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4

As Engrossed: H4/1/21

A Bill

HOUSE BILL 1739

5 By: Representatives Lundstrum, Bentley, M. Berry, Brooks, Brown, Christiansen, Cloud, C. Cooper,
6 Crawford, Milligan, Richmond, Rye, Scott, B. Smith, Wing, Wooten

7 By: Senator Bledsoe
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING THE VIOLATION OF A NO CONTACT ORDER
11 ISSUED BY A COURT IN RELATION TO CERTAIN OFFENSES,
12 INCLUDING SEX TRAFFICKING-RELATED AND TERRORISTIC
13 THREATENING OFFENSES; AND FOR OTHER PURPOSES.
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Subtitle

16
17 CONCERNING THE VIOLATION OF A NO CONTACT
18 ORDER ISSUED BY A COURT IN RELATION TO
19 CERTAIN OFFENSES, INCLUDING SEX
20 TRAFFICKING-RELATED AND TERRORISTIC
21 THREATENING OFFENSES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 16-85-714 is amended to read as follows:
27 16-85-714. No contact orders – Definitions.

28 (a) As used in this section:

29 (1) “Court” means a judge or judicial officer; and

30 (2) “No contact order” means an order issued by a court to a
31 defendant at or after his or her first appearance on charges as described
32 under Rule 8.1 of the Arkansas Rules of Criminal Procedure that prohibits the
33 defendant from contacting directly or indirectly a person in any manner or
34 from being within a certain distance of the person’s home or place of
35 employment.

36 (b)(1) A court may issue a no contact order under this section in



1 addition to any other condition of release from custody that is imposed by
2 the court if ~~it~~:

3 (A) The person is charged with one (1) or more of the
4 following offenses:

5 (i) Terroristic threatening, § 5-13-301;

6 (ii) Trafficking of persons, § 5-18-103; or

7 (iii) False imprisonment in the first degree, § 5-
8 11-103; or

9 (B) It appears that there exists a danger that a defendant
10 will ~~commit~~:

11 (i) Commit a serious crime, ~~seek~~;

12 (ii) Seek to intimidate a witness, ~~or otherwise~~; or

13 (iii) Otherwise unlawfully interfere with the
14 orderly administration of justice.

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

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

19 (A) The reasons the court issued the no contact order in
20 specific terms and description in reasonable detail of the purpose of the
21 order;

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

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

28 (C) A prohibition against the defendant's going to certain
29 described geographical areas or premises, including an imposition of a
30 restriction that the defendant stay at least one thousand five hundred feet
31 (1,500') from a person's location;

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

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

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

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

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

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

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

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

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

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

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

33 (c)(1) A court may set the duration of a no contact order issued under
34 this section for an additional period of time after the adjudication of the
35 offense for which the defendant was originally charged if it determines the
36 additional period of time is necessary to protect the safety of a person,

1 persons residing with the person, or members of the person's immediate
2 family.

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

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

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10 /s/Lundstrum

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APPROVED: 4/20/21

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