

# HOUSE BILL No. 1273

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-26-5.5.

**Synopsis:** Uniform recognition and enforcement of Canadian protection orders. Codifies the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act. Provides procedures for enforcement of a Canadian domestic violence protection order (protection order) by a law enforcement officer and the court. Provides that a protection order may be registered in Indiana.

**Effective:** July 1, 2024.

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## DeLaney

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January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1273

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-26-5.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:

4 **Chapter 5.5. Uniform Recognition and Enforcement of**  
5 **Canadian Domestic Violence Protection Orders Act**

6 **Sec. 1. As used in this chapter, "Canadian domestic violence**  
7 **protection order" means a judgment or part of a judgment or**  
8 **order issued in a civil proceeding by a court of Canada under law**  
9 **of the issuing jurisdiction which relates to domestic violence and**  
10 **prohibits a respondent from:**

- 11 (1) **being in physical proximity to a protected individual;**
- 12 (2) **following a protected individual;**
- 13 (3) **directly or indirectly contacting or communicating with a**  
14 **protected individual or other individuals described in the**  
15 **order;**
- 16 (4) **being within a certain distance of a specified place or**  
17 **location associated with a protected individual; or**



- 1           **(5) molesting, annoying, harassing, or engaging in threatening**  
2           **conduct directed at a protected individual.**
- 3           **Sec. 2. As used in this chapter, "issuing court" means the court**  
4           **that issues a Canadian domestic violence protection order.**
- 5           **Sec. 3. As used in this chapter, "law enforcement officer" has**  
6           **the meaning set forth in IC 35-31.5-2-185.**
- 7           **Sec. 4. As used in this chapter, "protected individual" means an**  
8           **individual protected by a Canadian domestic violence protection**  
9           **order.**
- 10           **Sec. 5. As used in this chapter, "protection order" or "order for**  
11           **protection" means an injunction or other order issued by a court**  
12           **to prevent an individual from:**
- 13               **(1) engaging in violent or threatening acts against;**  
14               **(2) engaging in harassment of;**  
15               **(3) engaging in direct or indirect contact or communication**  
16               **with; or**  
17               **(4) being in physical proximity to;**  
18           **another person.**
- 19           **Sec. 6. As used in this chapter, "record" means information that**  
20           **is inscribed on a tangible medium or that is stored in an electronic**  
21           **or other medium and is retrievable in perceivable form.**
- 22           **Sec. 7. As used in this chapter, "respondent" means an**  
23           **individual against whom a Canadian domestic violence protection**  
24           **order is issued.**
- 25           **Sec. 8. As used in this chapter, "state" means any of the**  
26           **following:**
- 27               **(1) A state of the United States.**  
28               **(2) The District of Columbia.**  
29               **(3) Puerto Rico.**  
30               **(4) The United States Virgin Islands.**  
31               **(5) A federally recognized Indian tribe.**  
32               **(6) Any territory or insular possession subject to the**  
33               **jurisdiction of the United States.**
- 34           **Sec. 9. This chapter applies to a Canadian domestic violence**  
35           **protection order issued before, on, or after July 1, 2024, and to a**  
36           **continuing action for enforcement of a Canadian domestic violence**  
37           **protection order commenced before, on, or after July 1, 2024. A**  
38           **request for enforcement of a Canadian domestic violence**  
39           **protection order made on or after July 1, 2024, for a violation of**  
40           **the order occurring before, on, or after July 1, 2024, is governed by**  
41           **this chapter.**
- 42           **Sec. 10. (a) If a law enforcement officer determines under**



1 subsection (b) or (c) that there is probable cause to believe a valid  
2 Canadian domestic violence protection order exists and the order  
3 has been violated, the officer shall enforce the terms of the  
4 Canadian domestic violence protection order as if it were a  
5 protection order issued by Indiana. Presentation to a law  
6 enforcement officer of a certified copy of a Canadian domestic  
7 violence protection order is not required for enforcement.

8 (b) Presentation to a law enforcement officer of a record of a  
9 Canadian domestic violence protection order that identifies both  
10 a protected individual and a respondent, and on its face is in effect,  
11 constitutes probable cause to believe that a valid order exists.

12 (c) If a record of a Canadian domestic violence protection order  
13 is not presented as provided in subsection (b), a law enforcement  
14 officer may consider other information in determining whether  
15 there is probable cause to believe that a valid Canadian domestic  
16 violence protection order exists.

