



Sexual Assault Civil Protection Orders (CPOs) By State

Relevant Statute	Civil Definition of Sexual Assault?	Who Qualifies? (Petitioner)	What Must Petitioner Show?	Relief Available (Gun Restraint?)	Notice to Police?	Penalty for Knowing Violation?
<p>Alaska ALASKA STAT. § 18.65.850 (2014)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No filing fee</p>	Criminal Code	<p>A person who reasonably believes that the person is a victim of...sexual assault that is not a crime involving domestic violence...</p> <p>A parent or guardian may file a petition on behalf of a minor</p>	<p>Reasonable belief that the person is a victim of sexual assault that is not a crime involving domestic violence</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Prohibit from threatening to commit or committing sexual assault; no contact; stay away from any specified place including the respondent's own residence; other relief as the court determines to be necessary to protect petitioner or other designated household member</p> <p>GUN RESTRAINT? Statute is silent</p>	When a court issues or accepts for filing a protective order, it shall send a copy of the order to the appropriate local law enforcement agency for expedited service	Misdemeanor punishable by up to one year of incarceration and a fine of up to \$10,000
<p>California CAL. CIV. PROC. CODE ANN. §527.6 (2014)</p> <p>NATURE OF PROCEEDING: Civil Harassment Restraining Order</p> <p>COST: No filing fee</p>	Evidence and Criminal Codes	A person who has been harassed, sexually assaulted, or threatened with violence	<p>Reasonable proof of harassment</p> <p>STANDARD OF PROOF: Clear and convincing</p>	<p>RELIEF: Injunctive</p> <p>GUN RESTRAINT? Yes</p>	Petitioner gives to law enforcement	Misdemeanor punishable by a fine of not more than one \$1,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment
<p>Colorado COLO. REV. STAT. ANN. §13-14-103 (2013)</p> <p>NATURE OF PROCEEDING: Civil & mandatory criminal process</p> <p>COST: No filing fee</p>	Criminal Code	A victim of sexual assault or person filing on his/her/their behalf	<p>Victim of sexual assault or attempted sexual assault or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: No contact; stay away; temporary child placement</p> <p>GUN RESTRAINT? Yes</p>	Court electronically transfers into central registry	Criminal contempt— class 2 misdemeanor unless previous violation, in which case it is a class 1

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<p>Connecticut C.G.S.A. §46b-16a (2015)</p> <p>NATURE OF PROCEEDING: Civil Protection Order</p> <p>COST: Unknown</p>	Criminal Code	A person who is a victim of sexual abuse or sexual assault	<p>Reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of an order</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Enjoin the respondent from imposing any restraint upon the person or liberty of the applicant; sexually assault the applicant; and entering the dwelling of the applicant</p> <p>GUN RESTRAINT? Statute is silent</p>	Sent no later than 48 hours after the issuance of the order	Statute is silent
<p>District of Columbia DC ST §16-1005 (2013)</p> <p>NATURE OF PROCEEDING: Civil Protection Order</p> <p>COST: No filing fee</p>	Criminal Code	A person who is a victim of sexual abuse or sexual assault	<p>Good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Stay away and refrain from committing or threatening to commit criminal offenses</p> <p>GUN RESTRAINT? Yes</p>	Statute is silent	Chargeable as a misdemeanor and upon conviction shall be punished by a fine, imprisonment for not more than 180 days, or both
<p>Florida FLA. STAT. ANN. §784.046 (2014)</p> <p>NATURE OF PROCEEDING: Civil Protective Injunction</p> <p>COST: No filing fee</p>	Criminal Code, and: Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney	A person who is the victim of sexual violence, IF that person reports to law enforcement & cooperates in proceedings against perpetrator; OR the perpetrator's prison sentence is set to expire	<p>Shall allege the incidents of sexual violence, including specific facts and circumstances</p> <p>Petitioner genuinely fears repeat violence by the respondent</p> <p>STANDARD OF PROOF: Statute is silent</p>	<p>RELIEF: No acts of violence; such other relief as the court deems necessary for the protection of the petitioner</p> <p>GUN RESTRAINT? Statute is silent</p>	Entered into statewide verification system w/in 24 hours	<p>Arrest, following another act of violence</p> <p>Civil or criminal contempt proceedings</p>

