

Stricken would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/21/97

A Bill

ACT 736 OF 1997
HOUSE BILL 1063

5 By: Representatives Flanagin, Ferrell, Broadway, Capps, Choate, Cunningham, Curran, Davis, Dietz, Faris, Ferguson, Goodwin,
6 Hogue, Johnson, Jones, Kidd, Lynn, Madison, McGehee, McGinnis, Miller, Molinaro, Pollan, Rorie, Schexnayder, Simmons, Judy
7 Smith, Terry Smith, Stalnaker, Teague, Thicksten, Trammell, *Wagner, Willems, Wilkinson, Wren, Wooldridge, Bennett, Horn, Ingram,*
8 *Laverty, Roberts, and Wallis*

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For An Act To Be Entitled

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12 "AN ACT TO AMEND ARKANSAS CODE 16-21-106 TO REQUIRE
13 PROSECUTING ATTORNEYS TO NOTIFY VICTIMS OF CRITICAL EVENTS
14 IN THE CRIMINAL JUSTICE PROCESS; AND FOR OTHER PURPOSES."

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Subtitle

16
17 "TO REQUIRE PROSECUTING ATTORNEYS TO
18 NOTIFY VICTIMS OF CRITICAL EVENTS IN THE
19 CRIMINAL JUSTICE PROCESS."

20

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

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23 SECTION 1. Arkansas Code 16-21-106 is amended to read as follows:

24 "16-21-106. Assistance to victims and witnesses of crimes - Victim of
25 crimes case coordinator.

26 (a)(1) The several prosecuting attorneys and deputy prosecuting
27 attorneys shall, upon request, provide to a victim of a sex offense or an
28 offense against a victim who is a minor, as both terms are defined in the Sex
29 and Child Offender Registration Act of 1997, and the immediate family members
30 of all homicide victims, whether or not they are witnesses in criminal
31 proceedings, notice of critical events in the criminal justice process, which
32 shall include but not be limited to, notice of motions or hearings to
33 establish or reduce bail or authorize other pre-trial release from custody,
34 notice of proceedings in which any plea agreement may be submitted, notice of
35 trial, notice of sentencing. The several prosecuting attorneys and deputy
36 prosecuting attorneys shall also provide to a victim of a sex offense or an

1 offense against a victim who is a minor, and the immediate family members of
2 all homicide victims, whether or not they are witnesses in criminal
3 proceedings, notice of cancellation or postponement of any critical event in
4 the criminal justice process.

5 (2) A victim or immediate family member, who requests notice
6 under this section, shall provide the prosecuting attorney with current
7 address and telephone number. The address and telephone number of the victim
8 or the immediate family member shall be exempt from the Arkansas Freedom of
9 Information Act, §§ 25-19-101, et seq.

10 (3) The notice shall include the date, time, and place of the
11 defendant's appearance before a judicial officer.

12 (4) The notice may be accomplished by providing the victim or
13 immediate family member with a telephone number to a computer notification
14 program.

15 (5) When an immediate family member has been charged with the
16 homicide, that person shall not be notified in accordance with this section.

17 (6) The Prosecution Coordination Commission shall develop
18 guidelines for the implementation of this section.

19 —(a)(b) The several prosecuting attorneys and deputy prosecuting
20 attorneys may provide the following services to victims of crimes and
21 witnesses of crimes and the family members of all homicide victims, whether or
22 not they are witnesses in criminal proceedings:

23 (1) Notify such persons that a court proceeding for which they
24 have been subpoenaed will not transpire as scheduled;

25 (2) Assist such persons in obtaining protection from harm and
26 threats of harm arising out of their cooperation with law enforcement and
27 prosecution efforts;

28 (3) Assist such persons in applying for financial assistance and
29 other social services available as a result of being a witness or victim of a
30 crime;

31 (4) Assist such persons in applying for any witness fees to which
32 they are entitled;

33 (5) Provide, when possible, a secure waiting area during court
34 proceedings that does not require such persons to be in close proximity to the
35 defendants and families and friends of the defendants;

36 (6) Assure that any stolen property or other personal property,

1 other than contraband, belonging to such persons is expeditiously returned to
2 them when no longer needed as evidence;

3 (7) Intercede with such persons' employers to assure that the
4 employers cooperate with the criminal justice process in order to minimize
5 loss of pay and other benefits resulting from court appearances.

6 ~~(b)(c)~~ In order to enable the prosecuting attorney to perform the
7 additional duties provided in this section:

8 (1) The prosecutor may request the county judge of the county to
9 designate or provide an appropriate room or area in the county courthouse,
10 reasonably close to the courtroom, to serve as a waiting area during court
11 proceedings to accommodate the families and friends of the ~~defendants~~ victims,
12 as provided in subsection (b) of this section; and

13 (2) The prosecutor may request the quorum court of the county to
14 provide additional employees for his office to be known as victim of crimes
15 case coordinators at such salary as may be determined by the quorum court, to
16 be in addition to any other position available to the prosecutor's office."

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18 SECTION 2. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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

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

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/s/Rep. Flanigan, et al

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APPROVED: 3-21-97

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