

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.  
Act 676 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 2320

5 By: Representative Moore  
6  
7

## For An Act To Be Entitled

9 AN ACT TO COMPLY WITH STOP VIOLENCE AGAINST WOMEN  
10 FORMULA GRANT PROGRAM AND DEPARTMENT OF JUSTICE  
11 REAUTHORIZATION ACT OF 2005 FUNDING REQUIREMENTS;  
12 AND FOR OTHER PURPOSES.  
13

## Subtitle

14 TO COMPLY WITH STOP VIOLENCE AGAINST  
15 WOMEN FORMULA GRANT PROGRAM AND  
16 DEPARTMENT OF JUSTICE REAUTHORIZATION  
17 ACT OF 2005 FUNDING REQUIREMENTS.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 5, Chapter 26, Subchapter 2 is amended  
24 to add an additional section to read as follows:

25 5-26-313. Notice.

26 A person who is convicted of any misdemeanor of domestic violence shall  
27 be notified by the court that it is unlawful for the person to ship,  
28 transport, or possess a firearm or ammunition pursuant to 18 U.S.C. §  
29 922(g)(8) and (9) as it existed on January 1, 2007.  
30

31 SECTION 2. Arkansas Code § 9-15-207 is amended to read as follows:

32 9-15-207. Protection order - Enforcement - Penalties - Criminal  
33 jurisdiction.

34 (a) Any order of protection granted pursuant to this chapter shall be  
35 enforceable by any law enforcement agency with proper jurisdiction.



1 (b) Any order of protection shall include a notice to the respondent  
 2 or party restrained that a violation of the order is a Class A misdemeanor  
 3 carrying a maximum penalty of one (1) year imprisonment in the county jail or  
 4 a fine of up to one thousand dollars (\$1,000), or both.

5 (c) Any order of protection shall include a notice to the respondent  
 6 or party restrained that it is unlawful for an individual who is subject to a  
 7 protective order or convicted of any misdemeanor of domestic violence to  
 8 ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. §  
 9 922(g)(8) and (9) as it existed on January 1, 2007.

10 (d) Jurisdiction for the criminal offense of violating the terms of an  
 11 order of protection shall be with the circuit court or other courts having  
 12 jurisdiction over criminal matters.

13 ~~(d)(1)~~ (e)(1) In the final order of protection, the petitioner's home  
 14 or business address may specifically be excluded from notice to the  
 15 respondent.

16 (2) A court shall also order that the petitioner's copy of the  
 17 order of protection be excluded from any address where the respondent happens  
 18 to reside.

19 ~~(e)(f)~~ When a law enforcement officer has probable cause to believe  
 20 that a respondent has violated an order of protection and has been presented  
 21 verification of the existence of the order, the officer may, without a  
 22 warrant, arrest the apparent violator whether the violation was in or outside  
 23 the presence of the officer if the order was obtained according to this  
 24 chapter and with the Arkansas Rules of Criminal Procedure.

25 ~~(f)(g)~~ An order of protection issued by a court of competent  
 26 jurisdiction in any county of this state is enforceable in every county of  
 27 this state by any court or law enforcement officer.

28  
 29 SECTION 3. Arkansas Code Title 12, Chapter 12, Subchapter 1 is amended  
 30 to add an additional section to read as follows:

31 12-12-106. Investigations of an alleged sex offense.

32 (a) A law enforcement officer, prosecuting attorney, or other  
 33 government official shall not ask or require an adult victim of an alleged  
 34 sex offense, a youth victim of an alleged sex offense, or a child victim of  
 35 an alleged sex offense to submit to a polygraph examination or an examination  
 36 of any other truth-telling device as a condition of proceeding with the

1 investigation of an alleged sex offense.

2 (b) The refusal of a victim of an alleged sex offense to submit to an  
3 examination described in subsection (a) of this section shall not prevent the  
4 investigation, charging, or prosecution of the alleged sex offense.

5

6 SECTION 4. Arkansas Code § 12-12-403 is amended to read as follows:

7 12-12-403. Examinations and treatment - Payment.

8 (a) All licensed emergency departments shall provide prompt,  
9 appropriate emergency medical-legal examinations for sexual assault victims.

10 (b)(1)(A) All victims shall be exempted from the payment of expenses  
11 incurred as a result of receiving a medical-legal examination provided the  
12 following conditions are met:

13 ~~(1) The assault must be reported to a law enforcement agency;~~  
14 ~~and~~

15 ~~(2)(A) The victim must receive the medical-legal examination~~  
16 ~~within seventy-two (72) hours of the attack.~~

17 (B) However, the seventy-two-hour time limitation may be  
18 waived if the victim is a minor or if the Crime Victims Reparations Board  
19 finds that good cause exists for the failure to provide the exam within the  
20 required time.

21 (2)(A) This subsection does not require a victim of sexual  
22 assault to participate in the criminal justice system or to cooperate with  
23 law enforcement in order to be provided with a forensic medical exam or  
24 reimbursement for charges incurred on account of a forensic medical exam, or  
25 both.

26 (B) Subdivision (b)(2)(A) of this section does not  
27 preclude a report of suspected abuse or neglect as permitted or required by  
28 the Arkansas Child Maltreatment Act, § 12-12-501 et seq.

29 (c)(1) A medical facility or licensed health care provider that  
30 performs a medical-legal examination shall submit a sexual assault  
31 reimbursement form, an itemized statement which meets the requirements of 45  
32 C.F.R. 164.512(d), as it existed on January 2, 2001, directly to the board  
33 for payment.

34 (2) The medical facility or licensed health care provider shall  
35 not submit any remaining balance after reimbursement by the board to the  
36 victim.

