

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/27/03

A Bill

HOUSE BILL 2218

5 By: Representative Judy
6
7

For An Act To Be Entitled

9 AN ACT FOR DOMESTIC PEACE; TO CREATE A PROGRAM
10 AND PROCEDURE FOR FUNDING DOMESTIC VIOLENCE
11 SHELTERS IN THE STATE; TO CREATE THE DOMESTIC
12 PEACE FUND; AND FOR OTHER PURPOSES.
13

Subtitle

14 THE ARKANSAS DOMESTIC PEACE ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 9, Chapter 4, is amended to add an
21 additional subchapter to read as follows:

22 9-4-101. Title.

23 This subchapter shall be known and may be cited as "The Arkansas
24 Domestic Peace Act".
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26 9-4-102. Definitions.

27 As used in this subchapter:

28 (1) "Advocate" means an employee, supervisor, or administrator of a
29 shelter;

30 (2) "Commission" means Arkansas Child Abuse/Rape/Domestic Violence
31 Commission;

32 (3) "Domestic abuse" means:

33 (A) Physical harm, bodily injury, assault between family or
34 household members;

35 (B) The infliction of fear of imminent physical harm, bodily
36 injury, or assault between family or household members; or



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1 (C) Any sexual conduct between family or household members,
2 whether minors or adults, which constitutes a crime under the laws of this
3 state;

4 (4) "Family or household members" means:

5 (A) Spouses;

6 (B) Former spouses;

7 (C) Parents;

8 (D) Children;

9 (E) A person related by blood within the fourth degree of
10 consanguinity;

11 (F) Persons who presently or in the past cohabited together; and

12 (G) Persons who presently have a child in common; and

13 (5) "Shelter" means any entity that:

14 (A) Provides services, including food, housing, advice,
15 counseling, and assistance, to victims of domestic abuse and their minor
16 dependent children in this state; and

17 (B) Meets the program, fiscal, and training requirements of this
18 subchapter.

19 (6) "Victim" means any individual who:

20 (A)(i) Is eighteen (18) years old or older;

21 (ii) Is a minor who has his or her disabilities removed;

22 or

23 (iii) Is a married individual under the age of eighteen
24 (18) and

25 (B) Is the victim of domestic abuse; and

26 (C) Seeks services at a shelter.

27 (7) "Volunteer" means any person who donates his or her time to
28 provide services to victims at a shelter.

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30 9-4-103. Duties of the Arkansas Child Abuse/Rape/Domestic Violence
31 Commission.

32 (a) Regarding the administration of the Domestic Peace Fund and an
33 entity receiving funding under this subchapter, the Arkansas Child
34 Abuse/Rape/Domestic Violence Commission or its designee, shall, to the extent
35 funding is appropriated and available:

36 (1) Annually evaluate each shelter for compliance with the

1 program, fiscal, and training requirements under this subchapter;

2 (2) Promulgate rules, regulations, procedures, and forms for the
3 evaluation of each shelter;

4 (3) Adopt a uniform system of recordkeeping to ensure the proper
5 handling of funds by shelters;

6 (4) Provide training and technical assistance to shelters to
7 ensure minimum standards of service delivery;

8 (5) Serve as a clearinghouse for information relating to
9 domestic abuse; and

10 (6) Provide educational programs on domestic abuse for the
11 benefit of the general public, victims, specific groups of persons, and other
12 persons as needed.

13 (b)(1) The commission may enter into contracts with any entity to
14 fulfill its duties under this subchapter.

15 (2) The entity must meet the following requirements:

16 (A) The entity is organized as a statewide nonprofit
17 corporation that provides services, community education, and technical
18 assistance to domestic violence shelters in the state; and

19 (B) The entity is affiliated with one or more of the
20 following:

21 (i) The National Coalition Against Domestic
22 Violence;

23 (ii) The Network to End Domestic Violence; or

24 (iii) Battered Women's Justice Project.

25
26 9-4-104. Receipt of money.

27 Under this subchapter and in the administration of the Domestic Peace
28 Fund, the Arkansas Child Abuse/Rape/Domestic Violence Commission shall not
29 accept money or other assistance from the federal government or any other
30 entity or person if the acceptance would obligate the State of Arkansas,
31 except to the extent that money is available in the Domestic Peace Fund.

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33 9-4-105. Disbursement of funds.

34 (a) The Arkansas Child Abuse/Rape/Domestic Violence Commission may
35 disburse money appropriated from the Domestic Peace Fund exclusively for the
36 following purposes:

1 (1) To satisfy contractual obligations made to perform its
2 duties under this section;

3 (2) To make grants to shelters that meet the requirements of
4 this section; and

5 (3) To compensate the commission or its designee for
6 administration costs associated with the performance of duties under this
7 subchapter.

8 (b) The commission shall collect a one percent (1%) fee, not to exceed
9 seven thousand five hundred dollars (\$7,500) annually, from the Domestic
10 Peace Fund for administrative and operational costs incurred under this
11 subchapter.

12
13 9-4-106. Program requirements.

14 Every shelter shall:

15 (1) Develop and implement a written nondiscrimination policy to
16 provide services without regard to race, religion, color, age, marital
17 status, national origin, ancestry, or sexual preference;

18 (2) Provide a facility that is open, accessible, and staffed by
19 an advocate or volunteer each day of the calendar year and twenty-four (24)
20 hours each day;

21 (3) Provide emergency housing and related supportive services in
22 a safe, protective environment for victims of domestic abuse and their
23 children;

24 (4)(A) Provide a crisis telephone hotline that is answered by an
25 advocate or volunteer who meets the training requirements under this
26 subchapter each day of the calendar year and twenty-four (24) hours each day.

