

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) **CROSS OR COUNTER PETITION.**—A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(d) **NOTIFICATION AND REGISTRATION.**—

(1) **NOTIFICATION.**—A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2) **NO PRIOR REGISTRATION OR FILING AS PRE-REQUISITE FOR ENFORCEMENT.**—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3) **LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.**—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

(e) **TRIBAL COURT JURISDICTION.**—For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1930; amended Pub. L. 106-386, div. B, title I, § 1101(b)(4), Oct. 28, 2000, 114 Stat. 1493; Pub. L. 109-162, title I, § 106(a)-(c), Jan. 5, 2006, 119 Stat. 2981, 2982; Pub. L. 109-271, § 2(n), Aug. 12, 2006, 120 Stat. 754; Pub. L. 113-4, title IX, § 905, Mar. 7, 2013, 127 Stat. 124.)

AMENDMENTS

2013—Subsec. (e). Pub. L. 113-4 added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.”

2006—Subsec. (a). Pub. L. 109-162, § 106(a)(1), (b), substituted “, Indian tribe, or territory” for “or Indian tribe” wherever appearing and “and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were” for “and enforced as if it were”.

Subsec. (b). Pub. L. 109-162, § 106(a)(2), substituted “State, tribal, or territorial” for “State or tribal” in introductory provisions.

Subsec. (b)(1). Pub. L. 109-162, § 106(a)(1), substituted “, Indian tribe, or territory” for “or Indian tribe”.

Subsec. (b)(2). Pub. L. 109-162, § 106(a)(2), substituted “State, tribal, or territorial” for “State or tribal”.

Subsec. (c). Pub. L. 109-162, § 106(a)(2), substituted “State, tribal, or territorial” for “State or tribal” in introductory provisions.

Subsec. (d)(1). Pub. L. 109-162, § 106(a), substituted “, Indian tribe, or territory” for “or Indian tribe” in two places and “State, tribal, or territorial” for “State or tribal”.

Subsec. (d)(2). Pub. L. 109-162, § 106(a)(2), substituted “State, tribal, or territorial” for “State or tribal”.

Subsec. (d)(3). Pub. L. 109-271, which directed amendment of section 106(c) of Pub. L. 109-162 by substituting “the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction” for “the registration or filing of a protection order”, was executed by making the substitution in par. (3), which was added by section 106(c) of Pub. L. 109-162, to reflect the probable intent of Congress.

Pub. L. 109-162, § 106(c), added par. (3).

2000—Subsecs. (d), (e). Pub. L. 106-386 added subsecs. (d) and (e).

SPECIAL RULE FOR THE STATE OF ALASKA

Pub. L. 113-4, title IX, § 910, Mar. 7, 2013, 127 Stat. 126, provided that:

“(a) **EXPANDED JURISDICTION.**—In the State of Alaska, the amendments made by sections 904 and 905 [enacting section 1304 of Title 25, Indians, and amending this section, respectively] shall only apply to the Indian country (as defined in section 1151 of title 18, United States Code) of the Metlakatla Indian Community, Annette Island Reserve.

“(b) **RETAINED JURISDICTION.**—The jurisdiction and authority of each Indian tribe in the State of Alaska under section 2265(e) of title 18, United States Code (as in effect on the day before the date of enactment of this Act [Mar. 7, 2013])—

“(1) shall remain in full force and effect; and

“(2) are not limited or diminished by this Act [see Tables for classification] or any amendment made by this Act.

“(c) **SAVINGS PROVISION.**—Nothing in this Act or an amendment made by this Act limits or diminishes the jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in the State of Alaska.”

§ 2265A. Repeat offenders

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation

of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

(b) DEFINITION.—For purposes of this section—
(1) the term “prior domestic violence or stalking offense” means a conviction for an offense—

(A) under section 2261, 2261A, or 2262 of this chapter; or

(B) under State or tribal law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

(2) the term “State” means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(Added Pub. L. 109-162, title I, §115, Jan. 5, 2006, 119 Stat. 2988; amended Pub. L. 113-4, title IX, §906(c), Mar. 7, 2013, 127 Stat. 125.)

AMENDMENTS

2013—Subsec. (b)(1)(B). Pub. L. 113-4 inserted “or tribal” after “State”.

§ 2266. Definitions

In this chapter:

(1) BODILY INJURY.—The term “bodily injury” means any act, except one done in self-defense, that results in physical injury or sexual abuse.

(2) COURSE OF CONDUCT.—The term “course of conduct” means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

(3) ENTER OR LEAVE INDIAN COUNTRY.—The term “enter or leave Indian country” includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning stated in section 1151 of this title.

(5) PROTECTION ORDER.—The term “protection order” includes—

(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

(6) SERIOUS BODILY INJURY.—The term “serious bodily injury” has the meaning stated in section 2119(2).

(7) SPOUSE OR INTIMATE PARTNER.—The term “spouse or intimate partner” includes—

(A) for purposes of—

(i) sections other than 2261A—

(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; and

(ii) section 2261A—

(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.¹

(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

(8) STATE.—The term “State” includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term “travel in interstate or foreign commerce” does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.

(10) DATING PARTNER.—The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser. The existence of such a relationship is based on a consideration of—

(A) the length of the relationship; and

(B) the type of relationship; and

(C) the frequency of interaction between the persons involved in the relationship.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1931; amended Pub. L. 106-386, div. B, title I, §1107(d), Oct. 28, 2000, 114 Stat. 1499; Pub. L. 109-162, title I, §§106(d), 116(b), Jan. 5, 2006, 119 Stat. 2982, 2988; Pub. L. 109-271, §2(c), (i), Aug. 12, 2006, 120 Stat. 752.)

¹ So in original. The period probably should be “; and”.