

HOW STATES ADDRESS DOMESTIC VIOLENCE IN SELECTED AREAS



DEPARTMENT OF LEGISLATIVE SERVICES 2012

How States Address Domestic Violence in Selected Areas

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

January 2012

Contributing Staff

Editors

Douglas R. Nestor
Karen D. Morgan

Writers

Jennifer K. Botts
Amy A. Devadas
Karen D. Morgan
Lauren C. Nestor

Other Staff Who Contributed to This Report

Michelle J. Purcell

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: 410-946-5400 • Washington Area: 301-970-5400

Other Areas: 1-800-492-7122, Extension 5400

TTY: 410-946-5401 • 301-970-5401

Maryland Relay Service: 1-800-735-2258

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, sexual orientation, or disability in the admission or access to its programs, services, or activities. The department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.



DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF POLICY ANALYSIS
MARYLAND GENERAL ASSEMBLY

Karl S. Aro
Executive Director

Warren G. Deschenaux
Director

January 12, 2012

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Michael E. Busch, Speaker of the House of Delegates
Honorable Members of the Maryland General Assembly

Ladies and Gentlemen:

Domestic violence continues to be a serious problem throughout the nation. Although reported crimes of domestic violence in Maryland declined over 22% from 2006 to 2010, there were still 17,931 reported crimes of domestic violence in Maryland in 2010, including 18 homicides. Legislation is introduced nearly every year in the General Assembly in an attempt to improve the laws that are intended to deter and prevent incidents of domestic violence.

Maryland is not alone in this effort. State legislators across the nation are similarly engaged. In trying to address domestic violence, state legislators often want to know about the approaches that other states have taken when dealing with important issues.

This paper identifies five key issues in the domestic violence area, including the burden of proof to obtain a protective order; enactment of crimes of domestic violence; penalties for violation of protective orders; provisions governing the surrender of firearms; and the duration of final protective orders. This report presents a survey of the laws for the 50 states and the District of Columbia in each of these areas and information on the different approaches state legislators have taken when tackling key aspects of domestic violence.

This report was prepared by Jennifer K. Botts, Amy A. Devadas, Karen D. Morgan and Lauren C. Nestor. The paper was edited by Douglas R. Nestor and Karen D. Morgan; the manuscript was prepared by Michelle J. Purcell. The Department of Legislative Services trusts that this report will be useful to individuals interested in domestic violence issues.

Sincerely,

Warren G. Deschenaux
Director

WGD/KDM/mjp

Contents

Introduction.....	1
Methodology	2
Burden of Proof Required to Obtain Domestic Violence Protective Order.....	3
Crimes of Domestic Violence	5
Offense Classifications and Penalties for Violations of Protective Orders	22
Surrender of Firearms	35
Duration of Final Protective Order	38
Exhibit 1	4
Exhibit 2.....	6
Exhibit 3	24
Exhibit 4.....	36
Exhibit 5.....	39

How States Address Domestic Violence in Selected Areas

Introduction

Ask someone with an interest in domestic violence issues who is a student of history or who came of age before the baby boomer generation, and he or she will most likely be able to recall a perception widely held in the United States that violence perpetrated against family members was “a private matter” or was a problem best addressed “within the family.” Since those days, perceptions regarding domestic violence have undergone a sea of change. Domestic violence is now widely regarded as a serious societal problem that must be eliminated. It is not at all difficult to find law enforcement, lawmakers, social workers, health professionals, educators, family advocates, and many others who agree that unless American families can be made safe, it will be nearly impossible to create a safe society where people can not only survive, but grow and thrive.

While it is not hard to get people to agree that domestic violence is a problem that must be solved, it is quite a bit more difficult to get those who would take on this issue to agree on what action or actions most effectively address the problem.

As a result, State legislators have employed a variety of approaches to address domestic violence. It was Justice Louis Brandeis of the U.S. Supreme Court who is credited with the reference to states as “laboratories of democracy.” In his dissenting opinion in the case *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932) he said, “[i]t is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” The results of this “happy incident” are as evident in the domestic violence area as they are in other public policy areas where states are the primary architects and actors.

Perusal of the accompanying exhibits in this report shows that states have approached the issues identified in this report in divergent ways. What is also evident is that states have employed creativity, especially with how they address those who violate protective orders and those who commit crimes of domestic violence.

As Maryland legislators consider how best to punish those who perpetrate domestic violence offenses and how best to protect those who are victimized, the question about what other states do is often asked. This paper is intended to give Maryland legislators an overview of how aspects of the problem of domestic violence are addressed in the 50 states and the District of Columbia. The contributing staff identified several areas where legislators, advocates, and the public expressed interest in how Maryland laws compare to the laws enacted in other states. The

five areas chosen were intended to represent where state laws can have far-reaching impacts on how victims, perpetrators, and their families deal with and recover from domestic violence. The following areas are the focus of this paper:

- the required burden of proof to obtain a final domestic violence order of protection;
- whether states have enacted statutory crimes of domestic violence that apply to first-time offenders;
- penalties for violation of a protective order;
- the surrender of firearms pursuant to the issuance of a protective order; and
- the duration of final domestic violence orders of protection.

For each selected area, an exhibit has been created that shows the actions taken by the 50 states and the District of Columbia. This compilation is intended to help legislators understand the varied approaches employed across the country when addressing domestic violence issues. This compilation presents a summary of the information displayed in the exhibit, in addition to the exhibit itself, to help legislators make more informed decisions about methods that have been employed to address domestic violence and to understand how Maryland compares to all states and the District of Columbia, not just the neighboring states.

While the efficacy of any approach or combination of approaches is beyond the scope of this compilation, the states and the District of Columbia have employed an interesting and wide variety of approaches in each of the above-mentioned areas to try and address a problem common to all states – the epidemic of domestic violence.

Methodology

To develop this compilation, the staff reviewed available compilations on domestic violence from the following organizations: (1) the American Bar Association; (2) the National Center on Protection Orders and Full Faith and Credit; and (3) WomensLaw.org. Using these compilations as a guide to the location of relevant statutes in each of the 50 states and the District of Columbia, the staff then reviewed the relevant statutes, summarized the most relevant aspects of those statutes, and created a table for the specified domestic violence area.

Where necessary, contributing staff also contacted state Coalitions of Domestic Violence, State Offices of Attorneys General, and other experts to fully understand the statute and any helpful information concerning the statute's implementation. While statutory citations are not included in these tables for brevity and readability, the contributing staff retain documentation of the statutes consulted for this compilation, in case legislators have specific questions or need additional information about state laws.

Burden of Proof Required to Obtain Domestic Violence Protective Order

Once a person has alleged that she or he is the victim of domestic violence, that person may petition the court for the issuance of a protective order. The order requires the respondent to refrain from certain acts viewed as harassing or threatening and may require the respondent to take additional actions to enable the petitioner to manage household living expenses and temporary custody of children, among other things. Since the issuance of a final protective order is a judicial process, the simple allegation of domestic violence is not enough to warrant the issuance of such an order. The petitioner must meet or exceed a burden of proof (generally specified in statute) to obtain a protective order. There are three main evidentiary standards in the judicial arena: preponderance of the evidence, clear and convincing evidence, and beyond a reasonable doubt.

The evidentiary standard known as “preponderance of the evidence” has been described as requiring evidence to establish that a fact is “more likely true than not true,” “more probable than not,” or that amounts to at least 51% of the evidence. “Preponderance of the evidence” is the standard applicable in most civil cases. “Clear and convincing evidence” is more than a preponderance of the evidence and less than would be required for the standard of “beyond a reasonable doubt.” The “clear and convincing” standard is intended to produce in the mind of the trier of fact a firm belief as to the facts sought to be established. The standard of “beyond a reasonable doubt” is usually reserved for criminal cases and refers to evidence that is so conclusive and complete that all reasonable doubts about the existence of the fact are removed from consideration.

As shown in **Exhibit 1**, 29 states either specify in statute or have established through case law that the standard used for granting a final protective order is “preponderance of the evidence.” Thirteen states have unspecified standards that allow the use of the court’s discretion to grant protective orders on a case-by-case basis. Statutes in 7 states and the District of Columbia require findings of “reasonable cause,” “sufficient grounds” or “good cause.” Maryland is the only state that specifically requires by statute that a petitioner to meet the burden of “clear and convincing evidence” to receive a final protective order.

