officer has proper jurisdiction over the area in which the violation occurred;            (2) The officer has reasonable cause to believe the respondent has violated or is in violation of an order for protection; and            (3) The officer has verified whether an order of protection is in effect against the respondent. If necessary, the police officer may verify the existence of an order for protection by telephone or radio communication with the appropriate law enforcement department.            (b) No ex parte order of protection can be enforced by arrest under this section until the respondent has been served with the order of</p>

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	<p>(2) Set a reasonable bond pending the hearing on the alleged violation of the order of protection, restraining order or court-approved consent agreement; and</p> <p>(3) Notify the person to whom the order of protection, restraining order or court-approved consent agreement was issued to protect and direct the party to show cause why a contempt order should issue.</p> <p>(b) Either the court that originally issued the order of protection or restraining order or a court having jurisdiction over orders of protection or restraining orders in the county where the alleged violation of the order occurred shall have the authority and jurisdiction to conduct the contempt hearing required by subsection (a). If the violation is of a court-approved consent agreement, the same court that approved the agreement shall conduct the contempt hearing for any alleged violation of it. If the court conducting the contempt hearing is not the same court that originally issued the order of protection or restraining order, the court conducting the hearing shall have the same authority to punish as contempt a violation of the order of protection or restraining order as the court originally issuing the order.</p> <p style="text-align: center;"><b>Tenn. Code Ann. § 39-13-113</b></p> <p><b>Violation of order of protection or restraining order</b></p> <p>(a) It is an offense to knowingly violate:</p> <p>(1) An order of protection issued pursuant to title 36, chapter 3, part 6; or</p> <p>(2) A restraining order issued to a victim as defined in § 36-3-601.</p> <p>(b) A person violating this section may be arrested with or without a warrant as provided in § 36-3-611, and the arrest shall be conducted in accordance with the requirements of § 36-3-619.</p> <p>(c) A person who is arrested for a violation of this section shall be considered within the provisions of §</p>	<p>protection or otherwise has acquired actual knowledge of such order.</p> <p style="text-align: center;"><b>Tenn. Code Ann. § 36-3-610</b></p> <p><b>Violation of order or consent agreement—Civil or criminal contempt—Financial penalty.</b></p> <p>(a) Upon violation of the order of protection or a court-approved consent agreement, the court may hold the defendant in civil or criminal contempt and punish the defendant in accordance with the law. A judge of the general sessions court shall have the same power as a court of record to punish the defendant for contempt when exercising jurisdiction pursuant to this part or when exercising concurrent jurisdiction with a court of record. A judge of the general sessions court who is not a licensed attorney shall appoint an attorney referee to hear charges of criminal contempt.</p> <p>(b)</p> <p>(1) In addition to the authorized punishments for contempt of court, the judge may assess any person who violates an order of protection or a court-approved consent agreement a civil penalty of fifty dollars (\$50.00). The judge may further order that any support payment made pursuant to an order of protection or a court-approved consent agreement be made under an income assignment to the clerk of court.</p> <p>(2) The judge upon finding a violation of an order of protection or a court-approved consent order shall require a bond of the respondent until such time as the order of protection expires. Such bond shall not be less than two thousand five hundred dollars (\$2,500) and shall be payable upon forfeit as provided. Bond shall be set at whatever the court determines is necessary to reasonably assure the safety of the petitioner as required. Any respondent for whom bond has been set may deposit with the clerk of the court before which the proceeding is pending a sum of money in cash equal to the amount of the bond. The clerk of the court may deposit funds received in lieu of bonds, or any funds received from the forfeiture of bonds, in an interest bearing account. Any interest received from such accounts shall be payable to the office of the clerk. Failure to comply with this subsection (b) may be punished by the court as a contempt of court as provided in title 29, chapter 9.</p>



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	<p>40-11-150(a) and subject to the twelve-hour holding period authorized by § 40-11-150(h).</p> <p>(d) After a person has been arrested for a violation of this section, the arresting officer shall inform the victim that the person has been arrested and that the person may be eligible to post bond for the offense and be released until the date of trial for the offense.</p> <p>(e) Neither an arrest nor the issuance of a warrant or capias for a violation of this section shall in any way affect the validity or enforceability of any order of protection or restraining order.</p> <p>(f) In order to constitute a violation of this section:</p> <p>(1) The person must have received notice of the request for an order of protection or restraining order;</p> <p>(2) The person must have had an opportunity to appear and be heard in connection with the order of protection or restraining order; and</p> <p>(3) The court made specific findings of fact in the order of protection or restraining order that the person committed domestic abuse, sexual assault or stalking as defined in § 36-3-601.</p> <p>(g) A violation of this section is a Class A misdemeanor, and any sentence imposed shall be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.</p> <p>(h)</p> <p>(1) It is an offense and a violation of an order of protection for a person to knowingly possess a firearm while an order of protection that fully complies with 18 U.S.C. § 922(g)(8) is entered against that person and in effect, or any successive order of protection containing the language of § 36-3-606(g) and that fully complies with 18 U.S.C. § 922(g)(8) is entered against that person and in effect.</p> <p>(2) For purposes of this subsection (h), the determination of whether a person possesses firearms shall be based upon the factors set out in § 36-3-625(f) if the firearms constitute the business</p>	<p>(3) If a respondent posting bond under this subsection (b) does not comply with the conditions of the bond, the court having jurisdiction shall enter an order declaring the bond to be forfeited. Notice of the order of forfeiture shall be mailed forthwith by the clerk to the respondent at the respondent's last known address. If the respondent does not within thirty (30) days from the date of the forfeiture satisfy the court that compliance with the conditions of the bond was met, the court shall enter judgment for the state against the defendant for the amount of the bond and costs of the court proceedings. The judgment and costs may be enforced and collected in the same manner as a judgment entered in a civil action.</p> <p>(4) Nothing in this section shall be construed to limit or affect any remedy in effect on July 1, 2010.</p> <p>(c) Upon collecting the civil penalty imposed by subsection (b), the clerk shall, on a monthly basis, send the money to the state treasurer who shall deposit it in the domestic violence community education fund created by § 36-3-616.</p> <p>(d) The proceeds of a judgment for the amount of the bond pursuant to this section shall be paid quarterly to the administrative office of the courts. The quarterly payments shall be due on the fifteenth day of the fourth month of the year; the fifteenth day of the sixth month; the fifteenth day of the ninth month; and on the fifteenth day of the first month of the next succeeding year. The proceeds shall be allocated equally on an annual basis as follows:</p> <p>(1) To provide legal representation to low-income Tennesseans in civil matters in such manner as determined by the supreme court as described in § 16-3-808(c); provided, that one-fourth (1/4) of such funds shall be allocated to an appropriate statewide nonprofit organization capable of providing continuing legal education, technology support, planning assistance, resource development and other support to organizations delivering civil legal representation to indigents. The remainder shall be distributed to organizations delivering direct assistance to clients with Legal Services Corporation funding as referenced in the Tennessee State Plan for Civil Legal Justice approved in March, 2001, by the Legal Services Corporation;</p> <p>(2) To the domestic violence state coordinating council, created by title 38, chapter 12;</p> <p>(3) To the Tennessee Court Appointed Special Advocates Association (CASA); and</p>

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	<p>inventory or are subject to the National Firearms Act, compiled in 26 U.S.C. § 5801 et seq.</p> <p>(3) A violation of this subsection (h) is a Class A misdemeanor and each violation constitutes a separate offense.</p> <p>(4) If a violation of subsection (h) also constitutes a violation of § 36-3-625(h) or § 39-17-1307(f), the respondent may be charged and convicted under any or all such sections.</p>	<p>(4) To Childhelp.</p>
<p><b>TEXAS</b></p>	<p><b>Tex. Code Crim. Proc. art. 17.292</b></p> <p><b>Art. 17.292. Magistrate's Order for Emergency Protection</b></p> <p>(a) At a defendant's appearance before a magistrate after arrest for an offense involving family violence or an offense under Section 20A.02, 20A.03, 22.011, 22.021, or 42.072, Penal Code, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of:</p> <ol style="list-style-type: none"> <li>(1) the victim of the offense;</li> <li>(2) the guardian of the victim;</li> <li>(3) a peace officer; or</li> <li>(4) the attorney representing the state.</li> </ol> <p>(b) At a defendant's appearance before a magistrate after arrest for an offense involving family violence, the magistrate shall issue an order for emergency protection if the arrest is for an offense that also involves:</p> <ol style="list-style-type: none"> <li>(1) serious bodily injury to the victim; or</li> <li>(2) the use or exhibition of a deadly weapon during the commission of an assault.</li> </ol> <p>(c) The magistrate in the order for emergency protection may prohibit the arrested party from:</p> <ol style="list-style-type: none"> <li>(1) committing: <ol style="list-style-type: none"> <li>(A) family violence or an assault on the person protected under the order; or</li> <li>(B) an act in furtherance of an offense under Section 20A.02 or 42.072, Penal Code;</li> </ol> </li> <li>(2) communicating:</li> </ol>	<p><b>Tex. Penal Code § 25.07 (2016)</b></p> <p><b>Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case</b></p> <p>(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Chapter 7A, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:</p> <ol style="list-style-type: none"> <li>(1) commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.021, or 42.072;</li> <li>(2) communicates: <ol style="list-style-type: none"> <li>(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;</li> <li>(B) a threat through any person to a protected individual or a member of the family or household; or</li> <li>(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;</li> </ol> </li> <li>(3) goes to or near any of the following places as specifically described in the order or condition of bond:</li> </ol>

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	<p>(A) directly with a member of the family or household or with the person protected under the order in a threatening or harassing manner;</p> <p>(B) a threat through any person to a member of the family or household or to the person protected under the order; or</p> <p>(C) if the magistrate finds good cause, in any manner with a person protected under the order or a member of the family or household of a person protected under the order, except through the party's attorney or a person appointed by the court;</p> <p>(3) going to or near:</p> <p>(A) the residence, place of employment, or business of a member of the family or household or of the person protected under the order; or</p> <p>(B) the residence, child care facility, or school where a child protected under the order resides or attends; or</p> <p>(4) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.</p> <p>(c-1) In addition to the conditions described by Subsection (c), the magistrate in the order for emergency protection may impose a condition described by Article 17.49(b) in the manner provided by that article, including ordering a defendant's participation in a global positioning monitoring system or allowing participation in the system by an alleged victim or other person protected under the order.</p> <p>(d) The victim of the offense need not be present when the order for emergency protection is issued.</p> <p>(e) In the order for emergency protection the magistrate shall specifically describe the prohibited locations and the minimum distances, if any, that the party must maintain, unless the magistrate determines for the safety of the person or persons protected by the order that specific descriptions of the locations should be omitted.</p>	<p>(A) the residence or place of employment or business of a protected individual or a member of the family or household; or</p> <p>(B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;</p> <p>(4) possesses a firearm;</p> <p>(5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond; or</p> <p>(6) removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.</p> <p>(a-1) For purposes of Subsection (a)(5), possession of a pet, companion animal, or assistance animal by a person means:</p> <p>(1) actual care, custody, control, or management of a pet, companion animal, or assistance animal by the person; or</p> <p>(2) constructive possession of a pet, companion animal, or assistance animal owned by the person or for which the person has been the primary caregiver.</p> <p>(b) For the purposes of this section:</p> <p>(1) "Family violence," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.</p> <p>(2) "Firearm" has the meaning assigned by Chapter 46.</p> <p>(2-a) "Global positioning monitoring system" has the meaning assigned by Article 17.49, Code of Criminal Procedure.</p> <p>(3) "Assistance animal" has the meaning assigned by Section 121.002, Human Resources Code.</p> <p>(4) "Sexual abuse" means any act as described by Section 21.02 or 21.11.</p> <p>(5) "Sexual assault" means any act as described by Section 22.011 or 22.021.</p> <p>(6) "Stalking" means any conduct that constitutes an offense under Section 42.072.</p> <p>(7) "Trafficking" means any conduct that constitutes an offense under Section 20A.02.</p> <p>(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.</p> <p>(d) Reconciliatory actions or agreements made by persons affected by an order do not affect the validity of the order or the duty of a peace officer to enforce this section.</p>

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	<p>(f) To the extent that a condition imposed by an order for emergency protection issued under this article conflicts with an existing court order granting possession of or access to a child, the condition imposed under this article prevails for the duration of the order for emergency protection.</p> <p>(f-1) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 85, Subtitle B, Title 4, Family Code, or under Title 1 or Title 5, Family Code, the condition imposed by the order issued under the Family Code prevails.</p> <p>(f-2) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 83, Subtitle B, Title 4, Family Code, the condition imposed by the order issued under this article prevails unless the court issuing the order under Chapter 83, Family Code:</p> <p>(1) is informed of the existence of the order issued under this article; and</p> <p>(2) makes a finding in the order issued under Chapter 83, Family Code, that the court is superseding the order issued under this article.</p> <p>(g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:  <b>“A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A</b></p>	<p>(e) A peace officer investigating conduct that may constitute an offense under this section for a violation of an order may not arrest a person protected by that order for a violation of that order.</p> <p>(f) It is not a defense to prosecution under this section that certain information has been excluded, as provided by Section 85.007, Family Code, or Article 17.292, Code of Criminal Procedure, from an order to which this section applies.</p> <p>(g) An offense under this section is a Class A misdemeanor, except the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant:</p> <p>(1) has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or</p> <p>(2) has violated the order or condition of bond by committing an assault or the offense of stalking.</p> <p style="text-align: center;"><b>Tex. Penal Code § 25.07</b></p> <p><b>Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Stalking, or Trafficking Case.</b></p> <p>(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Chapter 7A, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, or Chapter 85, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:</p>

