

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 1447 of the Regular Session

1 State of Arkansas

As Engrossed: S4/7/09 S4/7/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1711

4
5 By: Representatives Tyler, Nix, Williams, B. Wilkins, D. Creekmore, T. Bradford, Pennartz, Lea, Rice,

6 Dale

7 By: Senator G. Baker

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10 **For An Act To Be Entitled**

11 AN ACT TO REQUIRE PERSONS WHO VIOLATE ORDERS OF
12 PROTECTION TO PAY FOR AND WEAR GLOBAL POSITIONING
13 DEVICES AT ALL TIMES SO AS TO PROTECT THE VICTIM
14 AND ENABLE LAW ENFORCEMENT TO EASILY LOCATE THE
15 OFFENDER; AND FOR OTHER PURPOSES.

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17 **Subtitle**

18 TO REQUIRE PERSONS WHO VIOLATE ORDERS OF
19 PROTECTION TO PAY FOR AND WEAR GLOBAL
20 POSITIONING DEVICES.

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

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25 SECTION 1. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended
26 to add a new section to read as follows:

27 9-15-217. Order of protection - Violations - Domestic violence
28 surveillance program - Global positioning devices.

29 (a)(1)(A) A person who is charged with violating an ex parte order of
30 protection under § 5-53-134 may be ordered as a condition of his or her
31 release from custody to be placed under electronic surveillance at his or her
32 expense until the charge is adjudicated.

33 (B) A person who is charged with violating a final order
34 of protection under § 5-53-134 may be ordered as a condition of his or her
35 release from custody to be placed under electronic surveillance at his or her



1 expense until the charge is adjudicated.

2 (2) The court having jurisdiction over the charge may order the
3 defendant released from electronic surveillance before the adjudication of
4 the charge.

5 (b) A person who is found guilty of violating an order of protection
6 may be placed under electronic surveillance at his or her expense as part of
7 his or her sentence for a minimum of four (4) months but not to exceed one
8 (1) year.

9 (c) As used in this section, "electronic surveillance" means active
10 surveillance technology worn by or attached to a person that is a single-
11 piece device that immediately notifies law enforcement or other monitors of a
12 violation of the distance requirements or locations that the defendant is
13 barred from entering and may also include technology that:

14 (1) Immediately notifies the victim of any violation;

15 (2) Allows law enforcement or monitors to speak to the offender
16 in some manner through or in conjunction with the device;

17 (3) Has a loud alarm that can be activated to warn the potential
18 victim of the offender's presence in a place he or she is barred from
19 entering;

20 (4) Is waterproof; and

21 (5) Can be tracked by either satellite or cellular phone tower
22 triangulation.

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24 /s/ Tyler

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26 **APPROVED: 4/10/2009**