27 (B) The crisis telephone hotline shall not be answered by
28 an answering machine, answering service, or mobile telephone;

29 (5)(A) Require all advocates and volunteers who provide direct
30 services to victims to sign a written confidentiality agreement that
31 prohibits the release of the following:

32 (i) The names or other personal and identifying
33 information about the victims who are served at the shelter; and

34 (ii) The names or other personal and identifying
35 information about the family or household members of the victims who are
36 served at the shelter.

1 (B) The confidentiality agreement shall not apply to
2 advocates who testify in court;

3 (C) The confidentiality agreement shall not prevent
4 disclosure from federal grant review, audit, or reporting.

5 (6) Develop and implement a written plan for outreach efforts to
6 aid victims of domestic violence;

7 (7) Provide peer support groups for victims;

8 (8) Provide assistance and court advocacy for victims seeking
9 orders of protection;

10 (9) Provide training and educational information on domestic
11 violence for professionals, community organizations, and interested
12 individuals.

13
14 9-4-107. Fiscal requirements.

15 Every shelter shall:

16 (1) Incorporate in this state as a private nonprofit corporation
17 that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code
18 and having the primary purpose of providing services to victims of domestic
19 abuse or domestic violence;

20 (2) Be governed by a Board of Directors;

21 (3) Develop and implement written personnel policies that state
22 the shelter's employment practices;

23 (4) Develop and implement written procedures that conform with
24 the uniform system of recordkeeping developed by the Arkansas Child
25 Abuse/Rape/Domestic Violence Commission or its designee to ensure proper
26 handling of funds; and

27 (5) Provide the commission or its designee with statistical data
28 that states the following:

29 (A) The type of services provided by the shelter; and

30 (B) The number of victims and children served each year.

31
32 9-4-108. Training requirements.

33 Every shelter shall:

34 (1)(A) Require each member of its board of directors to attend an
35 orientation approved by the Arkansas Child Abuse/Rape/Domestic Violence
36 Commission or its designee within six (6) months after joining the board.

1 (B) The orientation shall include an explanation of the dynamics
2 of domestic violence and the role of a board member;

3 (2)(A) Require each advocate who provides direct services to victims
4 to attend fifteen (15) hours of initial staff training approved by the
5 commission or its designee.

6 (B) Initial staff training shall include the following topics of
7 instruction:

8 (i) Crisis intervention;

9 (ii) Case management;

10 (iii) Safety planning;

11 (iv) Individual or group facilitation; and

12 (v) Proper procedure for answering the crisis telephone
13 hotline;

14 (3)(A) Require each advocate who provides direct services to victims
15 to attend ten (10) hours of continuing education annually that is approved by
16 the commission or its designee.

17 (B) Continuing education shall include the following topics of
18 instruction:

19 (i) Crisis intervention;

20 (ii) Case management;

21 (iii) Safety planning;

22 (iv) Individual or group facilitation; and

23 (v) Proper procedure for answering the crisis telephone
24 hotline; and

25 (4)(A) Require volunteers who provide direct services to victims to
26 attend ten (10) hours of initial training approved by the commission or its
27 designee.

28 (B) Initial staff training shall include the following topics of
29 instruction:

30 (i) Crisis intervention;

31 (ii) Case management;

32 (iii) Safety planning;

33 (iv) Individual or group victim service session
34 facilitation; and

35 (v) Proper procedure for answering the crisis telephone
36 hotline.

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9-4-109. Right of entry.

The Arkansas Child Abuse/Rape/Domestic Violence Commission or its designee may enter and inspect the premises of a shelter to perform an annual evaluation or to otherwise determine compliance with this subchapter.

9-4-110. Reports.

By October 1 of each year, the Arkansas Child Abuse/Rape/Domestic Violence Commission or its designee shall provide an annual report to the chairpersons of the Senate Interim Committee on Children and Youth and the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs containing the following information:

(1) The incidence of domestic violence in this state based on information obtained from shelters under this subchapter;

(2) A description of shelters that meet the requirements of and receive funding from the commission or its designee under this subchapter; and

(3) The number of persons assisted by the shelters that receive funding from the commission or its designee under this subchapter.

9-4-111. Disclosure of information.

Information received by the Arkansas Child Abuse/Rape/Domestic Violence Commission, its employees, or its designees through files, reports, evaluations, inspections, or otherwise shall be confidential information and shall not be disclosed publicly in a manner as to identify individuals or facilities.

9-4-112. Immunity from civil liability.

The Arkansas Child Abuse/Rape/Domestic Violence Commission, its employees, and its designees shall be immune from civil liability for performing the duties under this subchapter.

SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 4 is amended to add an additional section to read as follows:

19-6-487. Domestic Peace Fund.

(a) There is created on the books of the Treasurer of State, Auditor

1 of State, and Chief Fiscal Officer of the State a special revenue fund to be
2 known as the "Domestic Peace Fund".

3 (b)(1) All moneys collected for the additional marriage license fee
4 levied to fund the Domestic Peace Fund and to be used by the Arkansas Child
5 Abuse/Rape/Domestic Violence Commission as provided under the Domestic Peace
6 Act shall be deposited into the State Treasury to the credit of the fund as
7 special revenue; and

8 (2) The fund shall also consist of any other revenues as may be
9 authorized by law.

10 (3) The fund shall also consist of any moneys obtained from
11 private grants or other sources that are designated to be credited to the
12 fund.

13 (c) The fund shall be used exclusively by the Arkansas Child
14 Abuse/Rape/Domestic Violence Commission as provided under The Domestic Peace
15 Act, § 9-4-101 et seq.

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17 /s/ Judy
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