Exhibit 1
State Burden of Proof to Obtain Final Protective Order

State	Evidentiary Standard
Alabama	Preponderance of the evidence
Alaska	Preponderance of the evidence
Arizona	A finding of "reasonable cause"
Arkansas	A finding of "sufficient evidence"
California	A finding of "reasonable proof"
Colorado	Discretion of the court
Connecticut	Discretion of the court
Delaware	Preponderance of the evidence
District of Columbia	A finding of "good cause"
Florida	Discretion of the court
Georgia	Preponderance of the evidence
Hawaii	A finding that the respondent has failed to show cause why the order should not be continued and that an order is necessary to prevent abuse.
Idaho	Discretion of the court
Illinois	Preponderance of the evidence
Indiana	Preponderance of the evidence
Iowa	Preponderance of the evidence
Kansas	Preponderance of the evidence
Kentucky	Preponderance of the evidence
Louisiana	Preponderance of the evidence
Maine	Preponderance of the evidence
Maryland	Clear and convincing
Massachusetts	Discretion of the court
Michigan	A finding of "reasonable cause"
Minnesota	Discretion of the court
Mississippi	Preponderance of the evidence
Missouri	Preponderance of the evidence
Montana	A finding of "good cause"
Nebraska	Discretion of the court
Nevada	Discretion of the court
New Hampshire	Preponderance of the evidence
New Jersey	Preponderance of the evidence
New Mexico	Preponderance of the evidence

State	Evidentiary Standard
New York	Preponderance of the evidence
North Carolina	Preponderance of the evidence
North Dakota	Preponderance of the evidence
Ohio	Preponderance of the evidence
Oklahoma	Discretion of the court
Oregon	Preponderance of the evidence
Pennsylvania	Preponderance of the evidence
Rhode Island	A finding of “good cause”
South Carolina	Preponderance of the evidence
South Dakota	Preponderance of the evidence
Tennessee	Preponderance of the evidence
Texas	Discretion of the court
Utah	Preponderance of the evidence
Vermont	Preponderance of the evidence
Virginia	Preponderance of the evidence
Washington	Discretion of court
West Virginia	Preponderance of the evidence
Wisconsin	A finding of “reasonable grounds”
Wyoming	Discretion of the court

Source: Statutes of 50 states and the District of Columbia; American Bar Association; National Center on Protection Orders and Full Faith and Credit; Ann Patterson Dooley Family Safety Center of Oklahoma; Court Advocate's Office of Pulaski County, Arkansas; EVE (End Violent Encounters) of Michigan; Florida Legal Services; Greater Boston Legal Services; Legal Aid Center of Southern Nevada; Mississippi Coalition Against Domestic Violence; New Mexico Legal Aid; North Carolina Coalition Against Domestic Violence; Pennsylvania Coalition Against Domestic Violence; Rape and Abuse Crisis Center of North Dakota; SAFE in Hunterdon, New Jersey; South Dakota Network Against Family Violence and Sexual Assault; The Supreme Court of Ohio; Utah Legal Services; Wyoming Coalition Against Domestic Violence.

Crimes of Domestic Violence

Exhibit 2 provides an overview of whether states have statutes that establish a crime or crimes of domestic violence and the major attributes involved with such a crime designation. In addition to identifying states with a crime or crimes of domestic violence, the exhibit also identifies the offense, its classification, the criminal penalty attached to the offense, whether or not treatment is imposed on the batterer, and other significant aspects that help to define how the state treats the crime of domestic violence.

Exhibit 2
State Crimes of Domestic Violence – First Offense

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Alabama	X		Domestic Violence – First d	Class A Felony	Minimum one year imprisonment.		Incorporates crimes of assault, menacing, reckless endangerment; criminal coercion, and harassment.
			Domestic Violence – Second d	Class B Felony	Minimum six months imprisonment.		
			Domestic Violence – Third d	Class A Misdemeanor	Minimum 48 hours imprisonment.		
Alaska		X					
Arizona	X		Aggravated Domestic Violence	Class 5 Felony	Fine up to \$150,000 and/or imprisonment ranging from up to six months to up to two and a half years, depending on mitigating or aggravating factors.	Mandatory if convicted of misdemeanor.	Incorporates crimes of assault; disorderly conduct; If offender knew victim was pregnant or committed felony causing injury to pregnant victim, court may increase imprisonment sentence up to two additional years.
			Crime of domestic violence	Misdemeanor Classes 1-3	Fines range from up to \$500 to up to \$2,500 and/or imprisonment ranging from up to 30 days to up to six months.		
Arkansas	X		Domestic Battering – First d	Class B Felony	Imprisonment from 5 to 20 years.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Arkansas (continued)			Domestic Battering – Second d	Class C Felony	Imprisonment from 3 to 10 years.		
			Domestic Battering – Third d	Class A Misdemeanor	Imprisonment up to one year.		
			Aggravated assault – family or household	Class D Felony	Imprisonment up to six years.		
			First Degree assault – family or household	Class A Misdemeanor	Imprisonment up to one year.		
			Second degree assault – family or household	Class B Misdemeanor	Imprisonment up to 90 days.		
			Third degree Assault – Family or Household	Class C Misdemeanor	Imprisonment up to 30 days.		
California	X		Battery	Misdemeanor	Fine up to \$2,000 and/or imprisonment up to one year.	If probation granted, mandatory for at least one year.	Upon probation may also order defendant to pay up to \$5,000 to battered women's shelter and/or reimburse victim for reasonable counseling costs.
Colorado		X					
Connecticut		X					
Delaware		X					
District of Columbia		X					
Florida	X		Domestic Battery by Strangulation	Felony – 3rd d	Fine up to \$5,000 and/or up to five years imprisonment.		
Georgia	X		Family Violence Battery	Misdemeanor	Fine up to \$1,000 and/or up to one year imprisonment.		
			Simple Assault	Misdemeanor – High and Aggravated	Fine up to \$5,000 and/or up to one year imprisonment.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Georgia (continued)			Aggravated Assault	Felony	Imprisonment from 3 to 20 years.		
			Simple Battery	Misdemeanor -- High and Aggravated	Fine up to \$5,000 and/or up to one year imprisonment.		
			Aggravated Battery	Felony	Imprisonment from 3 up to 20 years.		
Hawaii	X		Abuse of Family or Household Members	Misdemeanor	Minimum 48 hours in jail.	Mandatory participation in domestic violence intervention program.	Officer may seize all firearms and ammunition if used or threatened.
			Abuse of Family or Household Member -- Strangulation	Class C Felony	Imprisonment up to five years.		
Idaho	X		Felony Domestic Battery	Felony	Fine up to \$10,000 and/or up to 10 years imprisonment.	Mandatory evaluation for subsequent aggression counseling or treatment.	Penalties may be doubled if offenses took place in front of a child.
			Household Member Battery	Misdemeanor	Fine up to \$1,000 and/or up to six months imprisonment.		
			Household Member Assault	Misdemeanor	Fine up to \$1,000 and/or six months imprisonment.		
Illinois	X		Domestic Battery	Misdemeanor	Fine up to \$2,500 and/or imprisonment up to one year.		Offense escalates to felony if committed in front of a child.
Indiana	X		Domestic Battery	Class A Misdemeanor	Fine up to \$5,000 and/or up to one year imprisonment.		
Iowa	X		Domestic Abuse Assault	Simple Misdemeanor	Fine from \$65 up to \$625 and/or imprisonment up to 30 days.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Iowa (continued)			Domestic Abuse Assault – Injury	Serious Misdemeanor	Fine from \$315 up to \$1,875 and/or imprisonment up to one year.		
			Domestic Abuse Assault – Weapon	Aggravated Misdemeanor	Fine from \$625 up to \$6,250 and/or imprisonment up to two years.		
Kansas	X		Domestic Battery	Class B Person Misdemeanor	Fine from \$200 up to \$500 and/or imprisonment of at least 48 hours up to six months.		
Kentucky ³		X					Person may be convicted of felony if third or subsequent offense of assault-4th d and victim is family member or part of unmarried couple.
Louisiana	X		Domestic Abuse Battery	Unspecified	Fine from \$300 up to \$1,000 and imprisonment from 30 days up to six months.	If probation granted, offender must participate in court-approved program.	If probation granted, minimum mandatory jail sentence must be served; Offender may not own or possess firearm for entirety of sentence.
			Domestic Abuse Battery – Strangulation	Unspecified	Imprisonment at hard labor for up to three years.		
Maine	X		Domestic Violence Assault	Class D	Fine up to \$2,000 and/or imprisonment up to one year.		
Maryland		X					

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Massachusetts ³		X					If convicted of second or subsequent offense of assault or assault and battery on household member, subject to imprisonment in the house of correction for up to two and a half years or imprisonment for up to five years.
Michigan	X		Assault or Assault and Battery	Misdemeanor	Fine up to \$500 and/or imprisonment up to 93 days.		
Minnesota	X		Domestic Assault	Misdemeanor	Fine up to \$1,000 and/or imprisonment up to 90 days.		
			Domestic Assault – Firearm	Gross Misdemeanor	Fine up to \$1,000 and/or imprisonment up to 90 days.		Firearm used in offense subject to forfeiture; Court may prohibit offender from possessing pistol for at least three years up to life.
Mississippi	X		Simple Domestic Violence Assault	Misdemeanor	Fine up to \$500 and/or imprisonment up to six months.		
			Aggravated Domestic Violence Assault	Misdemeanor	Imprisonment in correctional institution for at least two years.		Offender ineligible for parole until one year of sentence served.
Missouri	X		Domestic Assault – First d	Class B Felony	Imprisonment from 5 to 15 years.		
			Domestic Assault – Second d	Class C Felony	Fine up to \$5,000 and/or imprisonment up to seven years.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Missouri (continued)			Domestic Assault – Third d	Class A Misdemeanor	Fine up to \$1,000 and/or imprisonment up to one year.		
Montana	X		Partner or Family Member Assault	Misdemeanor	Fine from \$100 up to \$1,000 and imprisonment for at least 24 hours and up to one year.	Convicted offender must pay for and complete counseling assessment; counseling provider must be court-approved.	Offender must pay restitution to victim, if able; Offender must pay cost of probation, if probation ordered; Court may prohibit offender from use or possession of firearm if firearm used in assault.
Nebraska	X		Domestic Assault – First d	Class I Misdemeanor	Fine from \$100 up to \$1,000 and imprisonment for at least 24 hours and up to one year.		
			Domestic Assault – Second d	Class IIIA Felony	Fine up to \$10,000 and/or imprisonment up to five years.		
			Domestic Assault – third d	Class III Felony	Fine up to \$25,000 and/or imprisonment up to 20 years.		
Nevada	X		Battery Which Constitutes Domestic Violence	Misdemeanor	Fine from \$200 to \$1,000 and imprisonment in jail or detention center from two days up to six months and 48 to 120 hours of community service.	Mandatory weekly counseling sessions of at least one-half hour for 6 to 12 months in a certified program at offender's expense; Court may also order treatment for child affected by act.	Court may not grant probation or suspend sentence; Court may require offender to participate in alcohol or drug treatment program.
New Hampshire		X					
New Jersey		X					