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	<p>PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.</p> <p>“NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.”</p> <p>(h) As soon as possible but not later than the next business day after the date the magistrate issues an order for emergency protection under this article, the magistrate shall send a copy of the order to the chief of police in the municipality where the member of the family or household or individual protected by the order resides, if the person resides in a municipality, or to the sheriff of the county where the person resides, if the person does not reside in a municipality. If the victim of the offense is not present when the order is issued, the magistrate issuing the order shall order an appropriate peace officer to make a good faith effort to notify, within 24 hours, the victim that the order has been issued by calling the victim's residence and place of employment. The clerk of the court shall send a copy of the order to the victim at the victim's last known address as soon as possible but not later than the next business day after the date the order is issued.</p> <p>(h-1) A magistrate or clerk of the court may delay sending a copy of the order under Subsection (h) only if the magistrate or clerk lacks information necessary to ensure service and enforcement.</p> <p>(i) If an order for emergency protection issued under this article prohibits a person from going to or near a</p>	<p>(1) commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.021, or 42.072;</p> <p>(2) communicates:</p> <p>(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;</p> <p>(B) a threat through any person to a protected individual or a member of the family or household; or</p> <p>(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;</p> <p>(3) goes to or near any of the following places as specifically described in the order or condition of bond:</p> <p>(A) the residence or place of employment or business of a protected individual or a member of the family or household; or</p> <p>(B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;</p> <p>(4) possesses a firearm; or</p> <p>(5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond.</p> <p>(a-1) For purposes of Subsection (a)(5), possession of a pet, companion animal, or assistance animal by a person means:</p> <p>(1) actual care, custody, control, or management of a pet, companion animal, or assistance animal by the person; or</p> <p>(2) constructive possession of a pet, companion animal, or assistance animal owned by the person or for which the person has been the primary caregiver.</p> <p>(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.</p> <p>(d) Reconciliatory actions or agreements made by persons affected by an order do not affect the validity of the order or the duty of a peace officer to enforce this section.</p> <p>(f) It is not a defense to prosecution under this section that certain information has been excluded, as provided by Section 85.007, Family Code, or Article 17.292, Code of Criminal Procedure, from an order to which this section applies.</p>

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	<p>child care facility or school, the magistrate shall send a copy of the order to the child care facility or school.</p> <p>(i-1) The copy of the order and any related information may be sent under Subsection (h) or (i) electronically or in another manner that can be accessed by the recipient.</p> <p>(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order by the magistrate or the magistrate's designee in person or electronically. The magistrate shall make a separate record of the service in written or electronic format. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this article if the court finds that:</p> <ol style="list-style-type: none"> <li>(1) the order as originally issued is unworkable;</li> <li>(2) the modification will not place the victim of the offense at greater risk than did the original order; and</li> <li>(3) the modification will not in any way endanger a person protected under the order.</li> </ol> <p>(k) To ensure that an officer responding to a call is aware of the existence and terms of an order for emergency protection issued under this article, not later than the third business day after the date of receipt of the copy of the order by the applicable law enforcement agency with jurisdiction over the municipality or county in which the victim resides, the law enforcement agency shall enter the information required under Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.</p> <p>(k-1) A law enforcement agency may delay entering the information required under Subsection (k) only if</p>	<p>(g) An offense under this section is a Class A misdemeanor, except the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant:</p> <ol style="list-style-type: none"> <li>(1) has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or</li> <li>(2) has violated the order or condition of bond by committing an assault or the offense of stalking.</li> </ol>

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	<p>the agency lacks information necessary to ensure service and enforcement.</p> <p>(l) In the order for emergency protection, the magistrate shall suspend a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the defendant.</p> <p>(m) In this article:</p> <p>(1) “Family,” “family violence,” and “household” have the meanings assigned by Chapter 71, Family Code.</p> <p>(2) “Firearm” has the meaning assigned by Chapter 46, Penal Code.</p> <p>(3) “Business day” means a day other than a Saturday, Sunday, or state or national holiday.</p> <p>(n) On motion, notice, and hearing, or on agreement of the parties, an order for emergency protection issued under this article may be transferred to the court assuming jurisdiction over the criminal act giving rise to the issuance of the emergency order for protection. On transfer, the criminal court may modify all or part of an order issued under this subsection in the same manner and under the same standards as the issuing court under Subsection (j).</p>	
<p><b>UTAH</b></p>	<p><b>Utah Code Ann. § 78B-7-106</b></p> <p><b>Protective orders--Ex parte protective orders--Modification of orders--Service of process--Duties of the court</b></p> <p>(1) If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic violence or abuse has occurred or a modification of an order for protection is required, a court may:</p> <p>(a) without notice, immediately issue an order for protection ex parte or modify an order for protection ex parte as it considers necessary to protect the petitioner and all parties named to be protected in the petition; or</p> <p>(b) upon notice, issue an order for protection or modify an order after a hearing, whether or not the respondent appears.</p>	<p><b>Utah Code Ann. § 77-36-2.4</b></p> <p><b>Violation of protective orders--Mandatory arrest—Penalties</b></p> <p>(1) A law enforcement officer shall, without a warrant, arrest an alleged perpetrator whenever there is probable cause to believe that the alleged perpetrator has violated any of the provisions of an ex parte protective order or protective order.</p> <p>(2)</p> <p>(a) Intentional or knowing violation of any ex parte protective order or protective order is a class A misdemeanor, in accordance with Section 76-5-108, except where a greater penalty is provided in this chapter, and is a domestic violence offense, pursuant to Section 77-36-1.</p> <p>(b) Second or subsequent violations of ex parte protective orders or protective orders carry increased penalties, in accordance with Section 77-36-1.1.</p> <p>(3) As used in this section, “ex parte protective order” or “protective order” includes:</p>

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	<p>(2) A court may grant the following relief without notice in an order for protection or a modification issued ex parte:</p> <p>(a) enjoin the respondent from threatening to commit domestic violence or abuse, committing domestic violence or abuse, or harassing the petitioner or any designated family or household member;</p> <p>(b) prohibit the respondent from telephoning, contacting, or otherwise communicating with the petitioner or any designated family or household member, directly or indirectly, with the exception of any parent-time provisions in the ex parte order;</p> <p>(c) subject to Subsection (2)(e), prohibit the respondent from being within a specified distance of the petitioner;</p> <p>(d) subject to Subsection (2)(e), order that the respondent is excluded from and is to stay away from the following places and their premises:</p> <p>(i) the petitioner’s residence or any designated family or household member’s residence;</p> <p>(ii) the petitioner’s school or any designated family or household member’s school;</p> <p>(iii) the petitioner’s or any designated family or household member’s place of employment;</p> <p>(iv) the petitioner’s place of worship or any designated family or household member’s place of worship; or</p> <p>(v) any specified place frequented by the petitioner or any designated family or household member;</p> <p>(e) if the petitioner or designated family or household member attends the same school as the respondent, is employed at the same place of employment as the respondent, or attends the same place of worship, the court:</p> <p>(i) may not enter an order under Subsection (2)(c) or (d) that excludes the respondent from the respondent’s school, place of employment, or place of worship; and</p>	<p>(a) any protective order or ex parte protective order issued under Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act;</p> <p>(b) any jail release agreement, jail release court order, pretrial protective order, or sentencing protective order issued under Title 77, Chapter 36, Cohabitant Abuse Procedures Act;</p> <p>(c) any child protective order or ex parte child protective order issued under Title 78B, Chapter 7, Part 2, Child Protective Orders; or</p> <p>(d) a foreign protection order enforceable under Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.</p> <p style="text-align: center;"><b>Utah Code Ann. § 78B-7-116</b></p> <p><b>Full faith and credit for foreign protection orders</b></p> <p>(1) A foreign protection order is enforceable in this state as provided in Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.</p> <p>(2)</p> <p>(a) A person entitled to protection under a foreign protection order may file the order in any district court by filing with the court a certified copy of the order. A filing fee may not be required.</p> <p>(b) The person filing the foreign protection order shall swear under oath in an affidavit, that to the best of the person’s knowledge the order is presently in effect as written and the respondent was personally served with a copy of the order.</p> <p>(c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent with its responsibilities to develop and adopt forms under Section 78B-7-105.</p> <p>(d) The court where a foreign protection order is filed shall transmit a copy of the order to the statewide domestic violence network described in Section 78B-7-113.</p> <p>(e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.</p> <p>(f) After a foreign protection order is filed, the district court shall furnish a certified copy of the order to the person who filed the order.</p> <p>(g) A filed foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the</p>



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	<p>(ii) may enter an order governing the respondent’s conduct at the respondent’s school, place of employment, or place of worship;</p> <p>(f) upon finding that the respondent’s use or possession of a weapon may pose a serious threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court;</p> <p>(g) order possession and use of an automobile and other essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner’s or respondent’s removal of personal belongings;</p> <p>(h) order the respondent to maintain an existing wireless telephone contract or account;</p> <p>(i) grant to the petitioner or someone other than the respondent temporary custody of a minor child of the parties;</p> <p>(j) order the appointment of an attorney guardian ad litem under Sections 78A-2-703 and 78A-6-902;</p> <p>(k) order any further relief that the court considers necessary to provide for the safety and welfare of the petitioner and any designated family or household member; and</p> <p>(l) if the petition requests child support or spousal support, at the hearing on the petition order both parties to provide verification of current income, including year-to-date pay stubs or employer statements of year-to-date or other period of earnings, as specified by the court, and complete copies of tax returns from at least the most recent year.</p> <p>(3) A court may grant the following relief in an order for protection or a modification of an order after notice and hearing, whether or not the respondent appears:</p> <p>(a) grant the relief described in Subsection (2); and</p>	<p>statewide domestic violence network described in Section 78B-7-113.</p> <p>(3) Law enforcement personnel may:</p> <p>(a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;</p> <p>(b) rely on the statement of the person protected by the order that the order is in effect and the respondent was personally served with a copy of the order; or</p> <p>(c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(4) A violation in Utah of a foreign protection order is subject to the same penalties as the violation of a protective order issued in Utah.</p> <p style="text-align: center;"><b>Utah Code Ann. § 78B-7-113</b></p> <p><b>Statewide domestic violence network--Peace officers' duties--Prevention of abuse in absence of order--Limitation of liability</b></p> <p>(1)</p> <p>(a) Law enforcement units, the Department of Public Safety, and the Administrative Office of the Courts shall utilize statewide procedures to ensure that peace officers at the scene of an alleged violation of a protective order or pretrial criminal no contact order have immediate access to information necessary to verify the existence and terms of that order, and other orders of the court required to be made available on the network by the provisions of this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, or Section 77-38-3. Those officers shall use every reasonable means to enforce the court’s order, in accordance with the requirements and procedures of this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and Section 77-38-3.</p> <p>(b) The Administrative Office of the Courts, in cooperation with the Department of Public Safety and the Criminal Investigations and Technical Services Division, established in Section 53-10-103, shall provide for a single, statewide network containing:</p> <p>(i) all orders for protection issued by a court of this state; and</p> <p>(ii) all other court orders or reports of court action that are required to be available on the network under this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and Section 77-38-3.</p>

