

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: S3/25/15*

# A Bill

HOUSE BILL 1706

5 By: Representatives Ballinger, C. Douglas  
6 By: Senator B. King  
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## For An Act To Be Entitled

9 AN ACT CONCERNING THE INVESTIGATION AND PROSECUTION  
10 OF DOMESTIC VIOLENCE OFFENSES WHEN THE VICTIM IS NOT  
11 AVAILABLE TO TESTIFY; AND FOR OTHER PURPOSES.  
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### Subtitle

15 CONCERNING THE INVESTIGATION AND  
16 PROSECUTION OF DOMESTIC VIOLENCE OFFENSES  
17 WHEN THE VICTIM IS NOT AVAILABLE TO  
18 TESTIFY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is  
24 amended to add a new section to read as follows:

25 12-12-108. Domestic violence investigation - Victimless prosecution.

26 (a) A law enforcement agency that investigates a complaint or  
27 accusation of domestic violence shall do so in a manner that allows the  
28 prosecuting attorney to prosecute the offense if the prosecuting attorney has  
29 probable cause an offense was committed and achieve a guilty verdict based on  
30 evidence independent of the testimony of the victim of the offense.

31 (b) Compliance with this section may be achieved through the  
32 collection of evidence including without limitation:

33 (1) Witness statements;

34 (2) Properly obtained statements from the alleged offender;

35 (3) Medical records;

36 (4) Photographs or other media;



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(5) Other physical evidence; and  
(6) Statements from the victim that are exclusions or exceptions  
to Rule 802 of the Arkansas Rules of Evidence.

*/s/Ballinger*

**APPROVED: 04/01/2015**