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
New Mexico	X		Assault Against Household Member	Petty Misdemeanor	Fine up to \$500 and/or imprisonment up to six months.		
			Aggravated Assault Against Household Member	Felony-4th d	Fine up to \$5,000 and/or imprisonment up to 18 months.		
			Assault Against Household Member – Felonious Intent	Felony-3rd d	Fine up to \$5,000 and/or imprisonment up to three years.		
			Battery Against Household Member	Misdemeanor	Fine up to \$1,000 and/or imprisonment up to one year.	Mandatory participation in approved domestic violence offender treatment or intervention program upon conviction.	
			Aggravated Battery Against Household Member	With Injury – Misdemeanor; With Great Bodily Harm or Deadly Weapon – Felony	Misdemeanor Penalty – Fine up to \$1,000 and/or imprisonment up to one year; Felony Penalty – Fine up to \$5,000 and/or imprisonment up to three years.	Mandatory participation in approved domestic violence offender treatment or intervention program upon conviction.	
			Criminal Damage to Property of Household Member	Misdemeanor-Damage Up to \$1,000; Felony – Fourth d – Damage More Than \$1,000.	Misdemeanor Penalty – Fine up to \$1,000 and/or imprisonment up to one year; Felony Penalty – Fine up to \$5,000 and/or imprisonment up to 18 months.		
			Deprivation of Property of Household Member	Misdemeanor	Fine up to \$1,000 and/or imprisonment up to one year.		
New York		X					

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
North Carolina	X		Assault, Battery, and Affray – Domestic – With Serious Injury or Use of Deadly Weapon	Class A1 Misdemeanor	Fine-as determined by court and/or imprisonment from 1 to 60 days.		Community Punishment (fine only) “Intermediate” or “Active” punishment authorized.
North Dakota	X		Simple Assault – Family or Household Member	Class B Misdemeanor	Fine up to \$1,000 and/or imprisonment up to 30 days.	Sentence for conviction of this offense or assault, aggravated assault, reckless endangerment, terrorizing, or menacing must include order to complete domestic violence offender treatment program unless court declines to impose order with written findings on the record.	
Ohio	X		Domestic Violence – Threats	Misdemeanor – Fourth d	Fine up to \$250 and/or imprisonment up to 30 days.		
			Domestic Violence – Physical Harm or Attempt or Serious Physical Harm	Misdemeanor – First d	Fine up to \$1,000 and/or imprisonment up to 180 days.		
Oklahoma	X		Domestic Abuse	Misdemeanor	Fine up to \$5,000 and/or imprisonment up to one year.	If court suspends sentence or orders probation for any domestic abuse charge, a condition must be successful participation in counseling or treatment for minimum of 52 weeks in program approved by Attorney General.	
			Domestic Abuse – Pregnancy	Misdemeanor	Imprisonment up to one year.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Oklahoma (continued)			Domestic Abuse – Pregnancy and Miscarriage or Fetal Injury.	Felony	Imprisonment up to 20 years.		
			Domestic Abuse – Great Bodily Injury	Felony	Imprisonment up to 10 years in Dept. of Corrections or imprisonment in jail up to one year.		
			Domestic Abuse in Presence of Child	Misdemeanor	Fine up to \$5,000 and/or imprisonment for six months to one year.		
			Domestic Abuse – Strangulation	Misdemeanor	Fine up to \$3,000 and/or imprisonment from one to three years.		
Oregon		X					
Pennsylvania		X					
Rhode Island	X		Domestic Violence	Misdemeanor or Felony, depending on underlying offense.	Penalties range from fine of \$500 and/or six months imprisonment up to imprisonment for life, depending on underlying offense-no apparent sentence enhancement for First offense under domestic violence element.	Every offender convicted of domestic violence with enumerated offense must attend batterer's intervention program, at offender's expense.	Incorporates simple assault, felony assault, vandalism, disorderly conduct, trespass, kidnapping, child-snatching, sexual assault, and homicide; Every offender convicted or placed on probation must pay \$125.00 assessment; 80% or \$100 allocated to Rhode Island Coalition Against Domestic Violence.

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
South Carolina	X		Criminal Domestic Violence	Misdemeanor	Fine from \$1,000 up to \$2,500 or imprisonment up to 30 days.	Upon suspension of the fine, court must order offender to complete approved batterer treatment program. Judge may also order or treatment program may refer offender to supplemental alcohol and drug treatment. Offender must pay reasonable participation fee. No offender may be denied treatment due to inability to pay.	
			Criminal Domestic Violence – High and Aggravated Nature	Felony	Imprisonment from 1 to 10 years.	Court may suspend all but one year of sentence, but must order offender to satisfactorily complete approved batterer treatment program; offender must pay reasonable participation fee; Judge may also order or treatment program may refer offender to supplemental alcohol and drug treatment. Offender must pay reasonable participation fee. No offender may be denied treatment due to inability to pay.	Mandatory minimum sentence of one year – non-suspendable.

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
South Carolina (continued)			Spousal Sexual Battery with Aggravated Force.	Felony	Imprisonment up to 10 years.		Applies only to spouses that are living together. Conduct must be reported to law enforcement within 30 days of alleged act.
South Dakota		X					
Tennessee	X		Domestic Assault	Class A or B Misdemeanor	Class A misdemeanor: Fine up to \$2,500 and/or imprisonment up to 11 months and 29 days; Class B Misdemeanor: Fine up to \$500 and/or imprisonment up to six months.	Court may require offender to complete counseling to address violence and control issues. Offender's knowing failure to complete program is violation of alternative sentencing program.	Court must impose fine up to \$200 which is subject to appropriation for funding family violence shelters and shelter services.
			Domestic Aggravated Assault	Class C or D Felony			Court must impose fine up to \$200 which is subject to appropriation for funding family violence shelters and shelter services.
Texas	X		Assault – Strangulation of Family, Household Member, or Dating Partner	Felony Third d	Fine up to \$10,000 and/or imprisonment from 2 to 10 years.		
Utah	X		Domestic Violence Offenses	Misdemeanor or Felony, depending on underlying offense	Fines range from \$750 to \$5,000 and/or imprisonment from 90 days to 5 years, depending on underlying offense; no sentence enhancement for First offense.		Incorporates aggravated assault, assault, criminal homicide, harassment. Electronic communication harassment, kidnapping, child kidnapping, aggravated

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Utah (continued)							kidnapping, mayhem, sexual offenses, stalking, unlawful detention, violation of protective order, offenses against property, possession of deadly weapon, discharge of firearm, disorderly conduct, and child abuse.
Vermont	X		Domestic Assault	Misdemeanor	Fine of up to \$5,000 and/or imprisonment up to 18 months.		
			Aggravated Domestic Assault – First d	Felony	Fine up to \$25,000 and/or imprisonment up to 15 years.		
			Aggravated Domestic Assault – Second d	Felony	Fine up to \$10,000 and/or imprisonment up to five years.		
Virginia	X		Assault and Battery Against Family or Household Member	Class 1 Misdemeanor	Fine up to \$2,500 and/or imprisonment up to 12 months.		
Washington		X					
West Virginia	X		Domestic Battery	Misdemeanor	Fine up to \$500 and/or imprisonment up to 12 months.		
			Domestic Assault	Misdemeanor	Fine up to \$100 and/or imprisonment up to six months.		

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Wisconsin ³		X					If person commits act of domestic abuse that is also a crime, sentence may be increased up to two years if crime committed within 72 hours of arrest for domestic abuse incident. If underlying offense is misdemeanor, it escalates to felony offense.
Wyoming	X		Strangulation of Household Member	Felony	Imprisonment up to five years.		
							A person convicted of simple assault against household member who after prior conviction for simple assault, simple battery, aggravated assault and battery, child abuse, and reckless endangerment is guilty of misdemeanor and subject to fine up to \$750 and/or imprisonment up to six months.

State	Enacted Crime(s) of Domestic Violence	No Crime of Domestic Violence	Offense ¹	Misdemeanor or Felony	Penalty	Court-ordered Treatment for Batterer	Other ²
Total Number of States	35 states have enacted at least one crime of domestic violence that applies to first offenders	16 states do not have a crime of domestic violence that applies to first offenders		15 States – Misdemeanor Offenses Only; 15 States – Felony and Misdemeanor Offenses; 3 States – Felony Offenses Only		12 states mandate or authorize treatment for batterer upon conviction or as condition of probation or suspended sentence	

¹ The “d” designation in this exhibit is an abbreviation for “degree.”

