

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1059

TO AMEND THE LAW CONCERNING THE OFFENSE OF VIOLATION OF AN ORDER OF PROTECTION;
AND TO CRIMINALIZE THE VIOLATION OF A MILITARY ORDER OF PROTECTION.

Amendment No. 2 to House Bill No. 1059

Amend House Bill No. 1059 as engrossed, H1/17/17 (version: 01/17/2017 9:12:28 AM):

Add Representative Burch as a cosponsor of the bill

AND

Page 1, delete lines 28 through 30, and substitute the following:

"(i) The commanding general, a military judge, or a special courts-martial convening authority as authorized by § 12-64-406(b) issues a military"

AND

Immediately after SECTION 1, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 5-53-134(c), concerning the violation of an order of protection, is amended to read as follows:

(c)(1) A law enforcement officer may arrest and take into custody without a warrant ~~any~~ a person ~~who~~ whom the law enforcement officer has probable cause to believe:

(A) Is subject to an order of protection issued ~~pursuant to~~ under the laws of this state; and

(B) Has violated the terms of the order of protection, even if the violation did not take place in the presence of the law enforcement officer.

(2) Under § 9-15-302, a law enforcement officer or law enforcement agency may arrest and take into custody without a warrant ~~any~~ a person ~~who~~ whom the law enforcement officer or law enforcement agency has probable cause to believe:

(A) Is subject to:

(i) an An order of protection issued ~~pursuant to~~ under the laws or rules of another state, a federally recognized Indian tribe, or a territory; or

(ii) A military order of protection; and

(B) Has violated the terms of the ~~out-of-state~~ order of



protection issued under the laws or rules of the other state, federally recognized Indian tribe, or territory, or the military order of protection, even if the violation did not take place in the presence of the law enforcement officer.

(3)(A) If a service member is in the custody of a law enforcement agency as authorized in subdivision (c)(2) of this section, the law enforcement agency shall notify the office of the Adjutant General of the Arkansas National Guard within twenty-four (24) hours from the time the service member was placed in the custody of the law enforcement agency.

(B)(i) The Arkansas National Guard shall take custody of the service member within forty-eight (48) hours from the time the service member was placed in the custody of the law enforcement agency.

(ii) However, if the Arkansas National Guard does not take custody of the service member as required by subdivision (c)(3)(B)(i) of this section, the law enforcement agency shall release the service member."

AND

Page 2, line 22, delete "or"

AND

Page 2, delete line 24, and substitute the following:

"service member; or

(G) Has made allegations against the service member of violations of the punitive article of sexual misconduct as defined by § 12-64-845; and"

AND

Immediately after SECTION 3, add an additional section to read as follows:

"SECTION 5. Arkansas Code § 9-15-302(a), concerning full faith and credit by Arkansas courts of an order of protection, is amended to read as follows:

~~(a) Any order of protection that meets the requirements of subsection (b) or subsection (c) of this section issued by a court of another state, a federally recognized Indian tribe, or a territory shall be afforded full faith and credit by the courts of this state and shall be enforced by law enforcement as if it were issued in this state.~~

An order of protection shall be afforded full faith and credit by the courts of this state and shall be enforced by law enforcement as if it were issued in this state if the order of protection:

(1) Meets the requirements of subsection (b) or subsection (c) of this section and is issued by a court of another state, a federally recognized Indian tribe, or a territory; or

(2) Is a military order of protection as defined under § 5-53-134(f)(1)."

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative House
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DTP178

Chief Clerk