

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 345 be amended to read as follows:

- 1 Page 7, between lines 39 and 40, begin a new paragraph and insert:
- 2 "SECTION 6. IC 5-2-9-1.2 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2009]: **Sec. 1.2. As used in this chapter, "IDACS coordinator"**
- 5 **means an administrative position within a law enforcement agency**
- 6 **that has operational Indiana data and communication system**
- 7 **(IDACS) terminals appointed by the director of the law**
- 8 **enforcement agency.**
- 9 SECTION 7. IC 5-2-9-1.4 IS ADDED TO THE INDIANA CODE
- 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2009]: **Sec. 1.4. As used in this chapter, "Indiana protective**
- 12 **order registry" or "registry" means an Internet based registry of**
- 13 **protective orders established under section 5.5 of this chapter and**
- 14 **developed and maintained by the division of state court**
- 15 **administration.**
- 16 SECTION 8. IC 5-2-9-1.7 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.7. As used in this
- 18 chapter, "protected person" means a person or an employer (as defined
- 19 in IC 34-26-6-4) protected under a protective order. ~~a no contact order;~~
- 20 ~~or a workplace violence restraining order.~~
- 21 SECTION 9. IC 5-2-9-2.1, AS AMENDED BY P.L.52-2007,
- 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "protective order"
- 24 means:

- 1 (1) a protective order issued under IC 34-26-5 (or, if the order  
 2 involved a family or household member, IC 34-26-2-12(1)(A),  
 3 IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C),  
 4 IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or  
 5 IC 34-4-5.1-5(a)(1)(C) before their repeal);  
 6 (2) an ex parte protective order issued under IC 34-26-5 (or, if the  
 7 order involved a family or household member, an emergency  
 8 protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2),  
 9 or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A),  
 10 IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their  
 11 repeal);  
 12 (3) a protective order issued under IC 31-15-4-1 (or  
 13 IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2),  
 14 or IC 31-16-4-2(a)(3) before their repeal);  
 15 (4) a dispositional decree containing a no contact order issued  
 16 under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or  
 17 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order  
 18 containing a no contact order issued under IC 31-32-13 (or  
 19 IC 31-6-7-14 before its repeal);  
 20 (5) a no contact order issued as a condition of pretrial release,  
 21 including release on bail or personal recognizance, or pretrial  
 22 diversion;  
 23 (6) a no contact order issued as a condition of probation;  
 24 (7) a protective order issued under IC 31-15-5-1 (or  
 25 IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);  
 26 (8) a protective order issued under IC 31-14-16-1 in a paternity  
 27 action;  
 28 (9) a no contact order issued under IC 31-34-25 in a child in need  
 29 of services proceeding or under IC 31-37-25 in a juvenile  
 30 delinquency proceeding;  
 31 (10) a workplace violence restraining order issued under  
 32 IC 34-26-6; or  
 33 (11) a child protective order issued under IC 31-34-2.3; or  
 34 **(12) a foreign protective order registered under**  
 35 **IC 34-26-5-17.**

36 (b) Whenever a protective order ~~no contact order; workplace~~  
 37 ~~violence restraining order; or child protective order~~ is issued by an  
 38 Indiana court, the Indiana court must caption the order in a manner that  
 39 indicates the type of order issued and the section of the Indiana Code  
 40 that authorizes the protective order. ~~no contact order; or workplace~~  
 41 ~~violence restraining order.~~ The Indiana court shall also place on the  
 42 order the court's hours of operation and telephone number with area  
 43 code.

44 SECTION 10. IC 5-2-9-5.5 IS ADDED TO THE INDIANA CODE  
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 46 1, 2009]: **Sec. 5.5. (a) The Indiana protective order registry is**

1 established.

2 (b) The registry is an electronic depository for protective orders.  
3 Copies of all protective orders shall be retained in the registry.

4 (c) The registry must contain confidential information about  
5 protected persons.

6 (d) The division of state court administration shall create,  
7 manage, and maintain the registry.

8 (e) A protective order retained under section 5 of this chapter  
9 may be entered in the registry.