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	<p>(b) specify arrangements for parent-time of any minor child by the respondent and require supervision of that parent-time by a third party or deny parent-time if necessary to protect the safety of the petitioner or child.</p> <p>(4) In addition to the relief granted under Subsection (3), the court may order the transfer of a wireless telephone number in accordance with Section 77-36-5.3.</p> <p>(5)(a) Each protective order shall include two separate portions, one for provisions, the violation of which are criminal offenses, and one for provisions, the violation of which are civil violations, as follows:</p> <p>(i) criminal offenses are those under Subsections (2)(a) through (e), and under Subsection (3)(a) as it refers to Subsections (2)(a) through (e); and</p> <p>(ii) civil offenses are those under Subsections (2)(f), (h), and (i), and Subsection (3)(a) as it refers to Subsections (2)(f), (h), and (i).</p> <p>(b) The criminal provision portion shall include a statement that violation of any criminal provision is a class A misdemeanor.</p> <p>(c) The civil provision portion shall include a notice that violation of or failure to comply with a civil provision is subject to contempt proceedings.</p> <p>(6)</p> <p>(a) Each protective order shall include two separate portions, one for provisions, the violation of which are criminal offenses, and one for provisions, the violation of which are civil violations, as follows:</p> <p>(i) criminal offenses are those under Subsections (2)(a) through (g), and under Subsection (3)(a) as it refers to Subsections (2)(a) through (g); and</p> <p>(ii) civil offenses are those under Subsections (2) (h), (j), (k), and (l), and Subsection (3)(a) as it refers to Subsections (2) (h), (j), (k), and (l).</p> <p>(b) The criminal provision portion shall include a statement that violation of any criminal provision is a class A misdemeanor.</p> <p>(c) The civil provision portion shall include a notice that violation of or failure to comply with a civil provision is subject to contempt proceedings.</p>	<p>(c) The entities described in Subsection (1)(b) may utilize the same mechanism as the statewide warrant system, described in Section 53-10-208.</p> <p>(d) All orders and reports required to be available on the network shall be available within 24 hours after court action. If the court that issued the order is not part of the state court computer system, the orders and reports shall be available on the network within 72 hours.</p> <p>(e) The information contained in the network shall be available to a court, law enforcement officer, or agency upon request.</p> <p>(2) When any peace officer has reason to believe a cohabitant or child of a cohabitant is being abused, or that there is a substantial likelihood of immediate danger of abuse, although no protective order has been issued, that officer shall use all reasonable means to prevent the abuse, including:</p> <p>(a) remaining on the scene as long as it reasonably appears there would otherwise be danger of abuse;</p> <p>(b) making arrangements for the victim to obtain emergency medical treatment;</p> <p>(c) making arrangements for the victim to obtain emergency housing or shelter care;</p> <p>(d) explaining to the victim his or her rights in these matters;</p> <p>(e) asking the victim to sign a written statement describing the incident of abuse; or</p> <p>(f) arresting and taking into physical custody the abuser in accordance with the provisions of Title 77, Chapter 36, Cohabitant Abuse Procedures Act.</p> <p>(3) No person or institution may be held criminally or civilly liable for the performance of, or failure to perform, any duty established by this chapter, so long as that person acted in good faith and without malice.</p> <p style="text-align: center;"><b>Utah Code Ann. § 78B-7-304</b></p> <p><b>Nonjudicial enforcement of order</b></p> <p>(1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign</p>

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	<p>(7) The protective order shall include:</p> <p>(a) a designation of a specific date, determined by the court, when the civil portion of the protective order either expires or is scheduled for review by the court, which date may not exceed 150 days after the date the order is issued, unless the court indicates on the record the reason for setting a date beyond 150 days;</p> <p>(b) information the petitioner is able to provide to facilitate identification of the respondent, such as social security number, driver license number, date of birth, address, telephone number, and physical description; and</p> <p>(c) a statement advising the petitioner that:</p> <p>(i) after two years from the date of issuance of the protective order, a hearing may be held to dismiss the criminal portion of the protective order;</p> <p>(ii) the petitioner should, within the 30 days prior to the end of the two-year period, advise the court of the petitioner’s current address for notice of any hearing; and</p> <p>(iii) the address provided by the petitioner will not be made available to the respondent.</p> <p>(8) Child support and spouse support orders issued as part of a protective order are subject to mandatory income withholding under Title 62A, Chapter 11, Part 4, Income Withholding in IV-D Cases, and Title 62A, Chapter 11, Part 5, Income Withholding in Non IV-D Cases, except when the protective order is issued ex parte.</p> <p>(9)</p> <p>(a) The county sheriff that receives the order from the court, pursuant to Subsection (6)(a), shall provide expedited service for orders for protection issued in accordance with this chapter, and shall transmit verification of service of process, when the order has been served, to the statewide domestic violence network described in Section 78B-7-113.</p> <p>(b) This section does not prohibit any law enforcement agency from providing service of process if that law enforcement agency:</p>	<p>protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(2) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(3) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part.</p> <p style="text-align: center;"><b>Utah Code Ann. § 78B-7-116</b></p> <p><b>Full faith and credit for foreign protection orders</b></p> <p>(1) A foreign protection order is enforceable in this state as provided in Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.</p> <p>(2)</p> <p>(a) A person entitled to protection under a foreign protection order may file the order in any district court by filing with the court a certified copy of the order. A filing fee may not be required.</p> <p>(b) The person filing the foreign protection order shall swear under oath in an affidavit, that to the best of the person’s knowledge the order is presently in effect as written and the respondent was personally served with a copy of the order.</p> <p>(c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent with its responsibilities to develop and adopt forms under Section 78B-7-105.</p> <p>(d) The court where a foreign protection order is filed shall transmit a copy of the order to the statewide domestic violence network described in Section 78B-7-113.</p>

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	<p>(i) has contact with the respondent and service by that law enforcement agency is possible; or</p> <p>(ii) determines that under the circumstances, providing service of process on the respondent is in the best interests of the petitioner.</p> <p>(10) A court may modify or vacate an order of protection or any provisions in the order after notice and hearing, except that the criminal provisions of a protective order may not be vacated within two years of issuance unless the petitioner:</p> <p>(a) is personally served with notice of the hearing as provided in Rules 4 and 5, Utah Rules of Civil Procedure, and the petitioner personally appears before the court and gives specific consent to the vacation of the criminal provisions of the protective order; or</p> <p>(b) submits a verified affidavit, stating agreement to the vacation of the criminal provisions of the protective order.</p> <p>(11) A protective order may be modified without a showing of substantial and material change in circumstances.</p> <p>(12) Insofar as the provisions of this chapter are more specific than the Utah Rules of Civil Procedure, regarding protective orders, the provisions of this chapter govern.</p> <p style="text-align: center;"><b>Utah Code Ann. § 76-5-108</b></p> <p><b>Protective orders restraining abuse of another-- Violation</b></p> <p>(1) Any person who is the respondent or defendant subject to a protective order, child protective order, ex parte protective order, or ex parte child protective order issued under the following who intentionally or knowingly violates that order after having been properly served or having been present, in person or through court video conferencing, when the order was issued, is guilty of a class A misdemeanor, except as a greater penalty may be provided in Title 77, Chapter 36, Cohabitant Abuse Procedures Act:</p> <p>(a) Title 78B, Chapter 7, Part 1, Cohabitant Abuse</p>	<p>(e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.</p> <p>(f) After a foreign protection order is filed, the district court shall furnish a certified copy of the order to the person who filed the order.</p> <p>(g) A filed foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the statewide domestic violence network described in Section 78B-7-113.</p> <p>(3) Law enforcement personnel may:</p> <p>(a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;</p> <p>(b) rely on the statement of the person protected by the order that the order is in effect and the respondent was personally served with a copy of the order; or</p> <p>(c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(4) A violation in Utah of a foreign protection order is subject to the same penalties as the violation of a protective order issued in Utah.</p>

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	<p>Act;            (b) Title 78A, Chapter 6, Juvenile Court Act;            (c) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or            (d) a foreign protection order enforceable under Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.            (2) Violation of an order as described in Subsection (1) is a domestic violence offense under Section 77-36-1 and subject to increased penalties in accordance with Section 77-36-1.1.</p>	
<p><b>VERMONT</b></p>	<p><b>13 V.S.A. § 1030</b></p> <p><b>Violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child</b></p> <p>(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; shall be imprisoned not more than one year or fined not more than \$ 5,000.00, or both.</p> <p>(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section</p>	<p><b>V.R.Cr.P. Rule 3</b></p> <p><b>Arrest Without A Warrant; Citation to Appear</b></p> <p>(a) Arrest Without a Warrant for a Felony Offense. A law enforcement officer may arrest without warrant a person whom the officer has probable cause to believe has committed or is committing a felony.</p> <p>(b) Arrest Without a Warrant for a Misdemeanor Offense Committed in the Presence of an Officer. A law enforcement officer may arrest without a warrant a person whom the officer has probable cause to believe has committed or is committing a misdemeanor in the presence of the officer. Such an arrest shall be made while the crime is being committed or without unreasonable delay.</p> <p>(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:</p> <p>(6) The person has violated an order issued by a court in this state pursuant to 12 V.S.A. chapter 178, 15 V.S.A. chapter 21, or 33 V.S.A. chapter 69 or subsection 5115(e).</p> <p>(7) The person has violated a foreign abuse prevention order issued by a court in any other state, federally-recognized Indian tribe, territory or possession of the United States, the Commonwealth or Puerto Rico or the District of Columbia.</p> <p>(8) The person who has committed a misdemeanor which involves an assault against a family member.</p>

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	<p>1044 of this title shall be imprisoned not more than three years or fined not more than \$ 25,000.00, or both.</p> <p>(c) Upon conviction under this section for a violation of an order issued under 15 V.S.A. chapter 21, the court shall, unless the circumstances indicate that it is not appropriate or not available, order the defendant to participate in domestic abuse counseling or a domestic abuse prevention program approved by the Department of Corrections. The defendant may at any time request the court to approve an alternative program. The defendant shall pay all or part of the costs of the counseling or program unless the court finds that the defendant is unable to do so.</p> <p>(d) Upon conviction for a violation of an order issued under 12 V.S.A. chapter 178, the court may order the defendant to participate in mental health counseling or sex offender treatment approved by the Department of Corrections. The defendant shall pay all or part of the costs of the counseling unless the court finds that the defendant is unable to do so.</p> <p>(e) Nothing in this section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through contempt proceedings.</p> <p>(f) Prosecution for violation of an abuse prevention order or an order against stalking or sexual assault shall not bar prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order.</p>	<p>(9) The person has committed a misdemeanor offense prohibited by 13 V.S.A. §§ 1376-1379 against a vulnerable adult as defined in 13 V.S.A. § 1375(8).</p> <p>(d) Upon conviction for a violation of an order issued under 12 V.S.A. chapter 178, the court may order the defendant to participate in mental health counseling or sex offender treatment approved by the Department of Corrections. The defendant shall pay all or part of the costs of the counseling unless the court finds that the defendant is unable to do so.</p> <p>(e) Nothing in this section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through contempt proceedings.</p> <p>(f) Prosecution for violation of an abuse prevention order or an order against stalking or sexual assault shall not bar prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order.</p> <p style="text-align: center;"><b>15 V.S.A. § 1108</b></p> <p><b>Enforcement</b></p> <p>(a) Law enforcement officers are authorized to enforce orders issued under this chapter. A foreign abuse prevention order shall be accorded full faith and credit throughout this state and shall be enforced as if it were an order of this state. Enforcement may include, but is not limited to:</p> <ol style="list-style-type: none"> <li>(1) making an arrest in accordance with the provisions of V.R.Cr.P. 3;</li> <li>(2) assisting the recipient of an order granting sole possession of the residence to obtain sole possession of the residence if the defendant refuses to leave;</li> <li>(3) assisting the recipient of an order granting sole custody of children to obtain sole custody of children if the defendant refuses to release them.</li> </ol> <p>(b) A law enforcement officer may rely upon a copy of any order issued under this chapter or any foreign abuse prevention order which has been provided to the law enforcement officer by any source. Law enforcement personnel may rely upon the written and sworn statement of the person protected by the foreign abuse prevention order that the order remains in effect. An officer's reasonable reliance as provided in this subsection shall be a complete defense in any civil action arising in connection with a court's finding under subsection (c) of this section that the order</p>

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		<p>was not enforceable.</p> <p>(c) A foreign abuse prevention order shall be enforceable in the courts in this state if all the following are satisfied:</p> <ol style="list-style-type: none"> <li>(1) The defendant has received notice of the order in compliance with the requirements of the issuing state.</li> <li>(2) The order is in effect in the issuing state.</li> <li>(3) The court in the issuing state had jurisdiction over the parties and the subject matter under the law of the issuing state.</li> <li>(4) In the issuing state the law gives reasonable notice and opportunity to be heard to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within a reasonable time after the order is issued, sufficient to protect the defendant's due process rights. Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of the foreign protection order.</li> </ol> <p>(d) A person entitled to protection under a foreign abuse prevention order may file the foreign abuse prevention order in any family division of the superior court by filing a certified copy of the order with the court. The person shall swear under oath in an affidavit that to the best of the person's knowledge the order is presently in effect as written. Upon inquiry by a law enforcement agency, the clerk of the family division of the superior court shall make a copy of the foreign abuse prevention order available.</p> <p>(e) In addition to the provisions of subsection (a) of this section, violation of an order issued under this chapter may be prosecuted as a criminal contempt under Rule 42 of Vermont Rules of Criminal Procedure. The prosecution for criminal contempt may be initiated by the state's attorney in district or superior court in the unit or county in which the violation occurred. The maximum penalty which may be imposed under this subsection shall be a fine of \$ 1,000.00 or imprisonment for six months, or both. A sentence of imprisonment upon conviction for criminal contempt may be stayed in the discretion of the court pending the expiration of the time allowed for filing notice of appeal or pending appeal if any appeal is taken. After two years have passed from conviction under this subsection, the court may on motion of the defendant expunge the record of the criminal proceeding and conviction unless the defendant has been convicted of a felony or misdemeanor involving moral turpitude or a violation of a domestic abuse order after such initial adjudication.</p>