² The “other” category identifies special conditions and attributes that affect how domestic violence crimes are managed in the state.

³ These states have not enacted a crime of domestic violence that applies to first-time offenders, but they have enacted domestic violence crimes that apply to repeat offenders under specified circumstances.

Source: Statutes of the 50 states and the District of Columbia; National Center on Protection Orders and Full Faith and Credit

The exhibit identifies 35 states that have established statutory crime or crimes of domestic violence that apply to first-time offenders. The District of Columbia and 16 states, including Maryland, have not established a statutory crime of domestic violence that applies to first-time offenders. Enactment of a crime of domestic violence by a state tends to highlight how this type of offense is regarded as an especially serious infraction, compared to other assault and battery type offenses, as states are likely to impose more stringent penalties and attach additional conditions that are not typically applied to an assault and/or battery offense.

Designation of Domestic Violence Crimes

Generally, a crime involving assault and/or battery against a family or household member is designated by a state as a crime of domestic violence. Some states also specifically include intimate relationships between partners that are not married or, in some cases, dating relationships. However, the designation of criminal behavior can also vary as some states isolate specific actions to criminalize, such as strangulation, or injury to a pregnant victim. While most states that have enacted legislation identify a type of assault and/or battery as the underlying criminal behavior for the domestic violence crime, two states (Rhode Island and Utah) have taken a different approach by incorporating a large number of different types of criminal behaviors as domestic abuse behaviors if the crimes were committed against a family or household member.

How States Classify Crimes of Domestic Violence

Of the 35 states that have established a domestic crime that applies to first-time offenders, 15 states (California, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Montana, Nevada, North Carolina, North Dakota, Ohio, Virginia, and West Virginia) have classified their crimes as misdemeanor offenses. Fifteen states (Alabama, Arizona, Arkansas, Georgia, Hawaii, Idaho, Missouri, Nebraska, New Mexico, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, and Vermont) have established felony crimes in addition to their misdemeanor crimes. Three states (Florida, Texas, and Wyoming) have classified their domestic violence crimes as felonies. The domestic crimes established in Louisiana are not classified as either misdemeanors or felonies and in Maine, the crime is designated as "Class D"; however, the penalty is similar to that established by other states for misdemeanor crimes of domestic violence.

Repeat Offenders

Most states that have established crimes of domestic violence applicable to first-time offenders have also established enhanced penalties for repeat offenders. Some states, however, that have not established a domestic violence crime for a first offender have set forth enhanced penalties for those previously convicted of an assault and/or battery offense who subsequently commit an assault or battery offense that involves a household or family member. For example, the states of Kentucky, Massachusetts, and Wisconsin do not have a domestic violence crime for

a first offender. In Kentucky, however, a person can be convicted of a felony if a third or subsequent assault offense involves family or the offender's unmarried partner. In Massachusetts, an offender convicted of a second or subsequent assault and/or battery offense is subject to an enhanced imprisonment sentence if the victim is a family or household member.

In Wyoming, the only crime of domestic violence that applies to first-time offenders is a felony for the strangulation or attempted strangulation of a household member. However, a person who has a prior conviction for assault, battery, or other specified crimes and is subsequently convicted of simple assault against a household member may be charged with a separate misdemeanor.

Special Conditions

As noted earlier, while crimes of domestic violence are generally based on assault and/or battery, the disposition of a domestic violence crime may contain other mandates or conditions that do not apply to the typical assault and/or battery conviction. For example, 12 states (Arizona, California, Hawaii, Idaho, Louisiana, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Rhode Island, and South Carolina) either authorize or require the court to order an offender convicted of a crime of domestic violence to participate in a batterer's treatment, an anger management, or similar program. In California, Louisiana, Oklahoma, and South Carolina, if the court grants probation, the offender must be ordered into treatment. In California, the offender must participate in treatment for at least one year. Oklahoma has a similar sanction and requires that the offender successfully participate in a counseling or treatment program for at least 52 weeks. In South Carolina, an offender ordered into a batterer treatment program as a condition of suspension of a sentence may also be ordered into a supplemental alcohol or drug abuse treatment program. In Nevada, in addition to court-ordered batterer treatment, the court may also order treatment for a child affected by an act of domestic violence.

In four states (Hawaii, Louisiana, Minnesota, and Montana) an offender convicted of a crime of domestic violence may also be required to give up firearms or the firearms may be subject to forfeiture. For example, in Hawaii, an officer may seize all firearms and ammunition if used or threatened to be used in a domestic violence crime. In Louisiana, a domestic violence criminal must not only serve a minimum mandatory jail sentence but may not own or possess a firearm for the entirety of the sentence. In Minnesota, the firearm used in a domestic violence crime is subject to forfeiture, and the court may prohibit the offender from possessing a pistol for at least three years and up to the remainder of the offender's life. In Montana, a court may prohibit an offender from the use or possession of a firearm if a firearm is used in the domestic violence offense.

Three states (California, Rhode Island, and Tennessee) authorize the imposition of additional fines or assessments on domestic violence offenders that may be allocated to funding of domestic violence shelters and programs. For example, in California an offender who receives probation is not only subject to batterer treatment for at least one year but may be

ordered to pay up to \$5,000 to a battered women's shelter. In Rhode Island, every person convicted of a crime of domestic violence or placed on probation must pay an additional \$125 assessment, of which 80% (\$100) is allocated to the Rhode Island Coalition Against Domestic Violence. In Tennessee, a mandatory fine of up to \$200 (in addition to any fine imposed as part of a sentence) is subject to appropriation for the funding of family violence shelters and services.

Additional Unique Approaches

In all the states that have established crimes of domestic violence, the offenses are crimes against the person involving threatened or actual hostile physical contact or injury. New Mexico is the only state that has also included property crimes in its statutory domestic violence crimes. Damage to the property of a household member that is valued at \$1,000 or less is a misdemeanor while damage that exceeds \$1,000 may be charged as a felony. The act of depriving a household member of the use of his or her property is a misdemeanor.

South Carolina is the only state that has established a statutory crime of spousal sexual battery. The offense is a felony, and an offender is subject to a maximum of ten years imprisonment. Its application, however, is limited to spouses who were living together at the time of the alleged act. The victimized spouse has only 30 days to report the allegation of spousal sexual battery to law enforcement.

Offense Classifications and Penalties for Violations of Protective Orders

Every state and the District of Columbia impose some type of sanction on individuals who violate protective orders. While the nature of the sanctions varies from state to state, an overwhelming majority of states have created separate offenses for the violation of protective orders.

Generally, states either authorize an imprisonment penalty for this offense or establish that the offense constitutes "contempt of court," with an appropriate sanction for the contempt offense. "Contempt" is generally defined as an act or omission that has the impact of obstructing or interfering with the orderly administration of justice by the court. Contempt of court may be regarded as either civil or criminal in nature. Traditionally, the penalty for civil contempt is either a fine or imprisonment for an indefinite period until the offender agrees to perform a legal obligation. The penalty for criminal contempt, on the other hand, is more likely to be for a specific period of time and may be subject to a separate jury trial, depending on the length of the prison sentence.

According to **Exhibit 3**, 19 states including Maryland (also Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, North Dakota, Rhode Island, Tennessee, Washington, and West Virginia) have established that violations of a protective order may be punished as either a crime

(a misdemeanor offense in most of these states or, in a few states, a felony offense) or as contempt of court. In Mississippi, the offense is punishable either as a unique criminal offense or as criminal contempt, but not both. The District of Columbia and 7 states (Kentucky, Michigan, Missouri, New Jersey, New York, Oregon, and Pennsylvania) treat the violation as contempt of court only. Six states (Florida, Kentucky, Massachusetts, Michigan, New York, and West Virginia) treat the violation as civil contempt.

Exhibit 3
Offense Classifications and Penalties for Violations of Protective Orders
(VOPO = Violation of a Protective Order)