10 SECTION 11. IC 5-2-9-6, AS AMENDED BY P.L.52-2007,  
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2009]: Sec. 6. (a) The clerk of a court that issues a protective  
13 order ~~no contact order, workplace violence restraining order, or child~~  
14 ~~protective order shall:~~

15 (1) provide a copy of the order to the ~~following:~~ **petitioner; and**

16 ~~(1) Each party:~~

17 ~~(2) A law enforcement agency of the municipality in which the~~  
18 ~~protected person resides. If a person and an employer are:~~

19 ~~(A) both protected by an order under this section; and~~

20 ~~(B) domiciled in different municipalities;~~

21 the clerk shall send a copy of the order to the law enforcement  
22 agency of the municipality in which the person resides and the  
23 employer is located:

24 ~~(3) If the protected person, including an employer, is not~~  
25 ~~domiciled in a municipality, the sheriff of the county in which the~~  
26 ~~protected person resides:~~

27 **(2) provide a copy of the order and service of process to the**  
28 **respondent or defendant in accordance with the rules of trial**  
29 **procedure.**

30 (b) The clerk of a court that issues a protective order ~~no contact~~  
31 ~~order, workplace violence restraining order, or child protective order~~  
32 ~~or the clerk of a court in which a petition is filed shall~~

33 ~~(1) maintain a confidential file to secure any confidential~~  
34 ~~information about a protected person designated on a uniform~~  
35 ~~statewide form prescribed by the division of state court~~  
36 ~~administration.~~

37 ~~(2) provide a copy of the confidential form that accompanies the~~  
38 ~~protective order no contact order, workplace violence restraining~~  
39 ~~order, or child protective order to the following:~~

40 ~~(A) The sheriff of the county in which the protective order no~~  
41 ~~contact order, workplace violence restraining order, or child~~  
42 ~~protective order was issued:~~

43 ~~(B) The law enforcement agency of the municipality, if any, in~~  
44 ~~which the protected person, including an employer, is~~  
45 ~~domiciled:~~

46 ~~(C) Any other sheriff or law enforcement agency designated in~~

1           the protective order ~~no contact order~~, workplace violence  
2           restraining order, or child protective order that has jurisdiction  
3           over the area in which a protected person, including an  
4           employer, may be located or protected; and

5           (3) after receiving the return of service information, transmit all  
6           return of service information to each sheriff and law enforcement  
7           agency required under subdivision (2):

8           (c) ~~A sheriff or law enforcement agency that receives~~ **This**  
9           **subsection applies to** a protective order ~~no contact order~~, workplace  
10          **violence restraining order**, or child protective order **that a sheriff or**  
11          **law enforcement agency received** under subsection (a) **before July**  
12          **1, 2009**, and a confidential form under subsection (b) **that was not**  
13          **created in the registry. The sheriff or law enforcement agency**  
14          **shall:**

15          (1) maintain a copy of the protective order ~~no contact order~~,  
16          workplace violence restraining order, or child protective order in  
17          the depository established under this chapter;

18          (2) enter:

19               (A) the date and time the sheriff or law enforcement agency  
20               receives the protective order; ~~no contact order~~, workplace  
21               violence restraining order, or child protective order;

22               (B) the location of the person who is subject to the protective  
23               order, ~~no contact order~~, workplace violence restraining order,  
24               or child protective order, if reasonably ascertainable from the  
25               information received;

26               (C) the name and identification number of the officer who  
27               serves the protective order; ~~no contact order~~, workplace  
28               violence restraining order, or child protective order;

29               (D) the manner in which the protective order ~~no contact order~~,  
30               workplace violence restraining order, or child protective order  
31               is served;

32               (E) the name of the petitioner and any other protected parties;

33               (F) the name, Social Security number, date of birth, and  
34               physical description of the person who is the subject of the  
35               protective order, ~~no contact order~~, workplace violence  
36               restraining order, or child protective order, if reasonably  
37               ascertainable from the information received;

38               (G) the date the protective order ~~no contact order~~, workplace  
39               violence restraining order, or child protective order expires;

40               (H) a caution indicator stating whether a person who is the  
41               subject of the protective order ~~no contact order~~, r workplace  
42               violence restraining order, or child protective order is believed  
43               to be armed and dangerous, if reasonably ascertainable from  
44               the information received; and

45               (I) if furnished, a Brady record indicator stating whether a  
46               person who is the subject of the protective order ~~no contact~~