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<p>VIRGIN ISLANDS</p>	<p style="text-align: center;"><b>5 V.I.C. § 2552</b></p> <p><b>Order of protection; enforcement</b>  (a) The court may make an order of protection in assistance of, or as a condition of, any other order authorized under this subchapter. The order of protection may set forth reasonable conditions of behavior to be observed for a specified period by any person who is before the court. Such an order may require any such person:  (1) to stay away from the home or place of custody of the child;  (2) to permit a parent to visit the child at stated periods;  (3) to abstain from offensive conduct against the child, his parent or any person to whom legal custody of the child is awarded;  (4) to give proper attention to the care of the home;  (5) to cooperate in good faith with an agency to which custody of the child is entrusted by the court or with an agency or association to which the child is referred by the court;  (6) to refrain from acts of commission or omission that tend to make the home not a proper place for the child.  (b) Orders of protection may be enforced by citation to show cause for contempt of court by reason of any violation thereof and, should the welfare of the child so require, by the issuance of a warrant to take the alleged violator into custody and bring him before the court.</p> <p style="text-align: center;"><b>16 V.I.C. § 99a</b></p> <p><b>Deferred sentence and counseling</b>  (a) The Court shall maintain a record of those charged with a domestic violence offense in the Virgin Islands to enable the Court to determine the eligibility of an accused for a domestic violence counseling program.  (b) When a defendant elects to plead guilty to a</p>	<p style="text-align: center;"><b>16 V.I.C. § 91a</b></p> <p><b>Duties of police officers</b>  (a) The Virgin Islands Police Department, or other law enforcement agencies, upon request to the Department or other enforcement agency, shall respond to every request for assistance or protection, from or on behalf of a victim of alleged domestic violence, whether or not an order has been issued against the alleged abuser.  (b) A lower priority shall not be assigned to calls involving alleged incidents of abuse or violations of orders relative to domestic violence than is assigned in responding to like offenses involving strangers. Existence of any of the following factors shall be interpreted by police dispatchers as indicating a need for immediate response:  (1) The caller indicates that violence is imminent or is in progress;  (2) An order relative to domestic violence is in effect; or  (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.  (c) If the police or other law enforcement officer has reason to believe that a person is a victim of domestic violence, the officer shall use all reasonable means to prevent further domestic violence and to ensure the victim's safety including:  (1) exercising arrest powers pursuant to section 94 of this chapter;  (2) attempting to persuade the offender to leave the household if there is not probable cause to make an arrest and the victim perceives continuing danger;  (3) filling out and filing a domestic violence report as provided by section 93 of this chapter;  (4) interviewing the parties and children in separate rooms to ensure that the victim, as well as the children, have an opportunity to speak freely;  (5) providing or arranging for transportation for the victim to a safe place or shelter, if such transportation is desired;  (6) interviewing the children regarding the facts of the assault;  (7) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries, if such treatment is needed or desired;  (8) reading to the victim, the oral statement of rights as provided under section 92 of this chapter and written information about the nearest shelter or other agency providing service to victims of</p>



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	<p>misdemeanor with a deferred sentence, the Court shall defer sentence for a period not less than six (6) months nor greater than two (2) years, and shall require the defendant to attend, fully participate in, fully cooperate with, and successfully complete a domestic violence counseling or education program during the pendency of the deferred sentence.</p> <p>(c) Upon notification that the defendant who has previously pleaded guilty under this section has successfully completed the domestic violence education program, the Court shall not impose an incarcerative penalty but may impose other sentencing provisions which the Court might have otherwise imposed had the defendant opted not to proceed under this section including, but not limited to, probation, restitution and continued treatment, or counseling. Upon finding that a defendant has violated probation, the Court shall be empowered to sentence the defendant to any sentence the Court could have imposed had the defendant not opted to proceed under this section.</p> <p>(d) Upon a finding by the Court that a defendant whose sentence has been deferred under this section has failed to successfully complete a domestic violence counseling or education program, or has committed a domestic violence offense or any felony during the pendency of the deferred sentence, the Court shall sentence the defendant to any term the Court could have imposed had the defendant not chosen to proceed under this section.</p> <p>(e) In order to qualify for the benefits of this section, a defendant whose sentence has been deferred shall attend, fully participate in, and fully cooperate with all programs or treatment sessions to which the defendant is assigned by the Court. Such programs or treatment sessions shall be prescribed for a qualifying defendant on a weekly basis. The treatment or counseling provider shall report to the Court and the appropriate prosecutor when a defendant successfully completes the Domestic Violence Education Program, and shall immediately report to the Court and the appropriate prosecutor when a defendant fails</p>	<p>domestic violence;</p> <p>(9) advising the victim of the importance of preserving evidence and of the types of evidence that should be preserved;</p> <p>(10) taking photographs of any visible injuries or property damage whenever necessary or appropriate;</p> <p>(11) remaining on the scene of an incident of domestic violence as long as the victim remains in danger;</p> <p>(12) accompanying the victim to a previous residence to remove personal belongings; and</p> <p>(13) supervising the court ordered removal of an abuser from a residence shared with a victim.</p> <p style="text-align: center;"><b>16 V.I.C. § 94</b></p> <p><b>Arrest powers</b></p> <p>(a) A police officer, or other peace officer, shall make an arrest without a warrant if the officer has probable cause to believe that a misdemeanor or felony involving domestic violence, as defined by section 91 of this chapter, has been committed by the suspect in violation of a court order or any criminal statute of this Territory.</p> <p>(b) Any clear and specific written statement by a person alleging that he witnessed the suspect commit an act of domestic violence against another constitutes probable cause for an officer to believe that the offense was committed and probable cause to believe that the suspect committed the offense.</p> <p>(c) In the absence of a statement, as provided in subsection (b) of this section, the officer shall consider the following factors in determining whether probable cause exists:</p> <p>(1) whether a victim or a witness alleges that an incident of domestic violence occurred;</p> <p>(2) whether there are visible injuries, torn clothing, disruption of physical surroundings, or other physical evidence of domestic violence; and</p> <p>(3) whether the dispatcher indicated a report of imminent violence or violence in progress.</p> <p>(d) Arrests pursuant to this section shall be made whether or not the offense was committed in the presence of the officer.</p> <p>(e) The existence of any of the following circumstances shall not be considered in any determination of probable cause to believe that a crime was committed by a person alleged to have committed it:</p> <p>(1) The victim knows the accused;</p>

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	<p>to attend, fully participate in, fully cooperate with or successfully completes any or all prescribed programs or treatment sessions to which the defendant is assigned.</p> <p>(f) The defendant shall bear the cost of a Domestic Violence Education Program. The Court may refer the defendant to a program that provides appropriate counseling or education services without charge, if available.</p> <p>(g) A defendant found eligible for the deferred sentence set forth herein shall have an opportunity to consult with an attorney before entering into a deferred sentence agreement. If a defendant elects to plead guilty and receives a deferred sentence as set forth herein, the defendant shall sign a written agreement under which he shall consent and agree to abide by all terms of a protective order, if appropriate, for the period provided by the agreement consistent with Title 16, section 99a(b) of the Virgin Islands Code. The defendant may also agree to waive any rights he may have to speedy disposition of the case.</p> <p>(h) The terms and conditions of a deferred sentence shall be designed on an individual basis to provide for the protection of the victim and society and the rehabilitation and education of the defendant through treatment and the prohibition of conduct which could lead to violence.</p> <p>(i) In referring defendants for counseling, preference shall be given for programs or therapists who focus on terminating violent behavior. The Court shall not refer defendants to couples counseling or to family therapy with their victims.</p> <p>(j) The prosecutor's office, or the prosecutor's designee, shall collect and retain the following data:</p> <ol style="list-style-type: none"> <li>(1) the number of cases screened for diversion;</li> <li>(2) the number of cases accepted into the diversion program;</li> <li>(3) a breakdown of the criminal charges which were filed against defendants who were accepted into the programs;</li> <li>(4) conditions imposed on diverted defendants;</li> </ol>	<ol style="list-style-type: none"> <li>(2) The victim has not made efforts to obtain a divorce, or a protective order, or to flee the residence;</li> <li>(3) The officer believes that the victim will not pursue criminal prosecution, or that the prosecutor will refuse to file charges based on the alleged incident;</li> <li>(4) The officer believes that reconciliation is preferable to arrest;</li> <li>(5) There are no witnesses to the incident;</li> <li>(6) The suspect is not in an agitated or argumentative state;</li> <li>(7) The victim has called the police on previous occasions; or</li> <li>(8) The parties have reconciled despite previous domestic violence or issuance of a restraining order.</li> </ol> <p style="text-align: center;"><b>16 V.I.C. § 97</b></p> <p><b>Hearing; relief</b></p> <p>(a) A hearing shall be scheduled in court within 10 days of filing a complaint, provided that the defendant has received notice of the Court proceedings. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence.</p> <p>(b) At the hearing the Court may issue an Order granting any or all of the following relief:</p> <ol style="list-style-type: none"> <li>(1) An Order prohibiting the defendant from subjecting the plaintiff to domestic violence, as defined in section 91(b).</li> <li>(2) An Order prohibiting the defendant from having contact with the plaintiff, including, but not limited to, restraining the defendant from entering the plaintiff's residence, place of employment or business, or school. The Court shall prohibit the defendant from harassing the plaintiff or the plaintiff's relatives in any way.</li> <li>(3) An Order granting possession of the residence to the plaintiff and excluding the defendant when the residence or household is jointly owned or leased by the parties. No Order shall affect any interest in the residence held by either party, but the Court may prohibit the defendant from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties. Sole ownership in the name of the defendant of the real property constituting the residence of the parties shall not bar the Court from issuing an Order restraining the defendant from entering the residence. When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is sole owner or lessee of the</li> </ol>

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	<p>(5) the number of successful completions;</p> <p>(6) the number of unsuccessful terminations;</p> <p>(7) the reasons for unsuccessful terminations;</p> <p>(8) the duration of defendant's participation in the diversion program; and</p> <p>(9) the disposition of criminal charges and sentence imposed on defendants rejected and on defendants who were terminated from the diversion program. Notwithstanding any other provision of law, the Probation Office shall monitor the progress of a defendant during the pendency of a deferred sentence and shall immediately report any violations of the conditions thereto to the Court.</p>	<p>residence, an Order granting possession of the residence or household to the plaintiff and excluding the defendant may be issued or, upon consent of the parties, the defendant may be allowed to provide suitable, alternate housing for the plaintiff. The Court may amend its Order at any time upon petition by either party.</p> <p>Upon the issuance of an Order pursuant to the aforesaid paragraph, the Court may order a police officer or marshal to accompany either party to the residence to supervise the removal of personal belongings in order to insure the safety of the plaintiff.</p> <p>(4) An Order determining temporary child support or child custody, or establishing visitation rights, provided that these issues have not been resolved nor are being litigated between the parties. The Court may protect the safety of the plaintiff by specifying a place of visitation away from the plaintiff or take any other appropriate precaution necessary to protect the safety and well-being of the plaintiff and minor children.</p> <p>(5) An Order requiring the defendant to pay monetary compensation for losses suffered as a direct result of the act of domestic violence. Compensatory losses shall include, but not be limited to, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses and reasonable attorney's fees.</p> <p>(6) An Order granting the plaintiff temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects.</p> <p>(7) An Order requiring the defendant to receive professional counseling or other appropriate treatment from either a private source or a source appointed by the Court and, in the Court's discretion, requiring the defendant to provide the Court at specified intervals with documentation of attendance at the professional counseling or treatment center.</p> <p>(c) Violation of an Order issued pursuant to this chapter shall constitute contempt and each Order shall so state.</p> <p>(d) Any Order issued under this section shall be effective for a fixed period not to exceed twenty-four months, except that such Order may be extended, renewed, or modified by Order of the Court upon good cause shown.</p> <p>(e) In addition to any other provision of law, violation of an order issued pursuant to section 97(b)(2) or section 98 of this chapter shall constitute the crime of domestic violence, and whoever willfully violates such an order shall be guilty of a misdemeanor</p>

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		and shall be fined not more than \$5,000 and imprisoned for not more than 180 days.
VIRGINIA	<p style="text-align: center;"><b>Va. Code Ann. § 16.1-253.2</b></p> <p><b>Violation of provisions of protective orders; penalty</b></p> <p>A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.</p> <p>B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has</p>	<p style="text-align: center;"><b>Va. Code Ann. § 19.2-81.3</b></p> <p><b>Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.</b></p> <p>A. Any law-enforcement officer with the powers of arrest may arrest without a warrant for an alleged violation of § 18.2-57.2, 18.2-60.4, or 16.1-253.2 regardless of whether such violation was committed in his presence, if such arrest is based on probable cause or upon personal observations or the reasonable complaint of a person who observed the alleged offense or upon personal investigation.</p> <p>B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of family and household members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.</p> <p>C. A law-enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has occurred that involves physical aggression shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of the person to whom the protective order was issued and the person's family and household members, (iii) prior acts of violence, force, or threat, as defined</p>