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
Alabama	Yes	Willful violation of a protection order is a Class A misdemeanor. Class A misdemeanors have a maximum incarceration penalty of one year and a maximum fine of \$6,000.
		First violation – Class A misdemeanor.
		Second violation – Class A misdemeanor with minimum 48 hours imprisonment (continuous and non-suspendable) plus any other penalty or fine.
		Third or subsequent violation – Class A misdemeanor with minimum 30 days imprisonment plus any other penalty or fine.
Alaska	Yes	Class A misdemeanor (maximum penalty of imprisonment for one year and maximum fine of \$5,000), plus any other penalty or fine.
Arizona	No. Violation of a protection order falls under the crime of interfering with judicial proceedings.	Interference with judicial proceedings is a Class 1 misdemeanor. Class 1 misdemeanors carry a maximum incarceration penalty of six months and a maximum fine of \$2,500.
Arkansas	Yes	Violation is a Class 1 misdemeanor, punishable by up to one year imprisonment and/or a maximum fine of \$1,000.
		Violation within five years of a previous conviction for violation of a protection order is a Class D felony and subject to maximum penalties of six years of incarceration and/or a maximum fine of \$10,000.
California	Yes	Misdemeanor subject to maximum penalties of one year incarceration in a county jail and/or a \$1,000 fine.
		If the violation of the protection order resulted in physical injury, the violator is subject to incarceration for at least 30 days and up to one year in a county jail and/or a maximum fine of \$2,000. However, if the violator is in jail for more than 48 hours, the court may, in the interest of justice, and for reasons stated on the record, reduce or eliminate the 30-day minimum sentence after considering specified factors.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
California (continued)		Subsequent conviction for VOPO within seven years and involving an act of violence or a “credible threat” of violence is subject to a maximum incarceration penalty of one year imprisonment in a county jail or state prison.
		Subsequent conviction for VOPO for an act occurring within one year of a prior conviction for VOPO that results in physical injury to a victim is punishable by at least six months and up to one year incarceration in a county jail or state prison and/or a maximum fine of \$2,000. However, if the violator is imprisoned in county jail for at least 30 days the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the six months minimum incarceration requirement after considering specified factors.
Colorado	Yes	Class 2 misdemeanor (Maximum penalty = Three months imprisonment and/or \$250 fine).
		Class 1 misdemeanor if restrained person has previously been convicted of VOPO or an analogous municipal ordinance or if the order was issued to restrain a criminal defendant from contacting/harming a witness or victim of crime. Maximum penalty for Class 1 misdemeanor = Six months imprisonment and/or \$500 fine.
		Second or subsequent VOPO is an extraordinary risk crime subject to a modified sentencing range under which the maximum sentence is increased by six months.
Connecticut	Yes. Various applicable offenses and punishable as contempt.	Connecticut has two types of orders. Restraining orders are civil and can be issued without the accused person being arrested. Protective orders are criminal and issued after the accused has been arrested for a family violence crime. However, courts may issue standing criminal restraining orders when the history and character of the offender and circumstances warrant it.
		Criminal trespass in the first degree (Class A misdemeanor) when a person enters or remains in a building or any other premises in violation of a restraining or protective order. Maximum penalty = one year imprisonment and/or \$2,000 fine.
		Criminal violation of certain protective orders (family violence protection order, stalking/harassment/sexual assault/risk of injury to or impairing the morals of a child/harassment of witness) is a Class D felony, subject to imprisonment for at least one year up to five years and/or a fine of up to \$5,000.
Connecticut		Criminal violation of a restraining order issued for physical abuse by family or household member or

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
(continued)		person in dating relationship or certain foreign protection orders = Class D felony, subject to imprisonment for at least one year up to five years and/or fine of up to \$5,000. Offender must have (1) knowledge of the terms of the order; (2) contacted a person in violation of the order; (3) imposed any restraint upon the person or liberty of a person in violation of the order; or (4) threatened, harassed, assaulted, molested, sexually assaulted, or attacked a person in violation of the order.
		If a person is found in contempt for violation of a restraining order, the court may impose such sanctions as the court deems appropriate.
Delaware	Yes. Also punishable as contempt.	Class A misdemeanor (Maximum penalty = one year imprisonment and fine of up to \$2,300). Petitioner may also file civil contempt petition for violation of protection order.
District of Columbia	No. Punishable as criminal contempt.	Criminal contempt subject to maximum penalties of incarceration for up to 180 days and/or up to a \$1,000 fine.
Florida	Yes. Also punishable as civil or criminal contempt.	Willful violation of a protection order is a misdemeanor of the first degree (maximum penalty of up to one year and \$1,000).
		Respondent must also attend a batterers' intervention program unless court makes factual findings in its judgment or order based on substantial evidence stating why the program would be inappropriate.
Georgia	Yes. Also punishable as contempt.	Misdemeanor VOPO subject to maximum penalties of one year imprisonment and/or \$1,000 fine.
		Contempt is subject to a fine of up to \$500 and/or imprisonment for up to 10 days.
Hawaii	Yes	Misdemeanor subject to penalties listed below and participation in domestic violence intervention program as ordered by court.
		First conviction (non-domestic abuse): mandatory jail sentence of 48 hours and fine of up to \$150 (if defendant is or will be able to pay the fine).*
		First conviction (domestic abuse): mandatory imprisonment for 48 hours and fine of \$150 – \$500 (if defendant is or will be able to pay).
		Second conviction (non-domestic abuse) after previous conviction for violation of the same order in the nature of non-domestic abuse: mandatory minimum 48 hours imprisonment and fine of up to \$250 (if defendant is or will be able to pay).
		Second conviction (domestic abuse) after previous conviction for violation of the same order in the nature of domestic abuse: mandatory minimum 30 days imprisonment and fine of \$250 - \$1,000 (if defendant is or will be able to pay).
Hawaii (continued)		Second conviction (non-domestic abuse) after previous conviction for violation of the same order in the nature of domestic abuse: mandatory minimum 48 hours imprisonment and fine of up to \$250