- 1           order, workplace violence restraining order, or child protective  
 2           order is prohibited from purchasing or possessing a firearm or  
 3           ammunition under federal law, if reasonably ascertainable  
 4           from the information received;
- 5           on the copy of the protective order ~~no contact order, workplace~~  
 6           ~~violence restraining order, or child protective order~~ or the  
 7           confidential form; and
- 8           **(3) except for a protective order that is created in the registry,**  
 9           establish a confidential file in which a confidential form that  
 10          contains information concerning a protected person is kept.
- 11          **(d) Except for a protective order that is created in the registry,**  
 12          a protective order ~~no contact order, workplace violence restraining~~  
 13          ~~order, or child protective order~~ may be removed from the depository  
 14          established under this chapter only if the sheriff or law enforcement  
 15          agency that administers the depository receives:
- 16               (1) a notice of termination on a form prescribed or approved by  
 17               the division of state court administration;
- 18               (2) an order of the court; or
- 19               (3) a notice of termination and an order of the court.
- 20          **(e)** If a protective order ~~no contact order, workplace violence~~  
 21          ~~restraining order, or child protective order~~ in a depository established  
 22          under this chapter is terminated, the person who obtained the order  
 23          must file a notice of termination on a form prescribed or approved by  
 24          the division of state court administration with the clerk of the court.  
 25          The clerk of the court shall:
- 26               **(1) enter the notice of termination into the registry; or**
- 27               **(2) provide a copy of the notice of termination of a protective**  
 28               ~~order; no contact order, workplace violence restraining order, or~~  
 29               ~~child protective order~~
- 30          **to the registry and to** each of the depositories to which the protective  
 31          order ~~no contact order, workplace violence restraining order, or child~~  
 32          ~~protective order~~ and a confidential form were ~~was~~ sent. The clerk of the  
 33          court shall maintain the notice of termination in the court's file.
- 34          **(f)** If a protective order ~~no contact order, workplace violence~~  
 35          ~~restraining order, or child protective order~~ or form in a depository  
 36          established under this chapter is extended or modified, the person who  
 37          obtained the extension or modification must file a notice of extension  
 38          or modification on a form prescribed or approved by the division of  
 39          state court administration with the clerk of the court. **Except for a**  
 40          **protective order created in the registry,** the clerk of the court shall  
 41          provide a copy of the notice of extension or modification of a protective  
 42          order ~~no contact order, workplace violence restraining order, or child~~  
 43          ~~protective order~~ to each of the depositories to which the order and a  
 44          confidential form were sent. The clerk of the court shall maintain the  
 45          notice of extension or modification of a protective order ~~no contact~~  
 46          ~~order, workplace violence restraining order, or child protective order~~

1 in the court's file.

2 (g) The clerk of a court that issued an order terminating a protective  
3 order ~~no contact order, workplace violence restraining order, or child~~  
4 ~~protective order~~ that is an ex parte order shall provide a copy of the  
5 order to the following:

- 6 (1) Each party.  
7 (2) **Except for a protective order created in the registry**, the  
8 law enforcement agency provided with a copy of a protective  
9 order ~~no contact order, workplace violence restraining order, or~~  
10 ~~child protective order~~ under subsection (a).

11 SECTION 12. IC 5-2-9-6.5 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2009]: **Sec. 6.5. (a) After a court issues a protective order and**  
14 **issues the order to the registry, an IDACS coordinator may provide**  
15 **additional information about the parties in an order, including:**

- 16 (1) **dates of birth;**  
17 (2) **Social Security numbers;**  
18 (3) **driver license numbers; and**  
19 (4) **physical descriptions of the parties;**  
20 **to ensure the accuracy of the orders in the registry and**  
21 **information in IDACS.**

22 (b) **A law enforcement agency that perfects service of a**  
23 **protective order issued to the registry shall enter into the registry:**

- 24 (1) **the date and time the law enforcement agency received the**  
25 **protective order;**  
26 (2) **the location of the person who is the subject of the**  
27 **protective order, if this information is available;**  
28 (3) **the name and identification number of the law**  
29 **enforcement officer who serves the protective order; and**  
30 (4) **the manner that the protective order is served.**

31 SECTION 13. IC 5-2-9-7, AS AMENDED BY P.L.52-2007,  
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2009]: **Sec. 7. (a) Any information:**

- 34 (1) in a uniform statewide confidential form or any part of a  
35 confidential form prescribed by the division of state court  
36 administration that must be filed with a protective order; ~~no~~  
37 ~~contact order, workplace violence restraining order, or child~~  
38 ~~protective order; or~~

39 (2) otherwise acquired concerning a protected person;  
40 is confidential and may not be divulged to any respondent or defendant.