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		parent/legal guardian of minor who lives at home may petition on their behalf				
Illinois 740 ILL. COMP. STAT. ANN. 22/101 (2004) NATURE OF PROCEEDING: Civil No Contact Order COST: No filing fee	Criminal Code	Any person who is a victim of non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or penetration; or by a person on behalf of a minor child or an adult who is a victim of non-consensual sexual penetration but, because of age, disability, health, or inaccessibility, cannot file a petition	Victim of non-consensual sexual conduct or non-consensual sexual penetration STANDARD OF PROOF: Preponderance	RELIEF: No physical or nonphysical contact; stay away from petitioner's property and animals, other injunctive relief as necessary GUN RESTRAINT? No	All sheriffs shall furnish to the Department of State Police, on the same day as received, in the form and detail the Department requires, copies of any recorded emergency or plenary civil no contact orders issued by the court and transmitted to the sheriff by the clerk of the court	Class A Misdemeanor for first knowing violation; Class 4 felony for subsequent violations
Maine 19-A M.R.S.A. §4005 (2011) NATURE OF PROCEEDING: Protection from Abuse Order COST: No filing fee	Criminal Code	A victim of defendant's sexual assault	Describe the alleged sexual assault STANDARD OF PROOF: Preponderance	RELIEF: Refrain from abuse; no contact; stay away; monetary compensation GUN RESTRAINT? Yes	The clerk shall issue a copy of the order to the law enforcement agencies most likely to enforce it as determined by the court	Class D crime when the defendant had actual prior notice. Class C crime when a defendant violates the order through conduct that is reckless and that creates a substantial risk of death or seriously bodily injury to the plaintiff
Maryland MD CODE § 3-1503 (2012)	Criminal Code	Victim of rape, sexual offense or attempted rape or sexual offense, must file within 30 days of the	The nature and extent of the act specified, including previous harm or injury	NO CONTACT, STAY AWAY, STOP THREATENING OR COMMITTING ABUSE GUN RESTRAINT?	A copy of the final peace order shall be served on the appropriate law enforcement agency	Failure to abide by a peace order renders a person guilty of a misdemeanor and on conviction for the first

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<p>NATURE OF PROCEEDING: Peace Order</p> <p>COST: \$38.00</p>		offense	STANDARD OF PROOF: Preponderance	Yes		offense is subject to a fine not exceeding \$1000, imprisonment not exceeding 90 days, or both and for any other subsequent offenses, a fine not exceeding \$2500, or imprisonment not exceeding 1 year, or both
<p>Mass. ALM GL ch. 258E, §1 (2010)</p> <p>NATURE OF PROCEEDING: Protection from Harassment Order</p> <p>COST: No filing fee</p>	Criminal Code	A person who suffers from 3 or more acts of harassment which includes using force, threats, or duress to make the petitioner engage in sexual relations unwillingly, rape, or drugging for sexual intercourse	Three or more acts of willful and malicious conduct which were aimed at the petitioner with the intent to cause and did cause fear, intimidation, or abuse	RELIEF: No contact; stay away; order defendant to stop abuse, attempts at physical harm, placing plaintiff in fear of imminent serious physical harm and/or stop harassing	The clerk or clerk-magistrate shall transmit a copy to the appropriate law enforcement agency	Punishable by a fine of not more than \$5000, or by imprisonment for not more than 2.5 years in a house of correction, or both
<p>Michigan M.C.L.A. § 600.2950a (2010)</p> <p>NATURE OF PROCEEDING: Personal Protection Order</p> <p>COST: STATUTE IS SILENT</p>	Criminal Code	A victim of sexual assault, or the respondent has been convicted of furnishing obscene material to the petitioner, or the petitioner has been threatened with sexual assault	Conviction of sexual assault, the furnishing of obscene material or threats of sexual assault	RELIEF: Restrain from entering on premises; threatening to sexual assault, kill, or physically injure the petitioner; no contact	The clerk of the court shall inform the petitioner to take a true copy to the law enforcement	Violation of this statute can result in immediate arrest and subjects the respondent to the civil and criminal contempt powers of the court. If found guilty, the respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500
<p>Minnesota MINN. STAT. ANN. § 609.748 (2014)</p> <p>NATURE OF PROCEEDING: Civil Harassment</p>	"Harassment" includes: a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted	A person who is a victim of harassment; the parent, guardian, or stepparent of a minor who is a victim of harassment	Specific facts and circumstances from which relief is sought.	RELIEF: No contact; stay away	Shall be forwarded by the court administrator within 24 hours to the local law enforcement with jurisdiction over the residence of the	Misdemeanor (imprisonment up to 90 days and/or fine up to \$1000) and/or civil contempt; may also be a gross misdemeanor