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	<p>been served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.</p> <p>C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.</p> <p>D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.</p>	<p>in § 19.2-152.7:1, by the person against whom the protective order was issued against the person protected by the order or the protected person's family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.</p> <p>D. Regardless of whether an arrest is made, the officer shall file a written report with his department, which shall state whether any arrests were made, and if so, the number of arrests, specifically including any incident in which he has probable cause to believe family abuse has occurred, and, where required, including a complete statement in writing that there are special circumstances that would dictate a course of action other than an arrest. The officer shall provide the allegedly abused person or the person protected by an order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, both orally and in writing, information regarding the legal and community resources available to the allegedly abused person or person protected by the order. Upon request of the allegedly abused person or person protected by the order, the department shall make a summary of the report available to the allegedly abused person or person protected by the order.</p> <p>E. In every case in which a law-enforcement officer makes an arrest under this section for a violation of § 18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition for an emergency protective order shall not be required. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected abuser is a minor, a petition for an emergency protective order shall not be required.</p> <p>F. A law-enforcement officer investigating any complaint of family abuse, including but not limited to assault and battery against a family or household member shall, upon request, transport, or arrange for the transportation of an abused person to a hospital or safe shelter, or to appear before a magistrate. Any local law-enforcement agency may adopt a policy requiring an officer to transport or arrange for transportation of an abused person as provided in this subsection.</p>

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		<p>G. The definition of "family or household member" in § 16.1-228 applies to this section.</p> <p>H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof, and any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.</p>
<p><b>WASHINGTON</b></p>	<p><b>Rev. Code Wash. (ARCW) § 26.50.110</b></p> <p><b>Violation of order--Penalties</b></p> <p>(1)</p> <p>(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:</p> <p>(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;</p> <p>(ii) A provision excluding the person from a residence, workplace, school, or day care;</p> <p>(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;</p>	<p><b>Rev. Code Wash. (ARCW) § 10.99.030</b></p> <p><b>Law enforcement officers--Training, powers, duties--Domestic violence reports</b></p> <p>(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.</p> <p>(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the</p>

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	<p>(iv) A provision prohibiting interfering with the protected party’s efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or</p> <p>(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.</p> <p>(b) Upon conviction, and in addition to any other penalties provided by law, the court:</p> <p>(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.</p> <p>(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.</p> <p>(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.</p>	<p>likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.</p> <p>(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.</p> <p>(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.</p> <p>(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.</p> <p>(6)</p> <p>(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim’s right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.</p> <p>(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer’s disposition of the case.</p> <p>(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of</p>

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	<p>(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.</p> <p>(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.</p> <p>(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.</p> <p>(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent</p>	<p>the following statement:</p> <p>“IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.</p> <p>Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women’s shelter and other resources in your area are (include local information)”</p> <p>(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed against a sibling, parent, stepparent, or grandparent.</p> <p>(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.</p> <p>(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.</p> <p>(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:</p> <p>(a) To include a table, in the annual report of crime in Washington</p>



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	<p>temporarily or permanently resides at the time of the alleged violation.</p> <p style="text-align: center;"><b>Rev. Code Wash (ARCW) § 26.52.070</b></p> <p><b>Violation of foreign orders--Penalties</b>  (1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is punishable under RCW 26.50.110.</p> <p style="text-align: center;"><b>Rev. Code Wash. § 26.50.115</b></p> <p><b>Enforcement of ex parte order--Knowledge of order prerequisite to penalties--Reasonable efforts to serve copy of order</b>  (1) When the court issues an ex parte order pursuant to RCW 26.50.070 or an order of protection pursuant to RCW 26.50.060, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in RCW 26.50.110 for a violation of the order unless the respondent knows of the order.  (2) When a peace officer investigates a report of an alleged violation of an order for protection issued under this chapter the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not or probably did not know about the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the</p>	<p>produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;</p> <p>(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and</p> <p>(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.</p> <p style="text-align: center;"><b>Rev. Code Wash. (ARCW) §10.31.100</b></p> <p><b>Arrest without warrant</b>  A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross</p>

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	<p>respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give petitioner a receipt indicating that petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.</p> <p>(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system.</p>	<p>misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (12) of this section.</p> <p>(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.</p> <p>(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:</p> <p>(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or</p> <p>(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or</p> <p>(16) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (10) of this section if the police officer acts in good faith and without malice.</p> <p>(3) Any police officer having probable cause to believe that a</p>

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		<p>person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:</p> <ul style="list-style-type: none"> <li>(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;</li> <li>(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;</li> <li>(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;</li> <li>(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;</li> <li>(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;</li> <li>(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;</li> <li>(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.</li> </ul> <p>(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.</p> <p>(5)</p> <ul style="list-style-type: none"> <li>(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.</li> <li>(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.</li> </ul> <p>(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.</p> <p>(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of</p>

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		<p>Washington.</p> <p>(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.</p> <p>(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.</p> <p>(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.</p> <p>(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.</p> <p>For purposes of this subsection, the term “firearm” has the meaning defined in RCW 9.41.010 and the term “dangerous weapon” has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).</p> <p>(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.</p> <p>(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.</p> <p>(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.</p> <p>(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.</p> <p>(16)</p> <p>(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent</p>

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		<p>local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.</p> <p>(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.</p>
WEST VIRGINIA	<p align="center"><b>W. Va. Code § 48-27-901</b></p> <p><b>Civil contempt; violation of protective orders; order to show cause</b></p> <p>(a) Any party to a protective order or a legal guardian or guardian ad litem may file a petition for civil contempt alleging a violation of an order issued pursuant to the provisions of this article. The petition shall be filed in the family court, if a family court entered an order or in the circuit court, if a circuit court entered the order, in the county in which the violation occurred or the county in which the order was issued.</p> <p>(b) When a petition for an order to show cause is filed, a hearing on the petition shall be held within five days from the filing of the petition. Any order to show cause which is issued shall be served upon the alleged violator.</p> <p>(c) Upon a finding of contempt, the court may order the violator to comply with specific provisions of the protective order and post a bond as surety for faithful compliance with the order. The bond may not be a personal recognizance bond and shall be in an amount that does not exceed the ability of the violator to post. The bond may not be waived by a fee waiver pursuant to the provisions of section one [§ 59-2-1], article two, chapter fifty-nine of this code.</p>	<p align="center"><b>W. Va. Code § 48-27-1001</b></p> <p><b>Arrest for violations of protective orders</b></p> <p>(a) When a law-enforcement officer observes any respondent abuse the petitioner or minor children or the respondent's physical presence at any location in knowing and willful violation of the terms of an emergency or final protective order issued under the provisions of this article or section 5-509 [§ 48-5-509] or 5-608 [§ 48-5-608] of this chapter granting the relief pursuant to the provisions of this article, in knowing and willful violation of the terms of a protection order from another jurisdiction that is required to be enforced pursuant to section four [§ 48-28-4], article twenty-eight of this chapter, he or she shall immediately arrest the respondent.</p> <p>(b) When a family or household member is alleged to have committed a violation of the provisions of section 27-903 [§ 48-27-903] or 28-7 [§ 48-28-7], a law-enforcement officer may arrest the perpetrator for said offense where:</p> <ol style="list-style-type: none"> <li>(1) The law-enforcement officer has observed credible corroborative evidence, as defined in subsection 27-1002(b) [§ 48-27-1002], that the offense has occurred; and</li> <li>(2) The law-enforcement officer has received, from the victim or a witness, a verbal or written allegation of the facts constituting a violation of section 27-903 [§ 48-27-903]; or</li> <li>(3) The law-enforcement officer has observed credible evidence that the accused committed the offense.</li> </ol> <p>(c) Any person who observes a violation of a protective order as described in this section, or the victim of such abuse or unlawful presence, may call a local law-enforcement agency, which shall</p>

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	<p style="text-align: center;"><b>W. Va. Code § 48-27-902</b></p> <p><b>Violations of protective orders; criminal complaints</b></p> <p>(a) Any person authorized to file a petition pursuant to section three hundred five [§ 48-27-305] of this article, and any person authorized to file a petition for civil contempt pursuant to section nine hundred one [§ 48-27-901] of this article may file a criminal complaint:</p> <p>(1) Against a respondent who knowingly and willfully violates a provision of an emergency or final protective order entered pursuant to:</p> <p>(A) subsection (a) or (b) of section five hundred two [§ 48-27-502] of this article;</p> <p>(B) if the court has ordered such relief; subsection (2), (7) or (9) of section five hundred three [§ 48-27-503] of this article;</p> <p>(C) subsection (b) or (c) of section five hundred nine [§ 48-5-509], article five of this chapter; or</p> <p>(D) subsection (b) or (c) of section six hundred eight [§ 48-5-608], article five of this chapter;</p> <p>(2) Against a person who violates a condition of bail, probation or parole which has the express intent or effect of protecting the personal safety of a particular person or persons;</p> <p>(3) Against a respondent who knowingly and willfully violates the terms of a protection order from another jurisdiction that is required to be enforced pursuant to section three [§ 48-28-3], article twenty-eight of this chapter; or</p> <p>(4) Against a person who, in violation of subdivision (3), subsection (a), section seven [§ 48-28-7], article twenty-eight of this chapter, knowingly and willfully violates the terms of a condition of bail, probation or parole imposed in another state which has the express intent or effect of protecting the personal safety of a particular person or persons.</p> <p>(b) If the court finds probable cause upon the complaint, the court shall issue a warrant for the arrest of the person charged.</p>	<p>verify the existence of a current order, and shall direct a law-enforcement officer to promptly investigate the alleged violation.</p> <p>(d) Where there is an arrest, the officer shall take the arrested person before a circuit court or a magistrate and, upon a finding of probable cause to believe a violation of an order as set forth in this section has occurred, the court or magistrate shall set a time and place for a hearing in accordance with the West Virginia Rules of Criminal Procedure.</p> <p style="text-align: center;"><b>W. Va. Code § 48-27-1002</b></p> <p><b>Arrest in domestic violence matters; conditions</b></p> <p>(a) Notwithstanding any provision of this code to the contrary, if a person is alleged to have committed a violation of the provisions of subsection (a) or (b), section twenty-eight [§ 61-2-28], article two, chapter sixty-one of this code against a family or household member, in addition to any other authority to arrest granted by this code, a law-enforcement officer has authority to arrest that person without first obtaining a warrant if:</p> <p>(1) The law-enforcement officer has observed credible corroborative evidence that an offense has occurred; and either:</p> <p>(2) The law-enforcement officer has received, from the victim or a witness, an oral or written allegation of facts constituting a violation of section twenty-eight, article two, chapter sixty-one of this code; or</p> <p>(3) The law-enforcement officer has observed credible evidence that the accused committed the offense.</p> <p>(b) For purposes of this section, credible corroborative evidence means evidence that is worthy of belief and corresponds to the allegations of one or more elements of the offense and may include, but is not limited to, the following:</p> <p>(1) Condition of the alleged victim. — One or more contusions, scratches, cuts, abrasions, or swellings; missing hair; torn clothing or clothing in disarray consistent with a struggle; observable difficulty in breathing or breathlessness consistent with the effects of choking or a body blow; observable difficulty in movement consistent with the effects of a body blow or other unlawful physical contact.</p> <p>(2) Condition of the accused. — Physical injury or other conditions similar to those set out for the condition of the victim which are consistent with the alleged offense or alleged acts of self-defense by the victim.</p>

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	<p style="text-align: center;"><b>W. Va. Code § 48-27-903</b></p> <p><b>Misdemeanor offenses for violation of protective order; repeat offenses; penalties</b></p> <p>(a) A person is guilty of a misdemeanor if the person knowingly and willfully violates:</p> <p>(1) A provision of an emergency or final protective order entered pursuant to:</p> <p>(A) Subsection (a) or (b), section five hundred two [§ 48-27-502] of this article;</p> <p>(B) If the court has ordered such relief; subsection (2), (7), (9) or (14), section five hundred three [§ 48-27-502] of this article;</p> <p>(C) Subsection (b) or (c), section five hundred nine [§ 48-5-509], article five of this chapter; or</p> <p>(D) Subsection (b) or (c), section six hundred eight [§ 48-5-608], article five of this chapter;</p> <p>(2) A condition of bail, probation or parole which has the express intent or effect of protecting the personal safety of a particular person or persons; or</p> <p>(3) A restraining order entered pursuant to section nine-a [§ 61-2-9a], article two, chapter sixty-one of this code.</p> <p>Upon conviction thereof the person shall be confined in jail for a period of not less than one day nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than \$250 nor more than \$2,000.</p> <p>(b) Any person who is convicted of a second offense under subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than thirty days, and fined not less than \$500 nor more than \$3,000.</p> <p>(c) A respondent who is convicted of a third or subsequent offense under subsection (a) of this section when the violation occurs within ten years of a prior conviction of this offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more</p>	<p>(3) Condition of the scene. — Damaged premises or furnishings; disarray or misplaced objects consistent with the effects of a struggle.</p> <p>(4) Other conditions. — Statements by the accused admitting one or more elements of the offense; threats made by the accused in the presence of an officer; audible evidence of a disturbance heard by the dispatcher or other agent receiving the request for police assistance; written statements by witnesses.</p> <p>(c) Whenever any person is arrested pursuant to subsection (a) of this section, the arrested person shall be taken before a magistrate within the county in which the offense charged is alleged to have been committed in a manner consistent with the provisions of Rule 1 of the Administrative Rules for the Magistrate Courts of West Virginia.</p> <p>(d) If an arrest for a violation of subsection (c), section twenty-eight, article two, chapter sixty-one of this code is authorized pursuant to this section, that fact constitutes prima facie evidence that the accused constitutes a threat or danger to the victim or other family or household members for the purpose of setting conditions of bail pursuant to section seventeen-c [§ 62-1C-17c], article one-c, chapter sixty-two of this code.</p> <p>(e) Whenever any person is arrested pursuant to the provisions of this article or for a violation of an order issued pursuant to section five hundred nine [§ 48-5-509] or subsections (b) and (c), of section six hundred eight [§ 48-5-608], article five of this chapter the arresting officer, subject to the requirements of the Constitutions of this state and of the United States:</p> <p>(1) Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of domestic violence;</p> <p>(2) May seize a weapon that is in plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons; and</p> <p>(3) May seize all weapons that are possessed in violation of a valid protective order.</p> <p style="text-align: center;"><b>W. Va. Code § 48-27-1003</b></p> <p><b>§ 48-27-1003. Nonjudicial enforcement of order</b></p> <p>(a) A law-enforcement officer of this State, upon determining that there is probable cause to believe that a valid protective order exists and that the order has been violated, shall enforce the order</p>