41 (b) Information described in subsection (a) may only be used by:

- 42 (1) a court;  
43 (2) a sheriff;  
44 (3) another law enforcement agency;  
45 (4) a prosecuting attorney; or  
46 (5) a court clerk;

1 to comply with a law concerning the distribution of the information.  
 2 SECTION 14. IC 5-2-9-8, AS AMENDED BY P.L.52-2007,  
 3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2009]: Sec. 8. **Except for a protective order that is created**  
 5 **in the registry**, a law enforcement agency that receives a copy of a  
 6 protective order ~~no contact order; workplace violence restraining order;~~  
 7 ~~or child protective order~~ shall enter the information received into the  
 8 Indiana data and communication system (IDACS) computer under  
 9 IC 10-13-3-35 upon receiving a copy of the order."

10 Page 11, between line 32 and 33, begin a new paragraph and insert:  
 11 "SECTION 21. IC 34-26-5-3, AS AMENDED BY P.L.3-2008,  
 12 SECTION 243, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The division of state court  
 14 administration shall:

- 15 (1) develop and adopt:  
 16 (A) a petition for an order for protection;  
 17 (B) an order for protection, including:  
 18 (i) orders issued under this chapter;  
 19 (ii) ex parte orders;  
 20 (iii) no contact orders under IC 31 and IC 35;  
 21 (iv) forms relating to workplace violence restraining orders  
 22 under IC 34-26-6; and  
 23 (v) forms relating to a child protective order under  
 24 IC 31-34-2.3;  
 25 (C) a confidential form;  
 26 (D) a notice of modification or extension for an order for  
 27 protection, a no contact order, a workplace violence restraining  
 28 order, or a child protective order;  
 29 (E) a notice of termination for an order for protection, a no  
 30 contact order, a workplace violence restraining order, or a  
 31 child protective order; and  
 32 (F) any other uniform statewide forms necessary to maintain  
 33 an accurate registry of orders; and  
 34 (2) provide the forms under subdivision (1) to the clerk of each  
 35 court authorized to issue the orders.

36 (b) In addition to any other required information, a petition for an  
 37 order for protection must contain a statement listing each civil or  
 38 criminal action involving:

- 39 (1) either party; or  
 40 (2) a child of either party.

41 (c) The following statements must be printed in boldface type or in  
 42 capital letters on an order for protection, a no contact order, a  
 43 workplace violence restraining order, or a child protective order:

44 VIOLATION OF THIS ORDER IS PUNISHABLE BY  
 45 CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.  
 46 IF SO ORDERED BY THE COURT, THE RESPONDENT IS

1 FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S  
 2 RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE  
 3 SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY  
 4 THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT  
 5 IS THE ORDER FOR PROTECTION VOIDED.

6 PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR  
 7 PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT  
 8 IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE  
 9 ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT  
 10 STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g),  
 11 ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS  
 12 ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A  
 13 FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR  
 14 POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF  
 15 THE PROTECTED PERSON IS:

16 (A) THE RESPONDENT'S CURRENT OR FORMER  
 17 SPOUSE;

18 (B) A CURRENT OR FORMER PERSON WITH WHOM  
 19 THE RESPONDENT RESIDED WHILE IN AN INTIMATE  
 20 RELATIONSHIP; OR

21 (C) A PERSON WITH WHOM THE RESPONDENT HAS A  
 22 CHILD.

23 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT  
 24 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES  
 25 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

26 (d) The clerk of the circuit court, or a person or entity designated by  
 27 the clerk of the circuit court, shall provide to a person requesting an  
 28 order for protection:

29 (1) the forms adopted under subsection (a);

30 (2) all other forms required to petition for an order for protection,  
 31 including forms:

32 (A) necessary for service; and

33 (B) required under IC 31-21 (or IC 31-17-3 before its repeal);

34 and

35 (3) clerical assistance in reading or completing the forms and  
 36 filing the petition.