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Restraining Order COST: Fee waived for stalking and sexual assault	acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target		believe that the respondent has engaged in harassment		applicant. Law enforcement shall make available to other law enforcement through a system for verification, information as to the existence and status of any order	or felony depending on the circumstances
Montana MONT. CODE ANN. §40-15-102 (2011) NATURE OF PROCEEDING: Civil Protective Order COST: None	Criminal Code	Victim of stalking, sexual assault or sexual intercourse without consent or by a parent or legal guardian on behalf of a minor	Petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury STANDARD OF PROOF: "good cause" to continue, amend, or make permanent a temporary order	RELIEF: No further threats or contact; residence exclusion; 1500 ft. stay away at worksite or other specified place GUN RESTRAINT? Yes (if gun was used in the assault)	The clerk of court, shall, within 24 hours, mail a copy of the order, to the appropriate law enforcement agencies designated, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center	Violation of this order is a criminal offense under 45-5-220 or 45-5-626 and may carry penalties of up to \$10,000 in fines and up to a 5-year jail sentence
Nevada N.R.S. §200.378 (2009) NATURE OF PROCEEDING: Civil Protective Order COST: No filing fee	Criminal Code	Victim of sexual abuse, exploitation, or sexual assault	Petitioner must allege existence of stalking or physical injury stating specific facts and circumstance STANDARD OF PROOF: Preponderance	RELIEF: Stay away; no contact; refrain from violent or intimidating behavior GUN RESTRAINT? Statute is silent	Statute is silent	Guilty of a gross misdemeanor for a temporary order and guilty of a category C felony for an extended order
New Mexico NMRA, RULE 1-066 NATURE OF PROCEEDING:	Civil Procedure	A person who will suffer immediate and irreparable injury, loss or damage will result to the applicant before the adverse	Irreparable injury STANDARD OF PROOF: Preponderance	RELIEF: Injunction GUN RESTRAINT? Statute is silent	Statute is silent	Contempt

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Injunctions and Receivers COST: Statute is silent		party can be heard in opposition				
North Carolina N.C. GEN. STAT. ANN. § 50C-1 (2011) NATURE OF PROCEEDING: Civil No Contact Order COST: No filing or service fees	Nonconsensual sexual conduct, including single incidences of nonconsensual sexual conduct	Victim of nonconsensual sexual conduct, or competent adult on behalf of a minor or incompetent adult who is a victim	The victim has suffered unlawful conduct committed by the respondent STANDARD OF PROOF: Statute is silent	RELIEF: No abuse; no communication directly or indirectly w/ petitioner and family or household members; stay away from specific locations and minimum distances; other orders as court deems necessary GUN RESTRAINT? Statute is silent	The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff	Contempt of court for knowing violations
North Dakota NDCC, 12.1-31.2-01 NATURE OF PROCEEDING: Disorderly conduct restraining order COST: No filing fee if sought for domestic violence	Criminal Code	“Disorderly conduct” means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.	Sufficient facts that a person or parent or guardian of a minor is a victim of disorderly conduct STANDARD OF PROOF: Preponderance	RELIEF: Cease disorderly conduct; no contact GUN RESTRAINT? Statute is silent	The clerk of court shall transmit a copy of a restraining order by the close of the business day on which the order was granted to the local law enforcement agency with jurisdiction over the residence of the alleged victim of disorderly conduct	Violation of the order is a class A misdemeanor
Ohio ORC ANN. § 2903.214 NATURE OF PROCEEDING:	Criminal Code	Victim of a sexually oriented offense, or any parent or adult household member on behalf of any family or household member	The respondent is over 18 and committed a sexually oriented offense, including a description of the nature and extent of the offense	RELIEF: Stay away; electronic monitoring GUN RESTRAINT? Yes	Court shall deliver a copy of the order to all law enforcement agencies with jurisdiction to enforce it	Contempt of court, criminal prosecution

