

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2175

5 By: Representative H. Wilkins
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For An Act To Be Entitled

8 AN ACT TO REPEAL THE LAW REQUIRING SUSPENSION OF
9 COURT ACTION REGARDING FAILURE TO PROVIDE CHILD
10 SUPPORT WHEN A PERSON PLEADS INSANITY IN A CONTEMPT
11 PROCEEDING; AND FOR OTHER PURPOSES.
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Subtitle

14 TO REPEAL THE LAW REQUIRING SUSPENSION OF
15 COURT ACTION REGARDING FAILURE TO PROVIDE
16 CHILD SUPPORT WHEN A PERSON PLEADS
17 INSANITY.
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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 Arkansas Code § 9-14-104 is repealed.

24 ~~9-14-104. Failure to support—Defense of insanity to contempt~~
25 ~~proceedings.~~

26 ~~(a) Whenever a person pleads insanity in contempt proceedings before a~~
27 ~~circuit judge for failure to make family support payments as ordered by the~~
28 ~~circuit judge or whenever the circuit judge has reason to believe that the~~
29 ~~defense of insanity will be raised or become an issue in the case, the~~
30 ~~circuit judge shall postpone all proceedings in the cause. He or she shall~~
31 ~~forthwith commit the contemnor to the Arkansas State Hospital where the~~
32 ~~contemnor will remain under observation for such time as the court will~~
33 ~~direct, but not exceeding one (1) month.~~

34 ~~(b) The circuit judge shall order the director or his or her designee~~
35 ~~of the Arkansas State Hospital to direct some competent physician or~~
36 ~~physicians employed by the Arkansas State Hospital to conduct observation and~~



1 ~~investigations of the mental conditions of the contemnor and to prepare a~~
 2 ~~written report thereof. On issuing the order, the circuit judge shall direct~~
 3 ~~the circuit clerk to notify the attorneys in the case of the issuance of the~~
 4 ~~order.~~

5 ~~(c) The action of the court in committing the contemnor for~~
 6 ~~examination shall not preclude the plaintiff or contemnor from calling expert~~
 7 ~~witnesses to testify at the trial. The expert witnesses shall have free~~
 8 ~~access to the contemnor for the purposes of observation and examination~~
 9 ~~during the period of his or her commitment to the Arkansas State Hospital for~~
 10 ~~examination.~~

11 ~~(d) The Arkansas State Hospital shall indicate separately the~~
 12 ~~contemnor's mental condition at the time of the alleged act of contempt. This~~
 13 ~~report shall be certified by the director or his or her designee of the~~
 14 ~~Arkansas State Hospital, under his or her seal, or by an affidavit duly~~
 15 ~~subscribed and sworn to by him or her before a notary public who shall add~~
 16 ~~his or her certificate and affix his or her seal thereto.~~

17 ~~(e) It is the specific intent of this section only to affect those~~
 18 ~~laws pertaining to mental health. Nothing in this section shall be deemed to~~
 19 ~~repeal or modify the provisions of §§ 20-64-701—20-64-707. No other laws~~
 20 ~~shall be affected in any manner, nor shall the inclusion of those laws within~~
 21 ~~the mental health laws in any way repeal or affect those laws as they~~
 22 ~~otherwise apply.~~

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 25 **APPROVED: 04/11/2013**
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