17 (d) If a law enforcement officer determines that an otherwise  
18 valid Canadian domestic violence protection order cannot be  
19 enforced because the respondent has not been notified of or served  
20 with the order, the officer shall notify the protected individual that  
21 the officer will make reasonable efforts to contact the respondent,  
22 consistent with the safety of the protected individual. After notice  
23 to the protected individual and consistent with the safety of the  
24 individual, the officer shall make a reasonable effort to inform the  
25 respondent of the order, notify the respondent of the terms of the  
26 order, provide a record of the order, if available, to the respondent,  
27 and allow the respondent a reasonable opportunity to comply with  
28 the order before the officer enforces the order.

29 (e) If a law enforcement officer determines that an individual is  
30 a protected individual, the officer shall inform the individual of  
31 available local victim services.

32 Sec. 11. (a) A court may issue an order enforcing or refusing to  
33 enforce a Canadian domestic violence protection order on  
34 application of:

35 (1) a person authorized by law to seek enforcement of an  
36 order for protection; or

37 (2) a respondent.

38 (b) In a proceeding under subsection (a), the court shall follow  
39 the procedures in IC 34-26-5 for enforcement of an order for  
40 protection. An order entered under this section is limited to the  
41 enforcement of the terms of the Canadian domestic violence  
42 protection order.



1 (c) A Canadian domestic violence protection order is  
2 enforceable under this section if:

3 (1) the order identifies a protected individual and a  
4 respondent;

5 (2) the order is valid and in effect;

6 (3) the issuing court had jurisdiction over the parties and the  
7 subject matter under law applicable in the issuing court; and

8 (4) the order was issued after:

9 (A) the respondent was given reasonable notice and had an  
10 opportunity to be heard before the court issued the order;

11 or

12 (B) in the case of an ex parte order, the respondent was  
13 given reasonable notice and had or will have an  
14 opportunity to be heard within a reasonable time after the  
15 order was issued, in a manner consistent with the right of  
16 the respondent to due process.

17 (d) A Canadian domestic violence protection order valid on its  
18 face is prima facie evidence of its enforceability under this section.

19 (e) A claim that a Canadian domestic violence protection order  
20 does not comply with subsection (c) is an affirmative defense in a  
21 proceeding seeking enforcement of the order. If the court  
22 determines that the order is not enforceable, the court shall issue  
23 an order that the Canadian domestic violence protection order is  
24 not enforceable under this section and section 10 of this chapter  
25 and may not be registered under section 12 of this chapter.

26 Sec. 12. (a) Registration or filing of a Canadian domestic  
27 violence protection order is not required for its enforcement in  
28 Indiana, and a protection order that is consistent with this chapter  
29 shall be accorded full faith and credit notwithstanding a failure to  
30 register or file the order in Indiana.

31 (b) If an individual wishes to register a Canadian domestic  
32 violence protection order in Indiana, all Indiana courts of record  
33 shall accommodate the request. The office of judicial  
34 administration shall develop a form to be used by courts, clerks,  
35 and law enforcement agencies when an individual makes a request  
36 to register a Canadian domestic violence protection order. Except  
37 for a protective order issued to the Indiana protective order  
38 registry established by IC 5-2-9-5.5, the courts, clerks of the courts,  
39 and sheriffs or law enforcement agencies maintaining depositories  
40 shall employ the same procedures required under IC 5-2-9-6 for  
41 entering, modifying, extending, or terminating a Canadian  
42 domestic violence protection order as those used for a protection



1 order and a no contact order originating in Indiana.

2 Sec. 13. A state agency, local governmental agency, law  
3 enforcement officer, prosecuting attorney, clerk of court, and state  
4 or local governmental official acting in an official capacity are  
5 immune from civil and criminal liability for an act or omission  
6 arising out of the registration or enforcement of a Canadian  
7 domestic violence protection order or the detention or arrest of an  
8 alleged violator of a Canadian domestic violence protection order  
9 if the act or omission was a good faith effort to comply with this  
10 chapter.

11 Sec. 14. An individual who seeks a remedy under this chapter  
12 may seek other legal or equitable remedies.

13 Sec. 15. In applying and construing this uniform act,  
14 consideration must be given to the need to promote uniformity of  
15 the law with respect to its subject matter among states that enact  
16 it.

17 Sec. 16. This chapter modifies, limits, or supersedes the  
18 Electronic Signatures in Global and National Commerce Act, 15  
19 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede  
20 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize  
21 electronic delivery of any of the notices described in Section 103(b)  
22 of that act, 15 U.S.C. Section 7003(b).