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
		(if defendant is or will be able to pay).*
		Second conviction (domestic abuse) after previous conviction for violation of the same order in the nature of non-domestic abuse: mandatory minimum 48 hours imprisonment and fine of up to \$150 (if defendant is or will be able to pay).
		Subsequent conviction for VOPO after second conviction for violation of the same order: mandatory minimum 30 day jail sentence and fine of up to \$250 – \$1,000 (if defendant is or will be able to pay the fine).
		*Court may suspend any jail sentence imposed upon condition that defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or intervention.
		Fines collected are deposited into spouse and child abuse account.
Idaho	Yes	Misdemeanor punishable up to one year in jail and a fine of up to \$5,000.
Illinois	Yes	Class A misdemeanor (up to 364 days imprisonment, maximum fine of \$2,500). Class 4 felony (one to three years imprisonment, maximum fine of \$25,000) if defendant has a prior conviction for domestic battery, VOPO, or specified violent crimes committed against family or household member.
		Second or subsequent VOPO subject to minimum 24 hours imprisonment, unless court finds it manifestly unjust.
Indiana	Yes. (Invasion of Privacy)	Invasion of Privacy (Class A misdemeanor), punishable by up to one year imprisonment and maximum fine of \$5,000. Class D felony for certain repeat offenders (imprisonment for six months to three years and maximum fine of \$10,000).
Iowa	Yes. Also punishable as contempt.	Misdemeanor: up to 30 days imprisonment and/or a fine of \$65 – \$625.
		Summary contempt (at least seven days imprisonment plus any fine ordered by court).
Kansas	Yes. Also punishable as contempt.	Class A person misdemeanor: up to one year imprisonment and/or a maximum fine of \$2,500.
		Contempt: Punished according to court's discretion.
Kentucky	Yes. Civil contempt or criminal contempt of a protective order (unique).	Civil proceedings and criminal proceedings for VOPO for the same violation are mutually exclusive. Once either proceeding has been initiated, the other may not be undertaken regardless of the outcome of the original proceeding.
		Criminal contempt of protective order is a Class A misdemeanor: up to 12 months imprisonment and/or \$500 maximum fine.
Kentucky (continued)		Civil contempt is subject to variable penalties.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
Louisiana	Yes. Also punishable as contempt.	If violation does not involve a battery to the person protected by the order:
		First conviction: Up to six months imprisonment and/or \$500.
		Second conviction: Imprisonment for at least 48 hours and up to six months and/or maximum fine of \$1,000. At least 48 hours of the sentence of imprisonment imposed must 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 must require the offender to participate in a court-approved domestic abuse counseling program.
		Third or subsequent conviction: Imprisonment for at least 14 days and up to six months and/or a fine of up to \$1,000. At least 14 days of the sentence of imprisonment imposed must 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 must require the offender to participate in a court-approved domestic abuse counseling program, unless the offender has previously been required to participate in such program and, in the discretion of the judge, the offender would not benefit from such counseling.
		If violation involves a battery to the person protected by the order:
		First conviction (if defendant has not been convicted of VOPO or of an assault or battery upon the protected person within the five years prior to commission of the instant offense): Imprisonment for at least 14 days and up to six months and/or a fine of up to \$500. At least 14 days of the sentence must 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 must require the offender to participate in a court-approved domestic abuse counseling program as part of that probation.
Louisiana (continued)		Second conviction (no more than one conviction of VOPO or of an assault or battery upon the protected person within the five-year period prior to commission of the instant offense): Imprisonment for at least three months and up to six months and/or a fine of up to \$500. At least 14 days of the sentence must 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 must require the offender to participate in a court-approved domestic abuse counseling program as part of that probation, unless the offender has previously been required to participate in such program and, in the discretion of the court, the offender would not benefit from such counseling.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
		Third or subsequent conviction (more than one prior conviction of VOPO or of an assault or battery upon the protected person during the five-year period prior to commission of the instant offense): Imprisonment with or without hard labor for at least one year and up to five years and/or a fine of up to \$2,000. At least one year of the sentence must be without benefit of probation, parole, or suspension of sentence.
		Also punishable as contempt, subject to imprisonment in the parish jail for up to six months and/or a maximum fine of \$500.
Maine	Yes. Also punishable as contempt.	Violation of protective order is a Class D crime unless the violation only concerns specified authorizations for relief by the court contained in the order (e.g., payment of support, court costs, etc.), in which case the violation must be treated as contempt. Class D crime is punishable by up to 364 days in jail and a \$2,000 fine.
		Violation is a Class C crime if it involved conduct that is reckless and creates a substantial risk of death or serious bodily injury to the protected person or an assault of the protected order. Class C crime is punishable by up to five years in jail and a \$5,000 fine.
Maryland	Yes. Also punishable as contempt.	Misdemeanor penalties:
		First offense: a fine not exceeding \$1,000 and/or imprisonment not exceeding 90 days.
		Second or subsequent offense: a fine not exceeding \$2,500 and/or imprisonment not exceeding one year.
Massachusetts	Yes. Also punishable as civil contempt.	Criminal penalty. Up to two and a half years of imprisonment and/or \$5,000 fine. Additional \$25 fine payable to general fund.
Massachusetts (continued)		Participation in a batterer intervention program unless good cause shown not to order defendant to participate. Any suspended sentence will be re-imposed if defendant fails to participate as ordered.
		If the court determines that the violation of the order 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 is subject to imprisonment for not less than 60 days and a fine of \$1,000 – \$10,000.
Michigan	No. Punishable as civil or criminal contempt.	Maximum penalty: Imprisonment for up to 93 days and a fine of up to \$500.
Minnesota	Yes. Also punishable as contempt.	Misdemeanor offense punishable by 3 to 90 days imprisonment and/or a fine of up to \$1,000.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
		Mandatory participation 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 <i>and</i> execute the staid jail sentence.
		Gross misdemeanor if defendant knowingly violates a protective order within 10 years of a previous qualified domestic violence-related conviction or adjudication of delinquency.
		Gross misdemeanor punishable by 10 days – One year imprisonment and/or a fine of up to \$3,000.
		Mandatory participation in counseling or other appropriate programs selected by the court.
		Felony if defendant knowingly violates order while possessing a dangerous weapon or within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. Felony conviction subject to imprisonment for up to five years and/or a fine of up to \$10,000.
		If the court stays imposition or execution of a sentence for a felony conviction, the court must impose at least a 30-day period of incarceration as a condition of probation. The court also must order that the defendant participate in counseling or other appropriate programs selected by the court.
		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 post a bond sufficient to deter the respondent from committing further violations of the order for protection, not to exceed \$10,000.
Minnesota (continued)		If the respondent refuses to comply with an order to acknowledge the obligation or post a bond, 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.
		Contempt is punishable by a fine of up to \$250 and/or imprisonment for up to six months. In case of the person's inability to pay the fine or endure the imprisonment, the person may be relieved by the court or officer in such manner and upon such terms as may be just.
Mississippi	Yes. Punishable as unique offense or contempt (but not both).	Misdemeanor offense punishable by up to six months of imprisonment and/or a fine of up to \$1,000.
Missouri	No. Punishable as contempt.	Punishment for contempt may be by fine and/or imprisonment, in the discretion of the court.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
Montana	Yes	First conviction: Up to six months imprisonment and/or a fine of up to \$500.
		Second conviction: Imprisonment for at least 24 hours and up to six months and/or a fine of \$200 – \$500.
		Third or subsequent conviction: Imprisonment for at least 10 days and up to two years and/or a fine of \$500 – \$2,000.
Nebraska	Yes	No prior VOPO convictions: Class II misdemeanor (maximum penalty = Six months imprisonment and/or \$1,000 fine).
		One prior conviction for VOPO: Class I misdemeanor (maximum penalty = One year imprisonment and/or \$1,000 fine).
		Prior conviction for violating the same order or a protection order granted to the same petitioner: Class IV felony (maximum penalty = 5 years imprisonment and/or \$10,000 fine).
Nevada	Yes. Also punishable as contempt.	Misdemeanor punishable by up to six months of imprisonment and/or \$1,000 fine.
		Contempt punishable by up to 25 day's imprisonment and/or \$500 fine.
New Hampshire	Yes. Also punishable as contempt.	Class A misdemeanor with maximum penalty of one year imprisonment and/or \$2,000 fine.
		Prior conviction for VOPO within six years may be subject to enhanced penalties.
New Jersey	No. Punishable as contempt.	Less severe (non-indictable) contempt violations handled as disorderly persons offenses, punishable by up to six months in jail. Second or subsequent non-indictable domestic violence contempt offense carries a minimum 30-day sentence.
		More severe contempt violations are treated as fourth degree offenses. Fourth degree offenses are punishable by up to 18 months imprisonment and/or a \$10,000 fine.
New Mexico	Yes	Maximum penalty = one year imprisonment and/or \$1,000 fine. Also required to make full restitution and participate in counseling program.
New York	No. Punished as civil or criminal contempt.	First degree criminal contempt: Class E felony (up to four years imprisonment, fine of \$5,000 or double the value of defendant's gain from crime, whichever is greater).
		Second degree criminal contempt: Class A misdemeanor (up to one year imprisonment, fine of up to \$1,000 or double the value of the property disposed of in the commission of the crime, whichever is greater).
North Carolina	Yes	Class A1 misdemeanor: 1 to 150 days imprisonment (depending on criminal record), fine in the discretion of the court.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
		Enhanced penalty for defendant who commits a felony knowing that the felonious behavior was prohibited by the protective order.
		Class H felony if defendant has two prior domestic violence convictions or commits certain offenses: 4 to 25 months imprisonment depending on certain factors.
North Dakota	Yes. Also punishable as contempt.	First violation: Class A misdemeanor (up to one year imprisonment and/or \$2,000 fine).
		Second or subsequent violation: Class C felony (up to five years imprisonment and/or up to a \$5,000 fine).
Ohio	Yes	First degree misdemeanor (up to 180 days and/or maximum fine of \$1,000).
		Fifth degree felony for certain repeat offenders (6-12 months and/or up to \$2,500 fine).
		Third degree felony if violation occurred during the commission of a felony (9-36 months and/or up to \$10,000 fine).
Oklahoma	Yes	Misdemeanor (up to one year imprisonment and/or \$1,000 fine). Penalties increase to minimum 20 days imprisonment and maximum fine of \$5,000 if violation causes physical injury or impairment to plaintiff/protected person.
		Prior conviction for VOPO: Felony (1 to 3 years imprisonment and/or fine of \$2,000 – \$10,000). Penalties increase to one to five years imprisonment and/or \$3,000 – \$10,000 fine for second or subsequent VOPO that causes physical injury or impairment to the plaintiff/protected person. Mandatory treatment/counseling.
Oregon	No. Punished as contempt.	Up to six months imprisonment and/or variable fines.
Pennsylvania	No. Punished as contempt.	Indirect criminal contempt, punishable by up to six months of imprisonment or supervised probation and a fine of \$300 – \$1,000.
		Civil contempt: punishment may include imprisonment until the defendant complies with provisions in the order or consent agreement or demonstrates the intent to do so, but imprisonment may not exceed a period of six months.
Rhode Island	Yes. Also punishable as contempt.	Misdemeanor: punishable imprisonment for up to one year and/or a fine of no more than \$1,000. Mandatory participation in batterer intervention program.
		Second misdemeanor violation involving domestic violence: minimum 10 days imprisonment, up to one year.
		Third and subsequent misdemeanor violation involving domestic violence: offense enhanced to felony with 1-10 year potential sentence.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
South Carolina	Yes	Misdemeanor punishable by up to 30 days imprisonment and maximum fine of \$500.
South Dakota	Yes	Class 1 misdemeanor: one year imprisonment and/or up to \$2,000 fine.
		Class 6 felony for certain offenses and specified repeat offenders: two years imprisonment and/or up to \$4,000 fine.
Tennessee	Yes. Also punishable as contempt.	Class A misdemeanor: Imprisonment for up to 11 months and 29 days and/or a fine of up to \$2,500.
		Contempt: Up to \$50 fine and/or imprisonment for up to 10 days.
Texas	Yes	Class A misdemeanor: up to one year imprisonment and/or up to \$4,000 fine.
		Third degree felony (two or more violations, assault, or stalking): 2 to 10 years imprisonment and a fine of up to \$10,000.
Utah	Yes	Basic violation is a Class A misdemeanor (one year imprisonment and/or \$2,500 fine).
		Enhanced penalties and offense classifications apply when the violation involves certain offenses or certain repeat offenders.
Vermont	Yes	First offense: imprisonment for not more than one year and/or fine of up to \$5,000.
		Second or subsequent offense: imprisonment for not more than three years and/or fine of up to \$25,000.
		Participation in domestic abuse counseling or a domestic abuse program.
Virginia	Yes	Class 1 misdemeanor (confinement in jail for up to 12 months and/or a fine of up to \$2,500).
		Class 6 felony if violation involves assault and battery upon protected person resulting in serious bodily injury, entering the protected person's home when the person is present or lying in wait.
Virginia (continued)		Second offense within five years of prior conviction and when either the instant or prior offense was based on an act or threat of violence: mandatory minimum term of confinement of 60 days.
		Third or subsequent VOPO 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: Class 6 felony with a mandatory minimum term of confinement of six months.
		Maximum penalty for Class 6 felony: imprisonment for one to five years or jail for up to 12 months and/or a fine of up to \$2,500.
Washington	Yes. Also punishable as contempt.	Gross misdemeanor: imprisonment for up to 364 days and/or a maximum fine of \$5,000.
		Class C felony for certain violations and certain repeat offenders: imprisonment for up to five years and/or a maximum fine of \$10,000.