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Civil Protection Order COST: Statute is silent			STANDARD OF PROOF: Statute is silent			
Oklahoma 22 OKL.ST.ANN. § 60.2 (2011) NATURE OF PROCEEDING: Civil Protective Order COST: No filing fee	Criminal Code	Victim of domestic abuse, stalking, harassment, rape Any adult or emancipated minor household member on behalf of family or household member who is a minor or incompetent or any minor age 16 or 17	Victim of domestic abuse, stalking, harassment, rape STANDARD OF PROOF: Statute is silent	RELIEF: Any terms and conditions that the court reasonably believes are necessary; may include treatment GUN RESTRAINT? Yes	Within 24 hours of the return of service of any ex parte or final protective order, the clerk of the issuing court shall send certified copies to all appropriate law enforcement agencies designated by the plaintiff – law enforcement responsible for notifying other law enforcement which may include entry into National Crime Info Center database	Misdemeanor (prison not to exceed one year, fine not to exceed \$5000 or both)
Oregon O.R.S. § 163.763 NATURE OF PROCEEDING: Sexual Assault Restraining Order COST: No filing fee	Criminal Code	A person who has been subjected to sexual abuse and who reasonably fears for the person's physical safety	The petitioner reasonably fears for the petitioner's physical safety with respect to the respondent and the respondent subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition STANDARD OF PROOF: Preponderance	RELIEF: No contact; stay away; relief necessary to provide for the safety and welfare of the petitioner or the petitioner's children or family or household members GUN RESTRAINT? Statute is silent	The clerk of the court or any other person serving the petition and the restraining order shall immediately deliver to a county sheriff copies of the petition and the restraining order and a true copy of the affidavit of proof of service	Contempt proceeding

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<p>Pennsylvania O.R.S. § 163.763</p> <p>EFFECTIVE JULY 1, 2015</p> <p>NATURE OF PROCEEDING: Protection from Abuse Order: Sexual Violence</p> <p>COST: No filing fee</p>	Criminal Code	An adult or any parent, adult household member or guardian ad litem on behalf of a minor child, or the guardian of the person of an adult who has been declared incapacitated by filing a petition with the court alleging the need for protection from the defendant with respect to sexual violence or intimidation	<p>Victim of sexual violence or intimidation</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: No contact; stay away; and any other appropriate relief sought by the plaintiff</p> <p>GUN RESTRAINT? Statute is silent.</p>	A complete and systematic record and index of all valid temporary and final orders issued under this chapter shall be entered and maintained in the database established and maintained by the Pennsylvania State Police	Civil or criminal contempt
<p>South Dakota S.D. CODIFIED LAWS §22-19A-8 (2011)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No filing fee</p>	Criminal Code	Victim of stalking or physical injury as a result of an assault or a crime of violence as defined in criminal code	<p>Petitioner must allege existence of stalking or physical injury stating specific facts and circumstance</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Restrain party from acts of stalking or physical injury as a result of an assault or a crime of violence; any other relief court deems necessary</p> <p>GUN RESTRAINT? No</p>	<p>Victim gives certified copy to local law enforcement agency</p> <p>That agency is responsible for other agencies w/in the county to know of the order</p>	Class 1 misdemeanor or Class 6 felony if another assault
<p>Tennessee TENN. CODE ANN. § 36-3-601 (2011)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No filing or service fees</p>	Criminal Code	<p>Any victim who has been subjected to, threatened with, or placed in fear of...sexual assault</p> <p>Petition for a minor must be signed by the minor's parent or guardian</p>	<p>The petitioner was subjected to, threatened with, or placed in fear of ...sexual assault</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: No contact; no violent contact; no nonphysical contact; no stalking</p> <p>GUN RESTRAINT? No</p>	Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency shall take any necessary action to immediately transmit it to the national crime information center	Civil or criminal contempt and a civil penalty of \$50 and/or forfeiture of \$2500 bond