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	<p>than one year, which jail term shall include actual confinement of not less than six months, and fined not less than \$500 nor more than \$4,000.</p> <p style="text-align: center;"><b>W. Va. Code § 48-28-7</b></p> <p><b>Criminal offenses and penalties</b></p> <p>(a) A respondent who abuses, as that term is defined in section two hundred two [§ 48-27-202], article twenty-seven of this chapter, a protected individual or who is physically present at any location in knowing and willful violation of the terms of: (1) A valid foreign protection order; (2) a protection order entered in any pending foreign divorce action which enjoins the offending party from molesting or interfering with another party or interfering with the custodial or visitation rights of another person; or (3) a condition of bail, probation or parole imposed in another state which has the express intent or effect of protecting the personal safety of a particular person or persons is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for a period of not less than one day nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred fifty dollars nor more than two thousand dollars.</p> <p>(b) A respondent who is convicted of a second or subsequent offense under subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and fined not less than five hundred dollars nor more than three thousand dollars.</p> <p style="text-align: center;"><b>W. Va. Code § 48-28-8</b></p> <p><b>§ 48-28-8. Other remedies</b></p>	<p>pursuant to any authority to arrest under the code. Presentation of a protective order that identifies both the protected individual and the respondent and that appears, on its face, to be authentic and currently in effect constitutes probable cause to believe that a valid protective order exists. For the purposes of this section, the protective order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protective order is not required for enforcement.</p> <p>(b) If a protective order is not presented, a law-enforcement officer of this State may consider other credible information in determining whether there is probable cause to believe that a valid protective order exists.</p> <p>(c) If a law-enforcement officer of this State determines that an otherwise valid protective order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.</p>



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	<p>A protected individual who pursues remedies under this article is not precluded from pursuing other legal or equitable remedies against the respondent.</p>	
<p>WISCONSIN</p>	<p style="text-align: center;"><b>Wis. Stat. § 813.12</b></p> <p><b>Domestic abuse restraining orders and injunctions</b>  (1) Definitions. In this section:  (ad) “Caregiver” means an individual who is a provider of in-home or community care to an individual through regular and direct contact.  (ag) “Dating relationship” means a romantic or intimate social relationship between 2 adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.  (am) “Domestic abuse” means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:  1. Intentional infliction of physical pain, physical injury or illness.  2. Intentional impairment of physical condition.  3. A violation of s. 940.225 (1), (2) or (3).  4. A violation of s. 940.32.  5. A violation of s. 943.01, involving property that belongs to the individual.  6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.</p>	<p style="text-align: center;"><b>Wis. Stat. § 968.075 (2016)</b></p> <p><b>Domestic abuse incidents; arrest and prosecution</b>  (1) Definitions. In this section:  (a) “Domestic abuse” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:  1. Intentional infliction of physical pain, physical injury or illness.  2. Intentional impairment of physical condition.  3. A violation of s. 940.225 (1), (2) or (3).  4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.  (b) “Law enforcement agency” has the meaning specified in s. 165.83 (1) (b).  (d) “Party” means a person involved in a domestic abuse incident.  (e) “Predominant aggressor” means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.  (2) Circumstances requiring arrest; presumption against certain arrests. (a) Notwithstanding s. 968.07(1) and except as provided in pars. (am) and (b), a law enforcement officer shall arrest and take a person into custody if:  1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime; and  2. Any of the following apply:  a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.  b. There is evidence of physical injury to the alleged victim.  c. The person is the predominant aggressor.  (am) Notwithstanding s. 968.07(1), unless the person's arrest is required under s. 813.12(7), 813.122(10), 813.125(6), or 813.128(3g)(b) or sub. (5)(e), if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone under par. (a) other than the predominant aggressor.</p>

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	<p>(b) “Family member” means a spouse, a parent, a child or a person related by blood or adoption to another person.</p> <p>(c) “Household member” means a person currently or formerly residing in a place of abode with another person.</p> <p>(ce) “Household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.</p> <p>(cg) “Reasonable grounds” means more likely than not that a specific event has occurred or will occur.</p> <p>(cj) “Regular and direct contact” means face-to-face physical proximity to an individual that is planned, scheduled, expected, or periodic.</p> <p>(d) “Tribal court” means a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin.</p> <p>(e) “Tribal order or injunction” means a temporary restraining order or injunction issued by a tribal court under a tribal domestic abuse ordinance adopted in conformity with this section.</p> <p>(2) Commencement of action and response.</p> <p>(a) No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (5) (a). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. If the judge or a circuit court commissioner extends the time for a hearing under sub. (3) (c) and the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise, the judge or circuit court commissioner shall inform the petitioner that he or she may serve the respondent by publication of a summary of the petition as a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the respondent’s post-office address or</p>	<p>(ar) In order to protect victims from continuing domestic abuse, a law enforcement officer shall consider all of the following in identifying the predominant aggressor:</p> <ol style="list-style-type: none"> <li>1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.</li> <li>2. Statements made by witnesses.</li> <li>3. The relative degree of injury inflicted on the parties.</li> <li>4. The extent to which each person present appears to fear any party.</li> <li>5. Whether any party is threatening or has threatened future harm against another party or another family or household member.</li> <li>6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in s. 939.48.</li> </ol> <p>(b) If the officer's reasonable grounds for belief under par. (a) are based on a report of an alleged domestic abuse incident, the officer is required to make an arrest under par. (a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employs the officer.</p> <p>(2m) Immediate release prohibited. Unless s. 968.08 applies, a law enforcement officer may not release a person whose arrest was required under sub. (2) until the person posts bail under s. 969.07 or appears before a judge under s. 970.01(1).</p> <p>(3) Law enforcement policies. (a) Each law enforcement agency shall develop, adopt, and implement written policies regarding procedures for domestic abuse incidents. The policies shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. a. A statement emphasizing that in most circumstances, other than those under sub. (2), a law enforcement officer should arrest and take a person into custody if the officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime.</li> <li>b. A policy reflecting the requirements of subs. (2) and (2m).</li> <li>c. A statement emphasizing that a law enforcement officer's decision as to whether or not to arrest under this section may not be based on the consent of the victim to any subsequent prosecution or on the relationship of the parties.</li> <li>d. A statement emphasizing that a law enforcement officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.</li> </ol>

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	<p>facsimile number is known or can with due diligence be ascertained. The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence. A summary of the petition published as a class 1 notice shall include the name of the respondent and of the petitioner, notice of the temporary restraining order, and notice of the date, time, and place of the hearing regarding the injunction. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition.</p> <p>(b) A petition may be filed in conjunction with an action affecting the family commenced under ch. 767, but commencement of an action affecting the family or any other action is not necessary for the filing of a petition or the issuance of a temporary restraining order or an injunction. A judge or circuit court commissioner may not make findings or issue orders under s. 767.225 or 767.41 while granting relief requested only under this section. Section 813.06 does not apply to an action under this section. The respondent may respond to the petition either in writing before or at the hearing on the issuance of the injunction or orally at that hearing.</p> <p>(c) When the respondent is served with the petition under this subsection, the person who serves the respondent shall also provide the respondent all of the following information:</p> <ol style="list-style-type: none"> <li>1. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties.</li> <li>2. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.</li> <li>3. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.</li> </ol>	<ol style="list-style-type: none"> <li>e. A statement discouraging, but not prohibiting, the arrest of more than one party.</li> <li>f. A statement emphasizing that a law enforcement officer, in determining whether to arrest a party, should consider whether he or she acted in self-defense or in defense of another person.</li> </ol> <ol style="list-style-type: none"> <li>2. A procedure for the written report and referral required under sub. (4).</li> <li>3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release.</li> <li>4. A procedure that requires a law enforcement officer, if the law enforcement officer has reasonable grounds to believe that a person is committing or has committed domestic abuse, to inform the victim of the availability of shelters and services in his or her community, including using lists available under ss. 49.165(4)(b) and 165.93(4)(b); to give notice of legal rights and remedies available to him or her; and to provide him or her with a statement that reads substantially as follows: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction." (am) The policies under par. (a) may provide that the law enforcement agency will share information with organizations that are eligible to receive grants under s. 49.165(2) or 165.93(2).</li> <li>(b) In the development of these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents.</li> <li>(c) This subsection does not limit the authority of a law enforcement agency to establish policies that require arrests under more circumstances than those set forth in sub. (2), but the policies may not conflict with the presumption under sub. (2)(am).</li> <li>(4) Report required where no arrest. If a law enforcement officer does not make an arrest under this section when the officer has reasonable grounds to believe that a person is committing or has committed domestic abuse and that person's acts constitute the commission of a crime, the officer shall prepare a written report stating why the person was not arrested. The report shall be sent to the district attorney's office, in the county where the acts took</li> </ol>

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	<p>(2m) Two-part procedure. Procedure for an action under this section is in 2 parts. First, if the petitioner requests a temporary restraining order the court shall issue or refuse to issue that order. Second, the court shall hold a hearing under sub. (4) on whether to issue an injunction, which is the final relief. If the court issues a temporary restraining order, the order shall set forth the date for the hearing on an injunction. If the court does not issue a temporary restraining order, the date for the hearing shall be set upon motion by either party.</p> <p>(3) Temporary restraining order.</p> <p>(a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:</p> <ol style="list-style-type: none"> <li>1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (5) (a).</li> <li>2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.</li> </ol> <p>(aj) In determining whether to issue a temporary restraining order, the judge or circuit court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive</p>	<p>place, immediately after investigation of the incident has been completed. The district attorney shall review the report to determine whether the person involved in the incident should be charged with the commission of a crime.</p> <p>(5) Contact prohibition. (a)1. Unless there is a waiver under par. (c), during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.</p> <p>2. An arrested person who intentionally violates this paragraph may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.</p> <p>(b)1. Unless there is a waiver under par. (c), a law enforcement officer or other person who releases a person arrested for a domestic abuse incident from custody less than 72 hours after the arrest shall inform the arrested person orally and in writing of the requirements under par. (a), the consequences of violating the requirements and the provisions of s. 939.621. The arrested person shall sign an acknowledgment on the written notice that he or she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of s. 939.621. If the arrested person refuses to sign the notice, he or she may not be released from custody.</p> <p>2. If there is a waiver under par. (c) and the person is released under subd. 1, the law enforcement officer or other person who releases the arrested person shall inform the arrested person orally and in writing of the waiver and the provisions of s. 939.621.</p> <p>3. Failure to comply with the notice requirement under subd. 1 regarding a person who is lawfully released from custody bars a prosecution under par. (a), but does not affect the application of s. 939.621 in any criminal prosecution.</p> <p>(c) At any time during the 72-hour period specified in par. (a), the alleged victim may sign a written waiver of the requirements in par. (a). The law enforcement agency shall have a waiver form available.</p> <p>(d) The law enforcement agency responsible for the arrest of a person for a domestic abuse incident shall notify the alleged victim of the requirements under par. (a) and the possibility of, procedure for and effect of a waiver under par. (c).</p>

