

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 1084 of 2001
SENATE BILL 846

5 By: Senators Cash, Wooldridge
6 By: Representatives Nichols, Shoffner, Agee, Biggs, Hausam, Haak, D. Elliott, Bright
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For An Act To Be Entitled

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9
10 AN ACT TO PREVENT WORKPLACE VIOLENCE; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO PREVENT WORKPLACE VIOLENCE.
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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) If an employer, or an employer's employee or invitee
20 have:

21 (1) Suffered unlawful violence by an individual as defined by
22 Arkansas Code 5-13-310, Terroristic act; Arkansas Code 5-14-103, Rape;
23 Arkansas Code 5-14-201 through 203, Battery; or Arkansas Code 5-26-301 through
24 309, Domestic battering and Assault on family or household member; or a Crime
25 of violence as defined by § 5-73-202(2); or

26 (2) Received a threat of violence by an individual which can
27 reasonably be construed as a threat which may be carried out at the worksite
28 as defined by Arkansas Code 5-13-301, Terroristic threatening; Arkansas Code
29 5-38-202, Threatening a catastrophe; Arkansas Code 5-13-204 through 207,
30 Assault; or Arkansas Code 5-26-304 through 306, Domestic battering; or

31 (3) Been stalked or harassed at the worksite as defined by
32 Arkansas Code 5-71-213, Loitering; Arkansas Code 5-39-203, Criminal trespass;
33 Arkansas Code 5-71-208, Harassment; or Arkansas Code 5-71-229, Stalking;
34 the employer may in addition to, or instead of, filing criminal charges
35 against the individual, seek a temporary restraining order, a preliminary
36 injunction, or an injunction under Rule 65 of the Arkansas Rules of Civil

1 Procedure, prohibiting further unlawful acts by that individual at the
 2 worksite, which shall include any place at which work is being performed on
 3 behalf of the employer.

4 (b)(1) Proof, by a preponderance of the evidence of any action
 5 described in subsection (a) of this section, shall constitute irreparable harm
 6 or damage to the employer, or employer's employee or invitee.

7 (2) Upon granting of any restraining order, preliminary
 8 injunction, or injunction, the court may, among other appropriate orders:

9 (A) Order the defendant not to visit, assault, molest, or
 10 otherwise interfere with the employer or the employer's operations, or the
 11 employer's employee or invitee at the employer's worksite;

12 (B) Order the defendant to cease stalking the employer's
 13 employee or invitee at the employer's worksite;

14 (C) Order the defendant to cease harassment of the employer
 15 or the employer's employee or invitee at the employer's worksite;

16 (D) Order the defendant not to abuse or injure the
 17 employer, including the employer's property, or the employer's employee or
 18 invitee at the employer's worksite;

19 (E) Order the defendant not to telephone the employer or
 20 the employer's employee or invitee at the employer's worksite; or

21 (F) Such other necessary and appropriate relief as deemed
 22 appropriate in the discretion of the court.

23 (c) When necessary to protect the employer or the employer's employee,
 24 invitee, or property, and when authorized by the court, temporary restraining
 25 orders, preliminary injunctions, and injunctions granted under this section
 26 may be served upon the defendant by a peace officer, sheriff, constable, or
 27 policeman, or other law enforcement officer whose duty it is to preserve the
 28 peace, or by any other person authorized by law to serve process, with
 29 appropriate orders to such officials to enforce the court's order.

30 (d) All orders and injunctions issued under this section shall have
 31 statewide validity, unless specifically modified or terminated by the issuing
 32 judge, and may be enforced by the issuing court for any violation anywhere in
 33 the state, and by any court of competent jurisdiction within the state for
 34 violations which may occur within that court's jurisdiction.

35 (e) All orders and injunctions issued under this section shall contain
 36 language directing appropriate law enforcement agencies to enforce the court's

1 orders.

2 (f) An employer and an employer's agents who act in accord with this
3 section shall be presumed to be acting in good faith and, unless lack of good
4 faith is shown by clear and convincing evidence, are immune from civil
5 liability for actions taken hereunder.

6 (g) Any employer, or its employee or invitee, which does not
7 utilize the procedures of this section, shall not be liable for negligence nor
8 shall evidence of the same be admissible as evidence of negligence.

9 (h)(1) This section is not applicable in circumstances where an
10 employee or the employee's representative is engaged in union organizing,
11 union activity, a labor dispute, or any activity or action arguably protected
12 by the National Labor Relations Act.

13 (2) Nothing in this section is intended to change the National
14 Labor Relations Act's preemptive regulation of legally protected activities,
15 nor to change the right of the State of Arkansas and its courts to regulate
16 activities not protected by the National Labor Relations Act.

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19 APPROVED: 3/26/2001
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