37 Clerical assistance provided by the clerk or court personnel under this  
 38 section does not constitute the practice of law. The clerk of the circuit  
 39 court may enter into a contract with a person or another entity to  
 40 provide this assistance. A person, other than a person or other entity  
 41 with whom the clerk has entered into a contract to provide assistance,  
 42 who in good faith performs the duties the person is required to perform  
 43 under this subsection is not liable for civil damages that might  
 44 otherwise be imposed on the person as a result of the performance of  
 45 those duties unless the person commits an act or omission that amounts  
 46 to gross negligence or willful and wanton misconduct.

1 (e) A petition for an order for protection must be:

- 2 (1) verified or under oath under Trial Rule 11; and  
 3 (2) issued on the forms adopted under subsection (a).

4 (f) If an order for protection is issued under this chapter, the clerk  
 5 shall comply with IC 5-2-9.

6 **(g) After receiving a petition for an order for protection, the**  
 7 **clerk of the circuit court shall immediately enter the case in the**  
 8 **Indiana protective order registry established by IC 5-2-9-5.5.**

9 SECTION 22. IC 34-26-5-8 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. If a petitioner seeks:

- 11 (1) an order for protection;  
 12 (2) an extension of an order for protection;  
 13 (3) a modification of an order for protection; ~~or~~  
 14 (4) the termination of an order for protection; ~~or~~  
 15 **(5) the registration of a foreign protective order;**

16 the petitioner is responsible for completing the forms prescribed by the  
 17 division of state court administration and for transmitting those forms  
 18 to the clerk of the court.

19 SECTION 23. IC 34-26-5-9, AS AMENDED BY P.L.68-2005,  
 20 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2009]: Sec. 9. (a) If it appears from a petition for an order for  
 22 protection or from a petition to modify an order for protection that  
 23 domestic or family violence has occurred or that a modification of an  
 24 order for protection is required, a court may:

- 25 (1) without notice or hearing, immediately issue an order for  
 26 protection ex parte or modify an order for protection ex parte; or  
 27 (2) upon notice and after a hearing, whether or not a respondent  
 28 appears, issue or modify an order for protection.

29 (b) A court may grant the following relief without notice and  
 30 hearing in an ex parte order for protection or in an ex parte order for  
 31 protection modification:

- 32 (1) Enjoin a respondent from threatening to commit or  
 33 committing acts of domestic or family violence against a  
 34 petitioner and each designated family or household member.  
 35 (2) Prohibit a respondent from harassing, annoying, telephoning,  
 36 contacting, or directly or indirectly communicating with a  
 37 petitioner.  
 38 (3) Remove and exclude a respondent from the residence of a  
 39 petitioner, regardless of ownership of the residence.  
 40 (4) Order a respondent to stay away from the residence, school, or  
 41 place of employment of a petitioner or a specified place  
 42 frequented by a petitioner and each designated family or  
 43 household member.  
 44 (5) Order possession and use of the residence, an automobile, and  
 45 other essential personal effects, regardless of the ownership of the  
 46 residence, automobile, and essential personal effects. If

1 possession is ordered under this subdivision, the court may direct  
 2 a law enforcement officer to accompany a petitioner to the  
 3 residence of the parties to:

4 (A) ensure that a petitioner is safely restored to possession of  
 5 the residence, automobile, and other essential personal effects;

6 or

7 (B) supervise a petitioner's or respondent's removal of personal  
 8 belongings.

9 (6) Order other relief necessary to provide for the safety and  
 10 welfare of a petitioner and each designated family or household  
 11 member.

12 (c) A court may grant the following relief after notice and a hearing,  
 13 whether or not a respondent appears, in an order for protection or in a  
 14 modification of an order for protection:

15 (1) Grant the relief under subsection (b).

16 (2) Specify arrangements for parenting time of a minor child by  
 17 a respondent and:

18 (A) require supervision by a third party; or

19 (B) deny parenting time;

20 if necessary to protect the safety of a petitioner or child.

21 (3) Order a respondent to:

22 (A) pay attorney's fees;

23 (B) pay rent or make payment on a mortgage on a petitioner's  
 24 residence;

25 (C) if the respondent is found to have a duty of support, pay  
 26 for the support of a petitioner and each minor child;

27 (D) reimburse a petitioner or other person for expenses related  
 28 to the domestic or family violence, including:

29 (i) medical expenses;

30 (ii) counseling;

31 (iii) shelter; and

32 (iv) repair or replacement of damaged property; or

33 (E) pay the costs and fees incurred by a petitioner in bringing  
 34 the action.