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	<p>conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relationship ended. The judge or circuit court commissioner may grant only the remedies requested or approved by the petitioner. The judge or circuit court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.</p> <p>(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner’s residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.</p> <p>(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.</p> <p>(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58 (2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due</p>	<p>(e) Notwithstanding s. 968.07(1), a law enforcement officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has violated par. (a).</p> <p>(6) Conditional release. A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5)(c), as part of the conditions of any such release that occurs during the 72 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5)(a) and to sign the acknowledgment under sub. (5)(b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person.</p> <p>(6m) Officer immunity. A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with this section.</p> <p>(7) Prosecution policies. Each district attorney’s office shall develop, adopt and implement written policies encouraging the prosecution of domestic abuse offenses. The policies shall include, but not be limited to, the following:</p> <p>(a) A policy indicating that a prosecutor’s decision not to prosecute a domestic abuse incident should not be based:</p> <ol style="list-style-type: none"> <li>1. Solely upon the absence of visible indications of injury or impairment;</li> <li>2. Upon the victim’s consent to any subsequent prosecution of the other person involved in the incident; or</li> <li>3. Upon the relationship of the persons involved in the incident.</li> </ol> <p>(b) A policy indicating that when any domestic abuse incident is reported to the district attorney’s office, including a report made under sub. (4), a charging decision by the district attorney should, absent extraordinary circumstances, be made not later than 2 weeks after the district attorney has received notice of the incident.</p> <p>(8) Education and training. Any education and training by the law enforcement agency relating to the handling of domestic abuse complaints shall stress enforcement of criminal laws in domestic abuse incidents and protection of the alleged victim. Law enforcement agencies and community organizations with expertise in the recognition and handling of domestic abuse incidents shall cooperate in all aspects of the training.</p> <p>(9) Annual report.</p>

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	<p>diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.</p> <p>(d) The judge or circuit court commissioner shall advise the petitioner of the right to serve the respondent the petition by published notice if with due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or (b). The clerk of circuit court shall assist the petitioner with the preparation of the notice and filing of the affidavit of printing.</p> <p>(4) Injunction.</p> <p>(a) A judge or circuit court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner’s residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party’s attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:</p> <ol style="list-style-type: none"> <li>1. The petitioner files a petition alleging the elements set forth under sub. (5) (a).</li> <li>2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.</li> <li>3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.</li> </ol>	<p>(a) Each district attorney shall submit an annual report to the department of justice listing all of the following:</p> <ol style="list-style-type: none"> <li>1. The number of arrests for domestic abuse incidents in his or her county as compiled and furnished by the law enforcement agencies within the county.</li> <li>1m. The number of responses law enforcement made that involved a domestic abuse incident that did not result in an arrest.</li> <li>2. The number of subsequent prosecutions and convictions of the persons arrested for domestic abuse incidents.</li> </ol> <p>(b) The listing of the number of arrests, prosecutions and convictions under par. (a) shall include categories by statutory reference to the offense involved and include totals for all categories.</p> <p style="text-align: center;"><b>Wis. Stat. § 813.128 (2016)</b></p> <p><b>Uniform Interstate enforcement of domestic violence protection orders act</b></p> <p>(1g) Definitions. In this section:</p> <p>(a) “Bodily harm” has the meaning given in s. 939.22 (4).</p> <p>(b) “Foreign mutual protection order” means a foreign protection order that includes provisions in favor of both the individual seeking enforcement of the order and the respondent.</p> <p>(c) “Foreign protection order” means a protection order issued by a tribunal other than a tribunal of this state.</p> <p>(d) “Protected individual” means an individual protected by a protection order.</p> <p>(e) “Protection order” means any temporary or permanent injunction or order issued by a tribunal to prevent an individual from engaging in abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts or violence to another person, other than support or custody orders. This term includes an injunction or order issued under the antistalking laws of the issuing state.</p> <p>(f) “Respondent” means the individual against whom enforcement of a protection order is sought.</p> <p>(g) “Tribunal” means a court, agency, or other entity of a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, an American Indian tribe or band, or any territory or insular possession subject to the jurisdiction of the United States, authorized by law to issue or modify a protection order.</p>

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	<p>(aj) In determining whether to issue an injunction, the judge or circuit court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relationship ended. The judge or circuit court commissioner may grant only the remedies requested by the petitioner. The judge or circuit court commissioner may not dismiss or deny granting an injunction because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.</p> <p>(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner’s residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.</p> <p>(b) The judge or circuit court commissioner may enter an injunction only against the respondent named in the petition. No injunction may be issued under this subsection under the same case number against the person petitioning for the injunction. The judge or circuit court commissioner may not modify an order restraining the respondent based solely on the request of the respondent.</p> <p>(c)</p> <ol style="list-style-type: none"> <li>1. An injunction under this subsection is effective according to its terms, for the period of time that the petitioner requests, but not more than 4 years, except as provided in par. (d). An injunction granted under this subsection is not voided if the petitioner allows or initiates contact with the respondent or by the admittance of the respondent into a dwelling that the injunction directs him or her to avoid.</li> </ol>	<p>(2g) Status of a foreign protection order.</p> <p>(a) A foreign protection order shall be accorded full faith and credit by the tribunals in this state and shall be enforced as if the order were an order of a tribunal of this state if the order meets all of the following conditions:</p> <ol style="list-style-type: none"> <li>1. The foreign protection order was obtained after providing the respondent a reasonable notice and opportunity to be heard sufficient to protect his or her right to due process. If the foreign protection order is an ex parte injunction or order, the respondent shall have been given notice and an opportunity to be heard within a reasonable time after the order was issued sufficient to protect his or her right to due process.</li> <li>2. The tribunal that issued the order had jurisdiction over the parties and over the subject matter.</li> <li>3. The order identifies the protected individual and the respondent.</li> <li>4. The order is currently in effect.</li> </ol> <p>(b) A foreign protection order or modification of the foreign protection order that meets the requirements under this section has the same effect as an order issued under s. 813.12, 813.122, 813.123 or 813.125, except that the foreign protection order or modification shall be enforced according to its own terms.</p> <p>(c) A foreign protection order issued against the person who filed a written pleading with a tribunal for a protection order is not entitled to full faith and credit under this subsection if any of the following occurred:</p> <ol style="list-style-type: none"> <li>1. No written pleading was filed seeking the foreign protection order against the person who filed a written pleading with a tribunal for a protection order.</li> <li>2. A cross or counter petition was filed but the tribunal did not make a specific finding that each party was entitled to a foreign protection order.</li> </ol> <p>(3g) Filing and enforcement of a foreign protection order.</p> <p>(b) A law enforcement officer shall arrest and take the subject of a foreign protection order into custody if all of the following occur:</p> <ol style="list-style-type: none"> <li>1. A person protected under a foreign protection order presents the law enforcement officer with a copy of a foreign protection order issued against the subject, or the law enforcement officer determines that a valid foreign protection order exists against the subject through communication with appropriate authorities. If a law enforcement officer examines a copy of a foreign protection order, the order, with any modification, is presumed to be valid if</li> </ol>

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	<p>2. When an injunction expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect him or her. This extension shall remain in effect until 4 years after the date the court first entered the injunction, except as provided in par. (d).</p> <p>4. Notice need not be given to the respondent before extending an injunction under subd. 2. The clerk of courts shall notify the respondent after the court extends an injunction under subd. 2.</p> <p>(d)</p> <p>1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:</p> <p>a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.</p> <p>b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.</p> <p>2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.</p> <p>(4g) Order; telephone services.</p> <p>(a) Unless a condition described in par. (b) exists, a judge or circuit court commissioner who issues an injunction under sub. (4) may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in par. (c). The petitioner may request transfer of each telephone number he or she, or a minor child in his or her</p>	<p>the order or modification appears to be valid on its face and circumstances suggest that the order and any modification are in effect.</p> <p>2. The law enforcement officer has probable cause to believe that the person has violated the terms of the foreign protection order or modification of the order.</p> <p>3. For the purposes of this paragraph, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.</p> <p>(e) A tribunal of this state shall enforce the provisions of a valid foreign protection order that govern custody, physical placement, and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody, physical placement, and visitation orders in the issuing state.</p> <p>(h) A tribunal of this state may enforce provisions of a foreign mutual protection order that favor a respondent only if the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state and the tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>(i) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.</p> <p>(5) Immunity. A law enforcement officer, law enforcement agency, prosecuting attorney, state, local, or Indian tribe or band governmental official, or clerk of circuit court is immune from civil and criminal liability for his or her acts or omissions arising out of a decision related to the filing of a foreign protection order or modification or to the detention or arrest of an alleged violator of a foreign protection order or modification if the act or omission is done in a good faith effort to comply with this section and s. 806.247, 2013 stats.</p> <p>(4) Penalty. A person who knowingly violates a condition of a foreign protection order or modification of a foreign protection order that is entitled to full faith and credit under this section shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both. If a foreign protection order and any modification of that order that is entitled to full faith and credit under this section remains current and in effect at the time that a court convicts a person for a violation of that order or modification of</p>



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	<p>custody, uses. The order shall contain all of the following:</p> <ol style="list-style-type: none"> <li>1. The name and billing telephone number of the account holder.</li> <li>2. Each telephone number that will be transferred.</li> <li>3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this subdivision, “financial responsibility” includes monthly service costs and costs associated with any mobile device associated with the number.</li> </ol> <p>(b) A wireless telephone service provider shall terminate the respondent’s use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:</p> <ol style="list-style-type: none"> <li>1. The account holder named in the order has terminated the account.</li> <li>2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.</li> <li>3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.</li> <li>4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.</li> </ol> <p>(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this paragraph, “financial responsibility” includes monthly service costs and costs associated with any mobile device associated with the number.</p> <p>(d) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.</p>	<p>that order, but that order or modification has not been filed under this section, the court shall direct the clerk of circuit court to file the order and any modification of the order.</p> <p>(5) Immunity. A law enforcement officer, law enforcement agency, prosecuting attorney, state, local, or Indian tribe or band governmental official, or clerk of circuit court is immune from civil and criminal liability for his or her acts or omissions arising out of a decision related to the filing of a foreign protection order or modification or to the detention or arrest of an alleged violator of a foreign protection order or modification if the act or omission is done in a good faith effort to comply with this section and s. 806.247, 2013 stats.</p> <p>(6) Other remedies. A protected individual who pursues remedies under this section is not precluded from pursuing other legal or equitable remedies against the respondent.</p> <p>(7) Applicability. This section applies to all of the following:</p> <ol style="list-style-type: none"> <li>(a) A request made on or after April 13, 2016, for enforcement of a foreign protection order for a violation of the order, regardless of when the order was issued or when the violation occurred.</li> <li>(b) A continuing action for enforcement of a foreign protection order, regardless of when the order was issued or when the action was commenced.</li> </ol> <p style="text-align: center;"><b>Wis. Stat. § 968.075 (2016)</b></p> <p><b>Domestic abuse incidents; arrest and prosecution</b></p> <p>(1) Definitions. In this section:</p> <ol style="list-style-type: none"> <li>(a) “Domestic abuse” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common: <ol style="list-style-type: none"> <li>1. Intentional infliction of physical pain, physical injury or illness.</li> <li>2. Intentional impairment of physical condition.</li> <li>3. A violation of s. 940.225 (1), (2) or (3).</li> <li>4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.</li> </ol> </li> <li>(b) “Law enforcement agency” has the meaning specified in s. 165.83 (1) (b).</li> <li>(d) “Party” means a person involved in a domestic abuse incident.</li> <li>(e) “Predominant aggressor” means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.</li> </ol>

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	<p>(e) A wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this subsection.</p> <p>(4m) Notice of restriction on firearm possession; surrender of firearms.</p> <p>(a) An injunction issued under sub. (4) shall do all of the following:</p> <ol style="list-style-type: none"> <li>1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.</li> <li>2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285.</li> </ol> <p>(ag) If the respondent is a peace officer, an injunction issued under sub. (4) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.</p> <p>(5) Petition.</p> <p>(a) The petition shall allege facts sufficient to show the following:</p> <ol style="list-style-type: none"> <li>1. The name of the petitioner and that the petitioner is the alleged victim.</li> <li>2. The name of the respondent and that the respondent is an adult.</li> <li>3. That the respondent engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.</li> <li>4. If the petitioner knows of any other court proceeding in which the petitioner is a person affected by a court order or judgment that includes provisions regarding contact with the respondent, any of the following that are known by the petitioner: <ol style="list-style-type: none"> <li>a. The name or type of the court proceeding.</li> <li>b. The date of the court proceeding.</li> </ol> </li> </ol>	<p>(2) Circumstances requiring arrest; presumption against certain arrests.</p> <p>(a) Notwithstanding s. 968.07 (1) and except as provided in pars. (am) and (b), a law enforcement officer shall arrest and take a person into custody if:</p> <ol style="list-style-type: none"> <li>1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime; and</li> <li>2. Any of the following apply: <ol style="list-style-type: none"> <li>a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.</li> <li>b. There is evidence of physical injury to the alleged victim.</li> <li>c. The person is the predominant aggressor.</li> </ol> </li> </ol> <p>(am) Notwithstanding s. 968.07 (1), unless the person's arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (3g) (b) or sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone under par. (a) other than the predominant aggressor.</p> <p>(ar) In order to protect victims from continuing domestic abuse, a law enforcement officer shall consider all of the following in identifying the predominant aggressor:</p> <ol style="list-style-type: none"> <li>1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.</li> <li>2. Statements made by witnesses.</li> <li>3. The relative degree of injury inflicted on the parties.</li> <li>4. The extent to which each person present appears to fear any party.</li> <li>5. Whether any party is threatening or has threatened future harm against another party or another family or household member.</li> <li>6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in s. 939.48.</li> </ol> <p>(b) If the officer's reasonable grounds for belief under par. (a) 1. are based on a report of an alleged domestic abuse incident, the officer is required to make an arrest under par. (a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employs the officer.</p> <p>(2m) Immediate release prohibited. Unless s. 968.08 applies, a law enforcement officer may not release a person whose arrest was</p>

