

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 512

4
5 By: Senator D. Johnson
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For An Act To Be Entitled

8 AN ACT TO ALLOW FOR THE ISSUANCE OF A NO CONTACT
9 ORDER BY THE COURT IF IT APPEARS THAT THERE IS A
10 DANGER THAT THE DEFENDANT WILL COMMIT A SERIOUS
11 CRIME, INTIMIDATE A WITNESS, OR UNLAWFULLY INTERFERE
12 WITH THE ADMINISTRATION OF JUSTICE WHILE CHARGES ARE
13 PENDING; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO ALLOW FOR THE ISSUANCE OF A NO CONTACT
18 ORDER BY A COURT IN CERTAIN
19 CIRCUMSTANCES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 16, Subtitle 6, Chapter 85, Subchapter
25 7 is amended to add a new section to read as follows:

26 16-85-714. No contact orders.

27 (a) As used in this section, a "no contact order" is an order issued
28 by a court to a defendant at or after arraignment on charges that prohibits
29 the defendant from contacting directly or indirectly a person in any manner
30 or from being within a certain distance of the person's home or place of
31 employment.

32 (b)(1) A court may issue a no contact order under this section in
33 addition to any other condition of release from custody that is imposed by
34 the court if it appears that there exists a danger that a defendant will
35 commit a serious crime, seek to intimidate a witness, or otherwise unlawfully
36 interfere with the orderly administration of justice.



1 (2) The no contact order issued under this section shall be in
2 effect until it is modified or terminated by the court.

3 (3) A no contact order issued under this section may contain,
4 without limitation, the following:

5 (A) The reasons the court issued the no contact order in
6 specific terms and description in reasonable detail of the purpose of the
7 order;

8 (B)(i) A prohibition against the defendant's approaching
9 or communicating with a particular person or class of persons, either through
10 a third party or by telephone, electronic communication, or in writing.

11 (ii) A no contact order issued under this section
12 shall not be deemed to prohibit any lawful or ethical activity of defendant's
13 counsel;

14 (C) A prohibition against the defendant's going to certain
15 described geographical areas or premises, including an imposition of a
16 restriction that the defendant stay at least one thousand five hundred feet
17 (1,500') from a person's location;

18 (D) A prohibition against the defendant's possessing a
19 dangerous weapon or engaging in certain described activities, including the
20 ingestion of alcohol or certain drugs; and

21 (E) A requirement that the defendant report regularly to
22 and remain under the supervision of an officer of the court.

23 (4) When a no contact order is issued under this section, the
24 court shall inform the defendant of the penalties for failure to comply with
25 the conditions or terms of the order.

26 (5) All terms of a no contact order issued under this section
27 shall be reduced to writing and a copy shall be given to the defendant.

28 (6)(A) If a defendant violates a no contact order issued under
29 this section, the court shall issue a warrant directing that the defendant be
30 arrested and immediately taken before any court having jurisdiction.

31 (B) The court shall then have authority to detain the
32 defendant for a period of time not to exceed twenty-four (24) hours, unless
33 the violation occurs on a Friday or a holiday, in which case the time period
34 shall be forty-eight (48) hours, during which time the prosecuting attorney
35 shall file a petition to revoke the defendant's appearance bond or modify the
36 conditions of the defendant's release, alleging the following:

1 (i) That the defendant has knowingly violated the
2 terms of a no contact order issued under this section;

3 (ii) That relevant information has become known to
4 the prosecuting attorney warranting the modification of or revocation of the
5 defendant's appearance bond; and

6 (iii) That a law enforcement officer had reasonable
7 grounds to believe that the defendant violated the terms of a no contact
8 order issued under this section and that it was impracticable to secure an
9 arrest warrant at the time of arrest.

10 (C)(i) The defendant shall be entitled to a hearing on the
11 petition to modify or revoke the defendant's appearance bond within forty-
12 eight (48) hours of the defendant's appearance before the court, unless the
13 violation occurs on a Friday or a holiday, in which case the hearing shall be
14 within seventy-two (72) hours.

15 (ii) If after a hearing the court finds that the
16 defendant knowingly violated the terms of a no contact order issued under
17 this section, the court may impose different or additional conditions of
18 release or revoke his or her appearance bond.

19 (c)(1) A court may set the duration of a no contact order issued under
20 this section for an additional period of time after the adjudication of the
21 offense for which the defendant was originally charged if it determines the
22 additional period of time is necessary to protect the safety of a person,
23 persons residing with the person, or members of the person's immediate
24 family.

25 (2) The duration or extension of the no contact order shall not
26 be for more than one (1) year from the date of issuance or, if the original
27 charge is adjudicated with a finding of the defendant's guilt, from the date
28 of sentencing.

29 (d) Upon conviction, violation of a no contact order issued under this
30 section is a Class A misdemeanor.