State	Unique Offense for Violation of Protection Order	Penalty for Violation of Protection Order
		Contempt: Maximum fine of \$5,000 and/or imprisonment for up to 364 days.
West Virginia	Yes. Also punishable as contempt.	Civil contempt: ordered compliance with order and/or posting of compliance bond.
		Misdemeanor for certain violations: imprisonment for at least 24 hours and up to one year and/or a fine of \$250 – \$2,000.
		Second offense: imprisonment for at least three months and up to one year (with at least 30 days actual confinement) and/or a fine of \$500 – \$3,000.
		Third or subsequent offense when the violation occurs within 10 years of certain prior VOPO convictions: imprisonment for at least six months and up to one year (actual confinement of at least six months) and a fine of \$500 – \$4,000.
Wisconsin	Yes	Unique offense: Up to nine months imprisonment and/or maximum fine of \$1,000.
Wyoming	Yes	Misdemeanor punishable by imprisonment for not more than six months and/or a maximum fine of \$750.

Arizona is unique in that violation of a protection order is not treated as a separate unique offense but is considered the crime of “interfering with judicial proceedings.” This crime is a misdemeanor subject to a fine and/or imprisonment. Twenty-three states (Alabama, Alaska, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming) treat the offense as a unique criminal offense subject to a fine and/or imprisonment.

Also noteworthy is that six states authorize or mandate the imposition of batterer treatment as a condition of sentencing (Florida, Louisiana, Massachusetts, Minnesota, Oklahoma, and Vermont). Hawaii requires that the fines collected those who violate protective orders be deposited in to a spouse and child abuse account to fund domestic violence prevention programs.

Regardless of how the violation of a protective order is treated, no state precludes the prosecution of a defendant for other crimes or offenses committed during his/her violation of the order.

Surrender of Firearms

In calendar 2010, the Maryland Department of State Police reported 18 homicides attributable to domestic violence, a reduction of 10% compared to the 2009 total of 20 homicides. The majority of the homicide victims were women, and the weapon used in a majority of the homicides was a firearm.

Federal law (18 U.S.C. §922(g)) prohibits anyone who is subject to a domestic violence protective order or has been convicted of a misdemeanor crime of domestic violence from possessing in any way that affects commerce, or from receiving any firearm or ammunition that has been shipped or transported in interstate or foreign commerce. As a result, for those protective orders that meet federal requirements, the respondent is prohibited from possessing, buying, or transporting a firearm and ammunition in all states and the District of Columbia. However, the federal law does not apply to those protective orders issued *ex parte* (which means the prohibition does not apply to those emergency, interim, or temporary protective orders that may be issued without hearing from the respondent). In addition, the federal prohibition applies only to those final protective orders that specifically: (1) prohibit the respondent from harassing, stalking, or threatening an intimate partner or a child of the partner or respondent; (2) include a finding that the respondent presents a credible threat to the physical safety of the partner or child; and (3) prohibit the respondent from the use, attempted use, or threatened use of physical force against the intimate partner or child. The final protective order provisions subject to federal law do not apply to other family or household members who could be the subject of a state-issued final protective order.

To address those domestic violence situations not covered by federal law, some states have enacted specific provisions that authorize, or require in specified circumstances, a court to order a respondent who is subject to a protective order to surrender firearms once the order has been issued. The surrender of firearms order also generally includes a prohibition on buying or otherwise obtaining or possessing any other firearms for the duration of the order. Some states limit application of a court-ordered surrender to only final protective orders, while some states include temporary or preliminary orders. Also, states that have enacted firearm surrender provisions for domestic violence situations generally cover any petitioner who is eligible for the protective order, not just the respondent's intimate partner and any children of that partner.

Exhibit 4 shows whether a state court is specifically authorized or required by statute to order the surrender of firearms as a form of relief in a final protective order. If so ordered, the respondent must surrender the firearm for the duration of the order. As the exhibit indicates, 11 states require, and 18 states and the District of Columbia authorize, the surrender of firearms as a form of relief in a final protective order. Twenty-two states do not explicitly authorize or require the surrender of firearms; however, the statutes of 18 of these states do contain a "catch-all" provision. Such a provision authorizes the court, when granting a final protective order, to grant "any relief appropriate or necessary" or other similar relief.

Exhibit 4
Surrender of Firearms – Final Protective Orders

State	Firearms Surrender Specified	Alternatively/Catch-All Provision Authorization
Alabama	No	Yes
Alaska	Yes – Discretionary ¹	
Arizona	Yes – Discretionary ²	
Arkansas	No	Yes
California	Yes – Mandatory	
Colorado	No	Yes
Connecticut	No	Yes ³
Delaware	Yes – Discretionary	
District of Columbia	Yes – Discretionary	
Florida	Yes – Mandatory	
Georgia	No	
Hawaii	Yes – Mandatory	
Idaho	No	Yes
Illinois	Yes – Discretionary ⁴	
Indiana	Yes – Discretionary ¹	
Iowa	Yes – Discretionary	
Kansas	No	Yes
Kentucky	No	Yes
Louisiana	No	Yes
Maine	Yes – Discretionary ⁵	
Maryland	Yes – Mandatory	
Massachusetts	Yes – Mandatory ⁶	
Michigan	Yes – Discretionary	
Minnesota	No	Yes

State	Firearms Surrender Specified	Alternatively/Catch-All Provision Authorization
Mississippi	No	
Missouri	No	
Montana	Yes – Discretionary	
Nebraska	No	Yes
Nevada	Yes – Discretionary	
New Hampshire	Yes – Mandatory	
New Jersey	Yes – Mandatory	
New Mexico	No	Yes
New York	Yes – Mandatory under certain circumstances; discretionary otherwise ⁷	
North Carolina	Yes – Discretionary	
North Dakota	Yes – Discretionary	
Ohio	No	Yes
Oklahoma	No	Yes
Oregon	No	Yes
Pennsylvania	Yes – Discretionary	
Rhode Island	Yes – Discretionary	
South Carolina	No	
South Dakota	Yes – Discretionary ⁸	
Tennessee	No	Yes
Texas	Yes – Discretionary	
Utah	Yes – Discretionary ⁹	
Vermont	No	Yes
Virginia	No	Yes
Washington	Yes – Mandatory under certain circumstances ¹⁰	
West Virginia	Yes – Mandatory	
Wisconsin	Yes – Mandatory	
Wyoming	No	Yes

¹ In addition to firearms surrender, the statute authorizes the surrender of a “deadly weapon” under certain circumstances.

² The authority applies only if the court finds that the respondent is a “credible threat to the physical safety” of the petitioner.

³ While not specific to domestic violence cases, the state also authorizes the seizure of firearms after a hearing if any person poses a risk of imminent personal injury to self or others under specified circumstances.

⁴ The authority applies only if the court finds that there is “any danger of the illegal use of firearms.”

⁵ In addition to firearms surrender, the statute authorizes the surrender of “a dangerous weapon other than a firearm.”

⁶ The requirement applies if the petitioner demonstrates “a substantial likelihood of immediate danger of abuse.”

⁷ The requirement applies if the respondent engages in specified violent acts.

⁸ The statute authorizes the surrender of “any dangerous weapon” in the respondent’s possession.

⁹ The authority applies if the respondent’s use or possession of a weapon “may pose a serious threat of harm to the petitioner.”

¹⁰ The requirement applies if the respondent has used a firearm or other dangerous weapon in a felony.

Source: Statutes of the 50 states and the District of Columbia; womenslaw.org; American Bar Association; National Center on Protection Orders and Full Faith and Credit

Duration of Final Protective Order

Generally, the length of time that a final protective order is in effect is determined in a state's statute. While a final protective order is in effect, the respondent is prohibited from engaging in actions that are widely believed to be threatening to a victim of domestic violence, such as harassment, stalking, or appearing at the petitioner's workplace. A final protective order could also impose other restrictions that limit or prohibit the ownership or possession of firearms, require the respondent to give up custody of children temporarily, or require the respondent to leave the residence shared with the petitioner.

The duration of protective orders varies widely among states, as shown in **Exhibit 5**. Time periods range from six months up to orders of indefinite or permanent duration. Some states authorize the court to determine duration. According to the accompanying exhibit, 10 states (Alabama, Alaska, Colorado, Delaware, Florida, Maryland, Montana, New Jersey, Utah, and Washington) authorize the imposition of permanent or indefinite orders. For most of these states the authority to impose a permanent order is applicable only to specified, limited circumstances. For example, in Maryland, an order may permanently prohibit a respondent from abusing or contacting a petitioner if an order against the respondent had been previously issued and the respondent was convicted and served at least five years of an imprisonment sentence for violent acts that led to the issuance of the final protective order. In Utah, protective orders have civil and criminal components. The criminal components are valid indefinitely. In Alaska, while the order may have a duration of one year, certain provisions that relate to threatening or harassing the petitioner (for example, stalking) remain effective indefinitely. On the other hand, New Jersey is unique in that any final protective order is indefinite and may only be dissolved by petitioning the court and showing good cause. While Washington state courts have the discretion to impose a permanent protective order, those provisions that restrain contact with minor children may only be effective for up to one year. In Florida, the courts have a great deal of discretion to determine the duration of protective orders and may order indefinite and permanent orders. In addition to Florida, the states of Hawaii, Michigan, Mississippi, North Dakota, and Vermont authorize the court to determine duration. In Hawaii and Vermont, the court must choose a fixed period for duration of the protective order.

Fifteen states authorize the issuance of protective orders for up to one year. Most of these states allow extensions upon a showing of good cause. Connecticut is unique with a duration period of six months, although the period may be extended if the court deems the extension necessary. Most states authorize duration periods of more than one year.

