

.As Engrossed: 1/23/91, 1/24/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 267 OF 1991
SENATE BILL 154

4 **By: Senators Bradford, Harriman, *Howell, Luelf***

5

6

7

For An Act To Be Entitled

8 "AN ACT TO CREATE THE CRIME OF VIOLATION OF AN ORDER OF

9 PROTECTION; AND FOR OTHER PURPOSES."

10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

12

13 SECTION 1. (a) A person commits the offense of violation of an order
14 of protection if:

15 (1) a chancery court or other court with competent jurisdiction
16 has issued a temporary order of protection or an order of protection against
17 him pursuant to the Domestic Abuse Act of 1991; and

18 (2) he has received actual notice or notice pursuant to the
19 Arkansas Rules of Civil Procedure of a temporary order of protection or an
20 order of protection pursuant to the Domestic Abuse Act of 1991; and

21 (3) he knowingly violates a condition of an order of protection
22 issued pursuant to the Domestic Abuse Act of 1991.

23 (b) Violation of an order of protection is a Class A misdemeanor.

24 (c) A law enforcement officer may arrest and take into custody without
25 a warrant any person who the law enforcement officer has probable cause to
26 believe is subject to an order of protection issued pursuant to the laws of
27 this state and who the officer has probable cause to believe has violated the
28 terms of the order.

29 (d) It shall be an affirmative defense to a prosecution under this
30 section that the parties have reconciled prior to the violation of the order.

31 (e) Any law enforcement officer acting in good faith and exercising due
32 care in making an arrest for domestic abuse shall have immunity from civil
33 liability.

34

35 SECTION 2. All provisions of this act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

2

3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

8

9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

11

12 SECTION 5. EMERGENCY. It is hereby found and determined by the
13 Seventy-Eighth General Assembly that since the recent court decision in Bates
14 v. Bates, this state has lacked adequate remedies for dealing with domestic
15 violence and abuse; that the problem of domestic violence and abuse in our
16 society is so complex that proper judicial remedies for victims and potential
17 victims transcend the traditional jurisdictions of circuit and municipal
18 court; that immediate intervention through arrest upon probable cause to
19 protect the victim from physical injury is one remedy which should be provided
20 in this state as in other states; that every potential remedy should be made
21 available to members of households who have been subjected to abuse or are
22 likely to be subjected to abuse such as to create the crime of violation of an
23 order of protection. Therefore, an emergency is hereby declared to exist and
24 this act being necessary for the immediate preservation of the public peace,
25 health and safety shall be in full force and effect upon its passage and
26 approval.

27

28 */s/Bradford et al*

29

30 APPROVED: 2-28-91

31

32

33

34

35