35 (4) Prohibit a respondent from using or possessing a firearm,  
 36 ammunition, or a deadly weapon specified by the court, and direct  
 37 the respondent to surrender to a specified law enforcement agency  
 38 the firearm, ammunition, or deadly weapon for the duration of the  
 39 order for protection unless another date is ordered by the court.

40 An order issued under subdivision (4) does not apply to a person who  
 41 is exempt under 18 U.S.C. 925.

42 (d) The court shall:

43 (1) cause the order for protection to be delivered to the county  
 44 sheriff for service;

45 (2) make reasonable efforts to ensure that the order for protection  
 46 is understood by a petitioner and a respondent if present;

1           (3) transmit, by the end of the same business day on which the  
2           order for protection is issued; a copy of the order for protection to  
3           each local law enforcement agency designated by a petitioner;

4           **(3) electronically notify each law enforcement agency:**

5                 **(A) required to receive notification under IC 5-2-9-6; or**

6                 **(B) designated by the petitioner;**

7           (4) transmit a copy of the order to the clerk for processing under  
8           IC 5-2-9; ~~and~~

9           (5) ~~notify the state police department of~~ **indicate in** the order if  
10           the order and the parties meet the criteria under 18 U.S.C.  
11           922(g)(8); ~~and~~

12           **(6) require the clerk of court to enter or provide a copy of the**  
13           **order to the Indiana protective order registry established by**  
14           **IC 5-2-9-5.5.**

15           (e) An order for protection issued ex parte or upon notice and a  
16           hearing, or a modification of an order for protection issued ex parte or  
17           upon notice and a hearing, is effective for two (2) years after the date  
18           of issuance unless another date is ordered by the court. The sheriff of  
19           each county shall provide expedited service for an order for protection.

20           (f) A finding that domestic or family violence has occurred  
21           sufficient to justify the issuance of an order under this section means  
22           that a respondent represents a credible threat to the safety of a  
23           petitioner or a member of a petitioner's household. Upon a showing of  
24           domestic or family violence by a preponderance of the evidence, the  
25           court shall grant relief necessary to bring about a cessation of the  
26           violence or the threat of violence. The relief may include an order  
27           directing a respondent to surrender to a law enforcement officer or  
28           agency all firearms, ammunition, and deadly weapons:

29                 (1) in the control, ownership, or possession of a respondent; or

30                 (2) in the control or possession of another person on behalf of a  
31                 respondent;

32           for the duration of the order for protection unless another date is  
33           ordered by the court.

34           (g) An order for custody, parenting time, or possession or control of  
35           property issued under this chapter is superseded by an order issued  
36           from a court exercising dissolution, legal separation, paternity, or  
37           guardianship jurisdiction over the parties.

38           (h) The fact that an order for protection is issued under this chapter  
39           does not raise an inference or presumption in a subsequent case or  
40           hearings between the parties.

41           SECTION 24. IC 34-26-5-17 IS AMENDED TO READ AS  
42           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A foreign  
43           protection order is facially valid if it:

44                 (1) identifies the protected person and the respondent;

45                 (2) is currently in effect;

46                 (3) was issued by a state or tribal court with jurisdiction over the:

- 1 (A) parties; and  
2 (B) subject matter;  
3 under the law of the issuing state or Indian tribe; and  
4 (4) was issued after a respondent was given reasonable notice and  
5 an opportunity to be heard sufficient to protect the respondent's  
6 right to due process. In the case of an ex parte order, notice and  
7 opportunity to be heard must be provided within the time required  
8 by state or tribal law and within a reasonable time after the order  
9 is issued sufficient to protect the respondent's due process rights.
- 10 (b) A facially valid foreign protection order is prima facie evidence  
11 of its validity. The protection order may be inscribed on a tangible  
12 medium or stored in an electronic or other medium if it is retrievable  
13 in perceivable form. Presentation of a certified copy of an order for  
14 protection is not required for enforcement.
- 15 (c) Except as provided in subsection (d), a protection order that is  
16 facially valid and issued by a court of a state (issuing state) or Indian  
17 tribe shall be accorded full faith and credit by Indiana courts.
- 18 (d) A mutual foreign protection order is not entitled to full faith and  
19 credit if the order is issued by a state or tribal court against a person  
20 who has petitioned, filed a complaint, or otherwise filed a written  
21 pleading for protection against a family or household member, unless:  
22 (1) a separate petition or motion was filed by a respondent;  
23 (2) the issuing court has reviewed each motion separately and  
24 granted or denied each on its individual merits; and  
25 (3) separate orders were issued and the issuing court made  
26 specific findings that each party was entitled to an order.
- 27 (e) Registration or filing of a foreign protection order is not a  
28 prerequisite to enforcement of the order in Indiana, and a protection  
29 order that is consistent with this section shall be accorded full faith and  
30 credit notwithstanding a failure to register or file the order in Indiana.  
31 However, if a petitioner wishes to register a foreign protection order in  
32 Indiana, all Indiana courts of record shall accommodate the request.  
33 The division of state court administration shall develop a form to be  
34 used by courts, clerks, and law enforcement agencies when a petitioner  
35 makes a request to register a foreign protection order. **Except for a**  
36 **protective order issued to the Indiana protective order registry**  
37 **established by IC 5-2-9-5.5**, the courts, clerks of the courts, and  
38 sheriffs or law enforcement agencies maintaining depositories shall  
39 employ the same procedures required under IC 5-2-9-6 for entering,  
40 modifying, extending, or terminating a foreign protection order as those  
41 used for a protection order and a no contact order originating in  
42 Indiana.
- 43 (f) A facially valid foreign protection order shall be enforced by a  
44 law enforcement officer and a state court as if it were an order  
45 originating in Indiana. The order must be enforced if the foreign  
46 protection order contains relief that the state courts lack the power to

1 provide in an order for protection issued in Indiana.

2 (g) An Indiana law enforcement officer:

3 (1) may not require notification, registration, or filing of a facially  
4 valid foreign order for protection as a prerequisite to enforcement  
5 of an order;

6 (2) if a foreign protection order is not presented, may consider  
7 other information to determine under a totality of the  
8 circumstances whether there is probable cause to believe that a  
9 valid foreign order for protection exists; and

10 (3) who determines that an otherwise valid foreign protection  
11 order cannot be enforced because a respondent has not been  
12 notified or served with the order, shall:

13 (A) inform the respondent of the order;

14 (B) serve the order on the respondent;

15 (C) ensure that the order and service of the order are entered  
16 into the state depository;

17 (D) allow the respondent a reasonable opportunity to comply  
18 with the order before enforcing the order; and

19 (E) ensure the safety of the protected person while giving the  
20 respondent the opportunity to comply with the order.

21 **(h) After a foreign protective order is registered, the clerk shall**  
22 **enter the order in the Indiana protective order registry established**  
23 **by IC 5-2-9-5.5.**

24 SECTION 25. IC 34-26-5-18, AS AMENDED BY P.L.52-2007,  
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2009]: Sec. 18. The following orders are required to be  
27 entered into the Indiana data and communication system (IDACS) by  
28 a county sheriff or local law enforcement agency:

29 (1) A no contact order issued under IC 31-32-13 in a juvenile  
30 case.

31 (2) A no contact order issued under IC 31-34-20 in a child in need  
32 of services (CHINS) case.

33 (3) A no contact order issued under IC 31-34-25 in a CHINS case.

34 (4) A no contact order issued under IC 31-37-19 in a delinquency  
35 case.

36 (5) A no contact order issued under IC 31-37-25 in a delinquency  
37 case.

38 (6) A no contact order issued under IC 33-39-1-8 in a criminal  
39 case.

40 (7) An order for protection issued under this chapter.

41 (8) A workplace violence restraining order issued under  
42 IC 34-26-6.

43 (9) A no contact order issued under IC 35-33-8-3.2 in a criminal  
44 case.

45 (10) A no contact order issued under IC 35-38-2-2.3 in a criminal  
46 case.

- 1 (11) A child protective order issued under IC 31-34-2.3.
- 2 (12) **A foreign protective order registered under**
- 3 **IC 34-26-5-17."**
- 4 Renumber all SECTIONS consecutively.  
(Reference is to ESB 345 as printed March 24, 2009.)

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Representative Lawson L