

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H4/8/21

A Bill

HOUSE BILL 1721

5 By: Representatives Gazaway, Clowney
6 By: Senators C. Tucker, Bledsoe, Hester
7

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "ARKANSAS PHOENIX ACT OF
10 2021"; CONCERNING THE STATUTE OF LIMITATIONS FOR
11 OFFENSES INVOLVING DOMESTIC VIOLENCE; CONCERNING THE
12 TRAINING GIVEN TO LAW ENFORCEMENT OFFICERS FOR
13 SITUATIONS IN WHICH DOMESTIC VIOLENCE IS SUSPECTED;
14 AND FOR OTHER PURPOSES.
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Subtitle

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18 TO BE KNOWN AS THE "ARKANSAS PHOENIX ACT
19 OF 2021"; CONCERNING THE STATUTE OF
20 LIMITATIONS FOR CERTAIN OFFENSES; AND
21 CONCERNING THE TRAINING GIVEN TO LAW
22 ENFORCEMENT OFFICERS FOR SITUATIONS IN
23 WHICH DOMESTIC VIOLENCE IS SUSPECTED.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. DO NOT CODIFY. Title.

29 This act shall be known and may be cited as the "Arkansas Phoenix Act
30 of 2021".
31

32 SECTION 2. Arkansas Code § 5-1-109, concerning the statute of
33 limitations for criminal offenses, is amended to add an additional subsection
34 to read as follows:

35 (k)(1) For an offense occurring after the effective date of this act,
36 if the period prescribed in subsection (b) of this section has expired, a



1 prosecution may nevertheless be commenced for an offense listed under
2 subdivision (k)(2) of this section within five (5) years of the expiration of
3 the limitations otherwise provided for under this section or for an offense
4 listed under subdivision (k)(3) of this section within three (3) years of the
5 expiration of the limitations otherwise provided for under this section, if
6 the offense has not previously been reported to a law enforcement agency or
7 prosecuting attorney and:

8 (A) The state discovers deoxyribonucleic acid (DNA)
9 evidence sufficient to charge the defendant after the period prescribed in
10 subsection (b) of this section has expired;

11 (B) The state becomes aware of the existence of an audio
12 or video recording, a photograph, or a written or electronic communication
13 that provides evidence sufficient to charge the defendant after the period
14 prescribed in subsection (b) of this section has expired;

15 (C) The defendant confesses to the offense and all other
16 elements of the offense are present; or

17 (D) Three (3) or more persons also victimized by the
18 defendant present other evidence of the commission of an offense listed under
19 subdivision (k)(2) of this section, as well as the commission of domestic
20 battering in the third degree, § 5-26-305, or first degree assault on a
21 family or household member, § 5-26-307, to a law enforcement agency or
22 prosecuting attorney against the same defendant.

23 (2) The applicable offenses under this subdivision (k)(2) are:

24 (A) Domestic battering in the first degree, § 5-26-303;

25 (B) Domestic battering in the second degree, § 5-26-304;

26 and

27 (C) Aggravated assault on a family or household member, §
28 5-26-306.

29 (3) The applicable offenses under this subdivision (k)(3) are:

30 (A) Domestic battering in the third degree, § 5-26-305;

31 and

32 (B) First degree assault on a family or household member,
33 § 5-26-307.

34 (4) As used in this subsection, "state" means a local law
35 enforcement agency, prosecuting attorney's office, or other law enforcement
36 agency with jurisdiction over the alleged offense.

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SECTION 3. Arkansas Code § 12-9-113 is amended to read as follows:
12-9-113. Domestic violence training.

(a)(1) In accordance with the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training for law enforcement officers, all new law enforcement officers in the State of Arkansas shall complete at least twenty (20) hours of training in domestic violence and twenty (20) hours of training in child abuse.

(2) Practicum training will also be sufficient for this requirement.

(b) Pertaining to domestic abuse, the topics that shall be covered are:

(1) The dynamics of domestic abuse;

(2) The Domestic Abuse Act of 1991, § 9-15-101 et seq.;

(3) Domestic abuse victim interview techniques;

(4) Supportive services available; ~~and~~

(5) Pro-arrest guidelines and drawbacks of dual arrest and practices to promote the safety of officers;

(6) Techniques for handling incidents of offenses involving a family or household member that minimize the likelihood of injury to the law enforcement officer and that promote the safety of the victim;

(7) The nature and extent of offenses involving a family or household member;

(8) The signs of offenses involving a family or household member;

(9) Criminal conduct that may be related to offenses involving a family or household member, including without limitation:

(A) Coercion for purposes of committing or impeding the investigation or prosecution of offenses involving a family or household member;

(B) Unlawful imprisonment;

(C) Extortion and the use of fear;

(D) Crimes of fraud; and

(E) Unlawful dissemination or publication of an intimate image;

(10) The assessment of lethality or signs of lethal violence in

1 offenses involving a family or household member;

2 (11) The legal rights of, and remedies available to, victims of
3 offenses involving a family or household member;

4 (12) Documentation, report writing, and evidence collection;

5 (13) Diversion of offenses involving a family or household
6 member;

7 (14) Tenancy issues with offenses involving a family or
8 household member;

9 (15) The impact on children of law enforcement intervention in
10 offenses involving a family or household member;

11 (16) The services and facilities available to victims and
12 offenders;

13 (17) The use and applications of the criminal law in situations
14 that involve family or household members;

15 (18) Verification and enforcement of orders of protection in
16 situations both in which the suspect is present and in which the suspect has
17 fled;

18 (19) Cite and release policies, as applicable; and

19 (20) Emergency assistance to victims and how to assist victims
20 in pursuing criminal justice options.

21 (c)(1) The training that addresses domestic violence under subsection
22 (b) of this section shall include a brief current and historical context on:

23 (A) Communities of color impacted by incarceration and
24 violence;

25 (B) Enforcement of criminal laws in situations in which an
26 offense against a family or household member has occurred;

27 (C) Availability of civil remedies and community
28 resources; and

29 (D) Protection of the victim.

30 (2) If appropriate, the training under subsection (b) of this
31 section shall include experts on domestic violence and other offenses
32 involving a family or household member, who may include victims and people
33 who have committed an offense involving a family or household member and have
34 been or are in the process of being rehabilitated, with expertise in the
35 delivery of direct services to victims and people who have committed an
36 offense involving a family or household member, including without limitation

1 utilizing the staff of shelters for victims.

2 ~~(e)~~(d) Pertaining to child abuse victim interview techniques, the
3 topics that shall be covered are:

4 (1) Current law, including the Child Maltreatment Act, § 12-18-
5 101 et seq., and the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

6 (2) Child sexual abuse; and

7 (3) Physical and behavioral indicators.

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/s/Gazaway

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APPROVED: 4/20/21

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