Exhibit 5
Duration of Protective Orders

State	Duration of Final Order	Extension Provisions
Alabama	Permanent unless otherwise specified or modified by a subsequent court order	n/a
Alaska	One year, however, certain provisions prohibiting the respondent from threatening to commit or committing acts of DV, stalking, or harassment are effective indefinitely.	May be extended at court's discretion.
Arizona	One year after service.	None. Person must refile for new petition.
Arkansas	90 days to 10 years.	May be renewed at the courts discretion upon proof and a finding that the threat of domestic abuse still exists.
California	Up to five years. If no expiration date is indicated, the order has a duration of three years.	May be renewed for five years or permanently.
Colorado	Permanent	n/a
Connecticut	Six months.	May be extended for additional time as the court deems necessary.
Delaware	Generally up to one year; provisions related to contact and restraint from abuse may be granted for up to two years. If specified aggravating circumstances exist, the provisions relating to contact and restraint from abuse may be granted for as long as reasonably necessary to prevent further acts of domestic violence (including a permanent order).	May be extended up to six months for good cause shown. If specified aggravating circumstances exist, provisions relating to contact and restraint from abuse may be extended for as long as reasonably necessary to prevent further acts of domestic violence (including a permanent order).
District of Columbia	Up to one year.	May be extended for good cause.

State	Duration of Final Order	Extension Provisions
Florida	Varies at court discretion – can include indefinite and permanent orders.	May be extended at court's discretion.
Georgia	Up to one year.	May be extended for up to three years or made permanent at court's discretion.
Hawaii	A fixed reasonable period as the court deems appropriate.	May be extended for fixed reasonable period as the court deems appropriate if there is good cause.
Idaho	Up to one year.	Upon good cause shown, an order may be continued for an appropriate time period or made permanent.
Illinois	Generally up to two years, but if filed in conjunction with a criminal case it may be granted for a longer period of time depending on the outcome of the criminal case (e.g. may be granted until the date set by the court for expiration of any sentence of imprisonment and subsequent parole or mandatory supervised release and for an additional period of time thereafter not exceeding two years).	Upon good cause shown, an order may be extended and remain in effect until vacated or modified.
Indiana	Generally two years unless another date is set by the court.	May be extended at court's discretion.
Iowa	Up to one year.	May be extended on a finding that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. The number of extensions is not limited.
Kansas	Up to one year.	May be extended for one year.
Kentucky	Up to three years.	May be extended for an additional period of up to three years. No limit as to the number of times an order may be extended.
Louisiana	Up to 18 months.	May be extended in the courts discretion.
Maine	Up to two years.	May be extended for an additional amount of time as the court deems necessary.

State	Duration of Final Order	Extension Provisions
Maryland	Generally up to one year; however, an order may be granted for up to two years if it is issued against a respondent for an act of abuse committed within one year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expired, if the prior final protective order was issued for a period of at least six months. In addition, a court must issue a new final protective order that permanently prohibits an individual from abusing or contacting a petitioner if: the individual was previously a respondent against whom a final protective order was issued; the individual was convicted and served a term of imprisonment of at least five years for specified crimes for the act of abuse that led to the issuance of the final protective order; and the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final order.	May be extended for up to six months on a showing of good cause. May be extended for up to two years if a judge finds by clear and convincing evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order.
Massachusetts	Up to one year.	May be extended as the court deems reasonably necessary to protect the petitioner, including a permanent order.
Michigan	Discretion of the court.	Can be extended at court's discretion.
Minnesota	Up to two years unless the court determines a longer period is appropriate.	May be extended under specified circumstances. May be extended for up to 50 years on a finding that the respondent has violated a prior or existing order for protection on two or more occasions or the petitioner has had two or more orders for protection in effect against the same respondent.
Mississippi	As long as the court deems appropriate, however, if the order contains provisions relating to custody, support, or visitation of minor children, those provisions are valid for 180 days.	May be extended at court's discretion.

State	Duration of Final Order	Extension Provisions
Missouri	At least 180 days but not more than one year.	May be renewed for at least 180 days but not more than one year if the court deems appropriate.
Montana	Up to a permanent order.	May be extended at court's discretion.
Nebraska	One year.	None. Person must refile for new petition.
Nevada	Up to one year.	None. Person must refile for new petition.
New Hampshire	Up to one year.	The first order may be extended for good cause for up to one year. Subsequent extensions may be granted for up to five years at the court's discretion.
New Jersey	Indefinite – can only be dissolved upon application to the court and a showing of good cause.	n/a
New Mexico	Orders relating to custody or support are effective for six months. Otherwise, orders are effective until modified or rescinded by either party upon motion to the court or until the court approves a subsequent consent agreement.	Orders relating to custody or support may be extended for six months on a showing of good cause.
New York	Generally up to two years. Up to five years if there is a finding of aggravating circumstances or if the conduct alleged in the petition is in violation of a valid order of protection.	May be extended for a reasonable period of time upon a showing of good cause.
North Carolina	Up to one year.	May be extended for up to two years for good cause. Orders can be extended more than once. Any provisions related to custody cannot be extended.
North Dakota	At court's discretion.	May be extended at court's discretion if there has been a finding of domestic violence.

State	Duration of Final Order	Extension Provisions
Ohio	Up to five years or until an underage respondent attains the age of 19.	Protection orders may be renewed in the same manner as the original order was issued. However, the law leaves unanswered whether new acts of violence must be alleged, whether the petitioner must wait until the order expires before filing for a renewal of the civil protection order, or whether the procedure for renewing the order are different from the original order. The general appellate trend seems to require the petitioner to present evidence that petitioner continues to fear respondent in light of their (petitioner and respondent's) past history AND based on respondent's current behaviors. Although it is not clear whether new acts are required, the trend appears to be that the petitioner must show that the expiration of the order will place the petitioner in immediate and present danger.
Oklahoma	Up to three years.	May be extended as necessary under the circumstances.
Oregon	Up to one year.	May be renewed for an additional year on a finding that petitioner would reasonably fear abuse by respondent if order is not renewed.
Pennsylvania	Up to three years.	May be extended on a finding that the respondent committed abuse subsequent to the entry of a final order or engaged in a pattern or practice that indicates continued risk of harm to petitioner. The order may also be extended until the disposition date if there is a pending contempt charge. No limit on the number of extensions.
Rhode Island	Up to three years.	Order may be extended for additional time as the court deems necessary.
South Carolina	At least six months and up to one year.	May be extended for good cause.
South Dakota	Up to five years.	None. Person must refile for new petition.

State	Duration of Final Order	Extension Provisions
Tennessee	Up to one year. If either party files for a divorce during the term of the protective order, the order remains in effect until the court in the divorce action modifies or dissolves the order.	Order may be extended for up to five years if respondent violates. Order may be extended for up to ten years for subsequent violations.
Texas	Up to two years.	May be extended if the court finds there is a continuing need for the order. If the order is due to expire during a respondent's confinement/imprisonment, the order will instead expire one year after the individual is released.
Utah	The civil provisions of the order (<i>e.g.</i> , those relating to custody and visitation) are valid for up to 150 days unless the court has stated on the record the reason for a longer period of time. The criminal portions (<i>i.e.</i> , those that are a crime if violated) are valid indefinitely. After two years, the petition may be dismissed if the court determines by a preponderance of the evidence that the petitioner no longer has a reasonable fear of abuse.	n/a
Vermont	A fixed period at the court's discretion.	Order may be extended for a period of time as the court deems necessary.
Virginia	Up to two years.	May be extended for up to two years. Multiple extensions may be granted.
Washington	For a fixed period or up to a permanent order. If the order restrains the respondent from contacting minor children, the restraint can only be for up to one year.	The court must grant an extension of the order upon request unless the respondent can prove by a preponderance of evidence that he or she will not resume acts of domestic violence once the order expires.

State	Duration of Final Order	Extension Provisions
West Virginia	90 days or 180 days. Up to one year, in the court's discretion, if specified aggravating factors are present.	An order originally issued for 90/180 days may be extended for an additional 90 days upon written request from the petitioner. Orders that were issued pursuant to a finding of aggravated circumstances may be extended for whatever time the court deems necessary to protect the physical safety of petitioner if the court finds at a hearing by preponderance of the evidence that the material violation of the existing protective order or a prior protective order issued as part of a divorce action has been committed.
Wisconsin	Up to four years.	Orders that were originally granted for less than four years may be extended for up to four years from the date the original order was granted if the petitioner states that the extension is necessary for protection.
Wyoming	Up to one year.	May be extended on a showing of good cause for up to one year. May be extended repetitively.
Source: State Statutes; American Bar Association; National Center on Protection Orders and Full Faith and Credit; Ann Patterson Dooley Family Safety Center of Oklahoma; Court Advocate's Office of Pulaski County, Arkansas; EVE (End Violent Encounters) of Michigan; Florida Legal Services; Greater Boston Legal Services; Legal Aid Center of Southern Nevada; Mississippi Coalition Against Domestic Violence; New Mexico Legal Aid; North Carolina Coalition Against Domestic Violence; Pennsylvania Coalition Against Domestic Violence; Rape and Abuse Crisis Center of North Dakota; SAFE in Hunterdon, New Jersey; South Dakota Network Against Family Violence and Sexual Assault; The Supreme Court of Ohio; Utah Legal Services; Wyoming Coalition Against Domestic Violence.		