

TITLE 7 - CRIMES

CHAPTER 1 – CRIMINAL CODE

CHAPTER 8 – OFFENSES AGAINST THE FAMILY

Section 8.9 Domestic Violence; Arrest and Procedure

A. "Domestic Violence" means any act which is an offense defined in Section 2.2 Criminal Contempt of Court, 2.5 Influencing a Witness or Juror, 3.4 Criminal Trespass, 3.5 Disturbing the Peace, 3.6 Disorderly Conduct, 5.2 Criminal Damage to Private/Personal Property, 5.10 Malicious Mischief, 7.1 Assault, 7.2 Aggravated Assault, 7.3 Threatening, 7.4 Kidnapping, 7.5 Custodial Interference, 7.10 Stalking, 9.1 Sexual Assault, 9.2 Sexual Abuse, or 12.2 Public Intoxication of this Code, if the victim and the offender share a domestic relationship.

B. For purposes of this Criminal Code, persons who share a "domestic relationship" include:

- (1) Adults or minors who are current or former spouses or who are current or former cohabitants;
- (2) Adults or minors who are dating or who have dated, including persons involved in a same sex relationship;
- (3) Adults or minors who are engaged in or who have engaged in a sexual relationship including same sex relationships;
- (4) Adults or minors who are related or formerly related by marriage, including same sex relationships;
- (5) Persons who have a child in common;
- (6) A minor child, including a legally adopted child, of a person in a relationship that is described in paragraphs (1) through (5).
- (7) Adults or minors related to the defendant or the defendant's spouse by blood or court order;
- (8) A parent, grandparent, child, grandchild, brother or sister, or by marriage as a parent in law, grandparent in law, stepparent, step grandparent, stepchild, step grandchild, brother in law or sister in law; and
- (9) Adults or minors recognized as family members under Tohono O'odham custom and tradition.

C. A police officer may, with or without a warrant, arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense was committed within or without the presence of the officer.

- D. When a police officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform the alleged or potential victim of procedures and resources available for the protection of such victim, including:
1. Emergency telephone number for the police department.
 2. Telephone numbers of available emergency services in the local community.
 3. An order of protection pursuant to Section 8.10.
- E. A person found guilty or who pleads guilty of a domestic violence offense is not eligible for deferred sentencing, diversion, or unsupervised probation. The terms and conditions of any probation shall include those necessary to provide for the protection of the victim and other specifically designated persons and additional conditions and requirements which the Court deems appropriate including any counseling or other programs available to the defendant.
- F. When a victim of domestic violence is unavailable, adversarial, or unwilling to testify, the prosecution may proceed based upon available evidence.
- G. A plea of no contest to an offense of domestic violence shall not be accepted.