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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULE 43(b) OF	)	Supreme Court No. 25-_____
THE RULES OF PROTECTIVE ORDER	)	(expedited consideration
PROCEDURE	)	and emergency adoption
	)	requested)
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend Rule 43, Arizona Rules of Protective Order Procedure (ARPOP) (“order for lifetime no-contact injunction”), as proposed in Appendix A. The proposed amendments are prompted by the enactment of Senate Bill (SB) 1449, Lifetime Injunction; Undesignated Offenses, during the First Regular Session of the Fifty-seventh Legislature, as more particularly described below.

[SB 1449](#) has a general effective date and is expected to become effective in early Fall of this year. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments to Rule 43, ARPOP,

with an effective date that coincides with the general effective date of legislation from the First Regular Session of the Fifty-seventh Legislature.

I. Background and Grounds for Approval

A.R.S. § 13-719(D) allows a victim in a case to file a petition in the superior court to obtain a lifetime no-contact injunction against a defendant convicted of certain felony offenses listed in A.R.S. § 13-719(A). In certain circumstances, a class 6 felony may be designated a misdemeanor under A.R.S. § 13-604. SB 1449 amends A.R.S. § 13-719(F) to provide that a “conviction that is designated a misdemeanor pursuant to section 13-604 . . . does not prohibit a victim from submitting a petition to request a lifetime injunction.”

Rule 43 ARPOP governs the procedures for petitions for lifetime no-contact injunctions under A.R.S. § 13-719(D). Rule 43(b), ARPOP (“qualifying convictions”), tracks A.R.S. § 13-719(A), listing the offenses for which a victim may obtain a lifetime no-contact injunction, all of which are felonies. To account for the changes made by SB 1449 and make clear that a conviction for an offense listed in Rule 43(b) is qualifying even if the conviction is designated a misdemeanor under A.R.S. § 13-604, Petitioner proposes amending Rule 43(b) as follows (additions shown in underline) and as set forth in Appendix A:

(b) Qualifying Convictions. A qualifying conviction for an Order for Lifetime No-Contact Injunction issued under this rule is a conviction of any of the following offenses, whether completed or preparatory and irrespective of a misdemeanor designation under A.R.S. § 13-604,

unless the conviction has been dismissed, expunged, or overturned, or the defendant has been pardoned:

- (1) a dangerous offense as defined in A.R.S. § 13-105 that is also a felony;
- (2) a serious offense or violent or aggravated felony as defined in A.R.S. § 13-706;
- (3) a felony offense included in Title 13, Chapter 14 or 35.1;
- (4) a felony offense as set forth in A.R.S. § 13-1204(B); or
- (5) a felony offense as set forth in A.R.S. § 13-2923.

II. Similar Petitions in Last Five Years

No petitions relating to Rule 43, ARPOP have been filed during the 2025 Rules Cycle, and no similar petitions have been filed in the past five years.

III. Preliminary Comments

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

IV. Request for Expedited Consideration and Emergency Adoption

SB 1449 is expected to become effective in early Fall of this year. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the August 2025 Rules Agenda, consider adoption of the proposed amendments as set forth in Appendix A on an emergency basis at that Agenda with an effective date that coincides with the general effective date of legislation from the First Regular Session of the Fifty-seventh Legislature, open the petition for comment, and consider

adopting the proposed amendments on a permanent basis at this Court's November 2025 Rules Agenda.

Respectfully submitted this 26th day of June, 2025.

By /s/ David K. Byers
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APPENDIX A

Arizona Rules of Protective Order Procedure

(new language is underlined)

Rule 43. Order for Lifetime No-Contact Injunction

(a) [No change]

(b) Qualifying Convictions. A qualifying conviction for an Order for Lifetime No-Contact Injunction issued under this rule is a conviction of any of the following offenses, whether completed or preparatory and irrespective of a misdemeanor designation under A.R.S. § 13-604, unless the conviction has been dismissed, expunged, or overturned, or the defendant has been pardoned:

(1) through (5) [No change]

(c) through (k) [No change]