

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 995 OF 1995
HOUSE BILL 2083

4 **By: Representatives Lynn and Madison**

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE ARKANSAS CRIME INFORMATION CENTER
9 TO MAINTAIN A REGISTRY OF ORDERS OF PROTECTION; AND FOR
10 OTHER PURPOSES."

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Subtitle

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

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19 SECTION 1. (a) In addition to other duties as provided, the Arkansas
20 Crime Information Center (ACIC) shall maintain a registry of all orders of
21 protection and temporary orders of protection issued by a court of this state
22 or registered in this state. The court clerk shall immediately, upon receipt
23 of an authorized order of protection, temporary order of protection, and any
24 modification or cancellation of such orders, forward a copy to the sheriff of
25 the county for service. The sheriff shall immediately enter, or cause to be
26 entered, such orders and any subsequent modifications or cancellations, into
27 the ACIC system. If the sheriff does not have an ACIC terminal and entries
28 are made by another agency that does have an ACIC terminal, that agency shall
29 make such entries immediately upon receipt of information from the sheriff.
30 Only orders which are consistent with Section 3 (b) may be entered into the
31 ACIC system.

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(b) Information contained in the registry shall be determined by the
ACIC Supervisory Board. Orders of protection and temporary orders of
protection required to be entered into the ACIC system shall include, at a
minimum, the full name and date of birth of the subject of the order for
proper identification.

1 (c) Information contained in the registry shall be deemed confidential
2 and shall be available at all times only to courts, law enforcement and
3 prosecuting attorneys.

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5 SECTION 2. A certified copy of an order of protection issued in another
6 state may be filed in the office of the clerk of any chancery court of this
7 state.

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9 SECTION 3. (a) Any protection order issued that is consistent with
10 subsection (b) of this section by the issuing court of one (1) state or Indian
11 tribe shall be afforded full faith and credit by the courts of this state and
12 upon registration as provided in Section 2 of this act shall be enforced by
13 law enforcement as if it were issued in this state.

14 (b) A protection order issued by a state or tribal court is consistent
15 with this subsection if:

16 (1) Such court had jurisdiction over the parties and matters
17 under the laws of such state or Indian tribe; and

18 (2) Reasonable notice and opportunity to be heard was given to
19 the person against whom the order is sought sufficient to protect that
20 person_s right to due process. In the case of ex parte orders, notice and
21 opportunity to be heard must be provided within the time required by state or
22 tribal law, and in any event within a reasonable time after the order is
23 issued sufficient to protect the respondent_s due process rights. A
24 protection order issued by a state or tribal court against one who has
25 petitioned, filed a complaint, or otherwise filed a written pleading for
26 protection against abuse by a spouse or intimate partner is not entitled to
27 full faith and credit if:

28 (A) no cross or counter petition, complaint, or other
29 written pleading was filed seeking such a protection order; or

30 (B) a cross or counter petition has ben filed and the court
31 did not make specific findings that each party was entitled to such an order.

32 (c) After submission of an order of protection to the chancery clerk,
33 the chancellor shall review to determine whether it complies with subsection
34 (b) of this section. If it does, then the clerk shall register it and forward
35 *it to law enforcement as provided in Section 1. Furthermore, protection*

1 orders issued by a court of this state shall only be forwarded to law
2 enforcement as provided in Section 1 if the protection orders are consistent
3 with subsection (b) of this section.

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5 SECTION 4. Law enforcement officers shall be entitled to the same
6 immunity as when enforcing in-state orders if acting in good faith on out-of-
7 state orders.

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9 SECTION 5. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 6. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 7. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 SECTION 8. This act becomes effective on October 1, 1995.

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/s/Rep. Lynn, et al

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APPROVED: 4-6-95

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