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<p>Texas TEX. CODE CRIM. PROC. ANN. ART. 7A.01 (2013)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No filing fee</p>	Criminal Code	Person who is a victim of a sex offense as defined in the criminal code; parent or guardian or prosecutor on behalf of person younger than 17	<p>Victim of sexual assault or abuse and subject of threat that reasonably places petitioner in fear of further harm from the respondent</p> <p>STANDARD OF PROOF: Reasonable grounds</p>	<p>RELIEF: No direct or indirect communication w/ petitioner and family or household members; stay away from specific locations and minimum distances; refrain from engaging in conduct that is reasonably likely to abuse, torment the petitioner; other orders as court deems necessary</p> <p>GUN RESTRAINT? Yes, unless offender is a peace officer actively engaged in employment as a sworn full-time paid employee of a state agency</p>	Statute is silent	Contempt, fine (no more than \$4000) or jail (no more than one year) or, both
<p>Vermont VT. STAT. ANN. § 5131 (2011)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No filing fee</p>	Criminal Code	A person, other than a family or household member may seek an order against stalking or sexual assault on behalf of him or herself or his or her children by filing a complaint	<p>Victim of stalking or sexual assault</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Stay away; other orders the court deems necessary to protect petitioner or other parties involved</p> <p>GUN RESTRAINT? Statute is silent</p>	Any court in this state that issues a notice against a stalking or sexual assault order under this chapter shall transmit a copy of the order to the Department of Public Safety's protection order database	Violation of the order is a crime subject to a term of imprisonment or a fine, or both, and may also be prosecuted as criminal contempt
<p>Virginia VA CODE ANN. § 19.2-152.10 (2014)</p> <p>NATURE OF</p>	Criminal code	The court may issue a protective order upon the issuance of a petition or warrant for, or a conviction of, any criminal offense	<p>Conviction or threat of an act of violence, force, or threat</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: Prohibits acts of violence and other contacts by the respondent with the petitioner or the petitioner's family or</p>	The court shall forthwith forward the attested copy of the protective order to the primary law enforcement agency responsible for service	Contempt of court

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<p>PROCEEDING: Protective Order</p> <p>COST: No filing fees</p>		<p>resulting from the commission of an act of violence, force, or threat</p>		<p>household members as the court deems necessary for the health and safety of such persons; and other relief deemed necessary to protect the petitioner from further violence</p> <p>GUN RESTRAINT? Statute is silent</p>	<p>and entry of protective orders</p>	
<p>Washington WASH. REV. CODE ANN. § 7.90.020 (2007)</p> <p>NATURE OF PROCEEDING: Civil Protective Order</p> <p>COST: No fees</p>	<p>For detailed civil definition of "sexual conduct" and "sexual penetration" see Wash. Rev. Code § 7.90.010</p>	<p>A person who is a victim of nonconsensual sexual conduct or non-consensual sexual penetration, including a single incident (16 years or older may file on their own)</p> <p>On behalf of a minor child or vulnerable adult who is a victim of non-consensual sexual conduct or non-consensual sexual penetration</p>	<p>Non-consensual sexual conduct or non-consensual sexual penetration committed by the respondent</p> <p>STANDARD OF PROOF: Preponderance</p>	<p>RELIEF: No contact; no nonphysical contact; stay away; any other relief as the court deems necessary to protect petitioner</p> <p>GUN RESTRAINT? Statute is silent</p>	<p>A copy shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order</p> <p>Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants</p>	<p>A violation of the restraint provisions or provisions excluding the person from a residence, workplace, school, or day care or prohibiting a person from knowingly coming within or remaining within a specified distance of a location is a gross misdemeanor</p> <p>Any assault that is a violation of an order is a class C felony, or is a class C felony if the offender has at least two previous convictions for violating the provisions of an order</p>
<p>Wisconsin WIS. STAT. ANN. § 813.125 (2014)</p> <p>NATURE OF PROCEEDING: Civil Harassment Restraining Order</p>	<p>Criminal Code</p>	<p>Victim of sexual assault (included in definition of "harassment")</p>	<p>That the respondent has engaged in harassment with intent to harass or intimidate the petitioner</p> <p>STANDARD OF PROOF: Reasonable grounds</p>	<p>RELIEF: No harassment; stay away from petitioner's residence or any premises temporarily occupied by the petitioner; or any combination of these remedies requested in the petition</p>	<p>The clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any local law enforcement</p>	<p>Fine not more than \$10,000 or imprisoned not more than 9 months or both</p>

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COST: No fee is filed on the basis of sexual assault or stalking				GUN RESTRAINT? Yes	agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises The sheriff or other appropriate local law enforcement agency ...shall enter the information received ... into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction	
Wyoming W.S. 7-3-512 (2015) EFFECTIVE JULY 1, 2015 NATURE OF PROCEEDING: Order of protection COST: No fee is filed on the basis of sexual assault or stalking	Criminal Code	Victim of sexual assault	Specific facts showing the alleged sexual assault and the identity of the alleged perpetrator. STANDARD OF PROOF: Clear and present danger	RELIEF: Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged offense; and any other persons, including but not limited to members of the family or household of the victim, as the court may describe in the order GUN RESTRAINT? Statute is silent	A copy of the order of protection shall be filed with the sheriff of the county	A willful violation is a misdemeanor punishable by imprisonment for not more than 6 months, a fine of not more than \$750, or both

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