

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 589 of the Regular Session

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Senator D. Johnson  
6

# A Bill

SENATE BILL 512

## 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.  
14

## Subtitle

15  
16 TO ALLOW FOR THE ISSUANCE OF A NO CONTACT  
17 ORDER BY A COURT IN CERTAIN  
18 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.

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33                   APPROVED: 03/23/2011  
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