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	<p>c. The types of provisions regarding contact between the petitioner and respondent.</p> <p>(am) The petition shall request that the respondent be restrained from committing acts of domestic abuse against the petitioner, that the respondent be ordered to avoid the petitioner’s residence, or that the respondent be ordered to avoid contacting the petitioner or causing any person other than the respondent’s attorney to contact the petitioner unless the petitioner consents to the contact in writing, or any combination of these requests.</p> <p>(b) The clerk of circuit court shall provide the simplified forms provided under s. 49.165 (3) (c) to help a person file a petition.</p> <p>(c) A judge or circuit court commissioner shall accept any legible petition for a temporary restraining order or injunction.</p> <p>(d) A petition may be prepared and filed by the person who alleges that he or she has been the subject of domestic abuse or by the guardian of an individual adjudicated incompetent in this state who has been the subject of domestic abuse.</p> <p>(5g) Stipulation. If the parties enter into a stipulation to convert a petition under this section to a petition for a temporary restraining order or injunction under s. 813.125, the court may not approve that stipulation unless all of the following occur:</p> <p>(a) Either or both parties submit an oral request on the record for the conversion explaining why the conversion of the petition is requested.</p> <p>(b) The court addresses the petitioner personally and determines that the petitioner entered into the stipulation voluntarily and with an understanding of the differences between the orders issued under subs. (4) and (4m) and s. 813.125 (4) and (4m).</p> <p>(5m) Confidentiality of victim’s address. The petition under sub. (5) and the court order under sub. (3), (4), or (4g) may not disclose the address of the alleged victim. The petitioner shall provide the clerk of circuit court with the petitioner’s address when he or she files a petition under this section. The clerk shall</p>	<p>required under sub. (2) until the person posts bail under s. 969.07 or appears before a judge under s. 970.01 (1).</p> <p>(3) Law enforcement policies.</p> <p>(a) Each law enforcement agency shall develop, adopt, and implement written policies regarding procedures for domestic abuse incidents. The policies shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>a. A statement emphasizing that in most circumstances, other than those under sub. (2), a law enforcement officer should arrest and take a person into custody if the officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person’s actions constitute the commission of a crime.</li> <li>b. A policy reflecting the requirements of subs. (2) and (2m).</li> <li>c. A statement emphasizing that a law enforcement officer’s decision as to whether or not to arrest under this section may not be based on the consent of the victim to any subsequent prosecution or on the relationship of the parties.</li> <li>d. A statement emphasizing that a law enforcement officer’s decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.</li> <li>e. A statement discouraging, but not prohibiting, the arrest of more than one party.</li> <li>f. A statement emphasizing that a law enforcement officer, in determining whether to arrest a party, should consider whether he or she acted in self-defense or in defense of another person.</li> </ol> </li> <li>2. A procedure for the written report and referral required under sub. (4).</li> <li>3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person’s release.</li> <li>4. A procedure that requires a law enforcement officer, if the law enforcement officer has reasonable grounds to believe that a person is committing or has committed domestic abuse, to inform the victim of the availability of shelters and services in his or her community, including using lists available under ss. 49.165 (4) (b) and 165.93 (4) (b); to give notice of legal rights and remedies available to him or her; and to provide him or her with a statement that reads substantially as follows: “If you are the victim of domestic abuse, you may contact a domestic violence victim</li> </ol>

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	<p>maintain the petitioner’s address in a confidential manner.</p> <p>(6) Enforcement assistance.</p> <p>(a) If an order is issued under this section, upon request by the petitioner the court or circuit court commissioner shall order the sheriff to accompany the petitioner and assist in placing him or her in physical possession of his or her residence.</p> <p>(ag)</p> <p>1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service.</p> <p>2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner.</p> <p>(am)</p> <p>1. If an injunction is issued or extended under sub. (4) or if a tribal injunction is filed under s. 813.128 (3g), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).</p> <p>2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only to respond to a request under s. 165.63 or as part of a firearms restrictions record</p>	<p>service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction.”</p> <p>(am) The policies under par. (a) may provide that the law enforcement agency will share information with organizations that are eligible to receive grants under s. 49.165 (2) or 165.93 (2).</p> <p>(b) In the development of these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents.</p> <p>(c) This subsection does not limit the authority of a law enforcement agency to establish policies that require arrests under more circumstances than those set forth in sub. (2), but the policies may not conflict with the presumption under sub. (2) (am).</p> <p>(4) Report required where no arrest. If a law enforcement officer does not make an arrest under this section when the officer has reasonable grounds to believe that a person is committing or has committed domestic abuse and that person’s acts constitute the commission of a crime, the officer shall prepare a written report stating why the person was not arrested. The report shall be sent to the district attorney’s office, in the county where the acts took place, immediately after investigation of the incident has been completed. The district attorney shall review the report to determine whether the person involved in the incident should be charged with the commission of a crime.</p> <p>(5) Contact prohibition.</p> <p>(a)</p> <p>1. Unless there is a waiver under par. (c), during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.</p> <p>2. An arrested person who intentionally violates this paragraph may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.</p> <p>(b)</p>

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	<p>search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).</p> <p>3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.</p> <p>(b) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises.</p> <p>(c) No later than 24 hours after receiving the information under par. (b), the sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system. The sheriff or other appropriate local law enforcement agency shall also make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.</p> <p>(d) The issuance of an order under s. 813.12 (3) or (4) is enforceable despite the existence of any other criminal or civil order restricting or prohibiting contact.</p> <p>(e) A law enforcement agency and a clerk of circuit court may use electronic transmission to facilitate the exchange of documents under this section. Any person who uses electronic transmission shall ensure that the electronic transmission does not allow unauthorized disclosure of the documents transmitted.</p> <p>7) Arrest.</p>	<p>1. Unless there is a waiver under par. (c), a law enforcement officer or other person who releases a person arrested for a domestic abuse incident from custody less than 72 hours after the arrest shall inform the arrested person orally and in writing of the requirements under par. (a), the consequences of violating the requirements and the provisions of s. 939.621. The arrested person shall sign an acknowledgment on the written notice that he or she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of s. 939.621. If the arrested person refuses to sign the notice, he or she may not be released from custody.</p> <p>2. If there is a waiver under par. (c) and the person is released under subd. 1., the law enforcement officer or other person who releases the arrested person shall inform the arrested person orally and in writing of the waiver and the provisions of s. 939.621.</p> <p>3. Failure to comply with the notice requirement under subd. 1. regarding a person who is lawfully released from custody bars a prosecution under par. (a), but does not affect the application of s. 939.621 in any criminal prosecution.</p> <p>(c) At any time during the 72-hour period specified in par. (a), the alleged victim may sign a written waiver of the requirements in par. (a). The law enforcement agency shall have a waiver form available.</p> <p>(d) The law enforcement agency responsible for the arrest of a person for a domestic abuse incident shall notify the alleged victim of the requirements under par. (a) and the possibility of procedure for and effect of a waiver under par. (c).</p> <p>(e) Notwithstanding s. 968.07 (1), a law enforcement officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has violated par. (a).</p> <p>(6) Conditional release. A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5) (c), as part of the conditions of any such release that occurs during the 72 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5) (a) and to sign the acknowledgment under sub. (5) (b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person.</p> <p>(6m) Officer immunity. A law enforcement officer is immune from civil and criminal liability arising out of a decision by the</p>

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	<p>(am) A law enforcement officer shall arrest and take a person into custody if all of the following occur:</p> <ol style="list-style-type: none"> <li>1. A petitioner under sub. (5) presents the law enforcement officer with a copy of a court order issued under sub. (3) or (4), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.</li> <li>2. The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (3) or (4) by any circuit court in this state.</li> </ol> <p>(c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (4) but who has been served with a copy of the petition and notice of the time for hearing under sub. (4) (a) 2. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.</p> <p>(9) Notice of full faith and credit. An order or injunction issued under sub. (3) or (4) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.</p> <p>(8) Penalty.</p> <ol style="list-style-type: none"> <li>(a) Whoever knowingly violates a temporary restraining order or injunction issued under sub. (3) or (4) shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.</li> <li>(b) The petitioner does not violate the court order under sub. (3) or (4) if he or she admits into his or her residence a person ordered under sub. (3) or (4) to avoid that residence.</li> </ol>	<p>officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with this section.</p> <p>(7) Prosecution policies. Each district attorney's office shall develop, adopt and implement written policies encouraging the prosecution of domestic abuse offenses. The policies shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>(a) A policy indicating that a prosecutor's decision not to prosecute a domestic abuse incident should not be based: <ol style="list-style-type: none"> <li>1. Solely upon the absence of visible indications of injury or impairment;</li> <li>2. Upon the victim's consent to any subsequent prosecution of the other person involved in the incident; or</li> <li>3. Upon the relationship of the persons involved in the incident.</li> </ol> </li> <li>(b) A policy indicating that when any domestic abuse incident is reported to the district attorney's office, including a report made under sub. (4), a charging decision by the district attorney should, absent extraordinary circumstances, be made not later than 2 weeks after the district attorney has received notice of the incident.</li> <li>(8) Education and training. Any education and training by the law enforcement agency relating to the handling of domestic abuse complaints shall stress enforcement of criminal laws in domestic abuse incidents and protection of the alleged victim. Law enforcement agencies and community organizations with expertise in the recognition and handling of domestic abuse incidents shall cooperate in all aspects of the training.</li> <li>(9) Annual report. (a) Each district attorney shall submit an annual report to the department of justice listing all of the following: <ol style="list-style-type: none"> <li>1. The number of arrests for domestic abuse incidents in his or her county as compiled and furnished by the law enforcement agencies within the county. <ol style="list-style-type: none"> <li>1m. The number of responses law enforcement made that involved a domestic abuse incident that did not result in an arrest.</li> <li>2. The number of subsequent prosecutions and convictions of the persons arrested for domestic abuse incidents.</li> </ol> </li> <li>(b) The listing of the number of arrests, prosecutions and convictions under par. (a) shall include categories by statutory reference to the offense involved and include totals for all categories.</li> </ol> </li> </ol>
WYOMING	Wyo. Stat. Ann. § 6-4-404	Wyo. Stat. Ann. § 7-2-102

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	<p><b>Violation of order of protection; penalty.</b>  <b>[Effective until July 1, 2018]</b>            (a) Any person who willfully violates a protection order or valid foreign protection order as defined in W.S. 35-21-109(a), is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.            (b) For purposes of subsection (a) of this section, “protection order” means an order of protection issued pursuant to W.S. 35-21-104 or 35-21-105 or any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.</p>	<p><b>Preconditions for arrests</b>            (a) A peace officer may arrest a person when the officer has a warrant commanding that the person be arrested or the officer has reasonable grounds for believing that a warrant for the person's arrest has been issued in this state or in another jurisdiction.            (b) A peace officer may arrest a person without a warrant when:            (i) Any criminal offense is being committed in the officer's presence by the person to be arrested;            (ii) The officer has probable cause to believe that a felony has been committed and that the person to be arrested has committed it; or            (iii) The officer has probable cause to believe that a misdemeanor has been committed, that the person to be arrested has committed it and that the person, unless immediately arrested:            (A) Will not be apprehended;            (B) May cause injury to himself or others or damage to property; or            (C) May destroy or conceal evidence of the commission of the misdemeanor.</p> <p style="text-align: center;"><b>Wyo. Stat. Ann. § 7-20-102</b></p> <p><b>Arrests without warrant</b>            (a) In addition to arrests specified in W.S. 7-2-102, any peace officer who has probable cause to believe that a violation of W.S. 6-2-510(a) or 6-2-511(a) has taken place within the preceding twenty-four (24) hours or is taking place or that a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four (24) hours or is taking place and that the person who committed or is committing the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer.            (b) A peace officer, without a warrant, may arrest and take into custody a person if:            (i) An order of protection has been issued by a circuit or district court as authorized by W.S. 35-21-104 or 35-21-105 stating on its face the period of time for which the order is valid and specifically restraining or enjoining a household member, as defined by W.S. 35-21-102(a)(iv), from entering onto premises, from physical</p>

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		<p>abuse, threats of personal abuse or acts which unreasonably restrain the personal liberty of any household member, or from abducting, removing or concealing any child in the custody of another household member or from transferring, concealing, encumbering or otherwise disposing of petitioner's property or the joint property of the parties;</p> <p>(ii) A true copy and proof of service of the order has been filed with the sheriff's office having jurisdiction of the area in which the moving party resides;</p> <p>(iii) The person named in the order has received notice of the injunctive order;</p> <p>(iv) The person named in the order is acting in violation of the order or the peace officer has probable cause to believe that the person violated the order within the preceding twenty-four (24) hours; and</p> <p>(v) The order states on its face that a violation of its terms subjects the person to a criminal penalty pursuant to W.S. 6-4-404.</p>