

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1038

"AN ACT CONCERNING AN ARREST FOR VIOLATION OF AN ORDER OF PROTECTION
AND THE PENALTY FOR THE OFFENSE OF VIOLATION OF AN ORDER OF
PROTECTION."

Amendment No. 1 to House Bill No. 1038.

Amend House Bill No. 1038 as originally introduced:

Page 1, add Representatives Cash, T. Baker, Hobbs, Lea, M. Martin, Pyle, Rice, Wagner, and B. Wilkins as co-sponsors to the bill.

AND

Page 1, add Senator D. Johnson as lead sponsor and Senator H. Wilkins as co-sponsor to the bill. Senator Broadway should remain as co-sponsor to the bill.

AND

Page 1, delete lines 30-32 and substitute:

"(2) Violation of an order of protection under this section is a Class D felony if:

(A) The offense is committed within five (5) years of a previous conviction for violation of an order of protection under this section;

(B) The order of protection was issued after a hearing of which the person received actual notice and at which the person had an opportunity to participate; and

(C) The facts constituting the violation on their own merit satisfy the elements of any felony offense or misdemeanor offense, not including an offense provided for in this section."

AND

Page 3, delete line 6 and substitute "whether or not the violation was in or outside occurred in the presence of the"

AND



Page 3, line 13, insert a new Section 3 to read as follows:

“SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that domestic violence is on the rise and poses a danger to the public; that increasing the penalty for repeat offenders aids both law enforcement and the victims of domestic violence and that this act is immediately necessary because current enforcement and prosecution will be greatly aided by the new, more serious penalties for those persons who repeatedly violate orders of protection. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator D. Johnson
BPG/BCS - 02-24-2009 15:57
BPG219 _____ Secretary