

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/17/05 H3/24/05

A Bill

HOUSE BILL 2680

5 By: Representatives L. Smith, Adcock, Blair, Borhauer, Bradford, Elliott, J. Johnson, Mahony, *Pickett*,
6 *D. Creekmore, Key*

7 By: Senators Madison, Argue, Broadway, Horn, Salmon
8
9

For An Act To Be Entitled

11 AN ACT TO AMEND DATING RELATIONSHIPS AND DOMESTIC
12 ABUSE LAWS; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND DATING RELATIONSHIPS AND
16 DOMESTIC ABUSE LAWS.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 9-15-103 is amended to read as follows:
22 9-15-103. Definitions.

23 As used in this chapter:

24 ~~(a)~~(1) "Domestic abuse" means:

25 ~~(1)~~(A) Physical harm, bodily injury, assault, or the
26 infliction of fear of imminent physical harm, bodily injury, or assault
27 between family or household members; or

28 ~~(2)~~(B) Any sexual conduct between family or household
29 members, whether minors or adults, which constitutes a crime under the laws
30 of this state;

31 ~~(b)~~(2) "Family or household members" means spouses, former
32 spouses, parents and children, persons related by blood within the fourth
33 degree of consanguinity, any children residing in the household, persons who
34 presently or in the past have resided or cohabited together, and persons who
35 have or have had a child in common, and persons who are presently or in the
36 past have been in a dating relationship together; and



1 (3)(A) "Dating relationship" means a romantic or intimate social
 2 relationship between two (2) individuals which shall be determined by
 3 examining the following factors:

4 (i) The length of the relationship;
 5 (ii) The type of the relationship; and
 6 (iii) The frequency of interaction between the two
 7 (2) individuals involved in the relationship.

8 (B) "Dating relationship" shall not include a casual
 9 relationship or ordinary fraternization between two (2) individuals in a
 10 business or social context.

11
 12 SECTION 2. Arkansas Code § 5-26-302 is amended to read as follows:
 13 5-26-302. Definitions.

14 As used in this subchapter,:

15 (1) "Family ~~Family~~ or household member" or "family or household
 16 members" means:

17 ~~(1)~~(A) Spouses;
 18 ~~(2)~~(B) Former spouses;
 19 ~~(3)~~(C) Parents;
 20 ~~(4)~~(D) Children, including any minors residing in the
 21 household;

22 ~~(5)~~(A)(E)(i) Persons related by blood within the fourth
 23 degree of consanguinity.

24 ~~(B)~~(ii) Degrees of consanguinity shall be computed
 25 pursuant to § 28-9-212;

26 ~~(6)~~(F) Persons who presently or in the past have resided
 27 or cohabited together; ~~and~~

28 ~~(7)~~(G) Persons who have or have had a child in common; ~~or~~

29 (H) Persons who are presently or in the past have been in
 30 a dating relationship together; and

31 (2)(A) "Dating relationship" means a romantic or intimate social
 32 relationship between two (2) individuals which shall be determined by
 33 examining the following factors:

34 (i) The length of the relationship;
 35 (ii) The type of the relationship; and
 36 (iii) The frequency of interaction between the two

1 (2) individuals involved in the relationship.

2 (B) "Dating relationship" shall not include a casual
3 relationship or ordinary fraternization between two (2) individuals in a
4 business or social context.

5
6 SECTION 3. Arkansas Code § 16-81-113(b) is amended to read as follows:

7 (b) As used in this section:

8 (1) "Domestic abuse" means:

9 (A) Physical harm, bodily injury, assault, or the
10 infliction of fear of imminent physical harm, bodily injury, or assault
11 between family or household members; or

12 (B) Any sexual conduct between family or household
13 members, whether minors or adults, which constitutes a crime under the laws
14 of this state; and

15 (2) "Family or household member" means spouses, former spouses,
16 parents and children, persons related by blood within the fourth degree of
17 consanguinity, any child residing in the household, persons who presently or
18 in the past have resided or cohabited together, and persons who have or have
19 had a child in common, and persons who are presently or in the past have
20 been in a dating relationship together; and

21 (3)(A) "Dating relationship" means a romantic or intimate social
22 relationship between two (2) individuals which shall be determined by
23 examining the following factors:

24 (i) The length of the relationship;

25 (ii) The type of the relationship; and

26 (iii) The frequency of interaction between the two

27 (2) individuals involved in the relationship.

28 (B) "Dating relationship" shall not include a casual
29 relationship or ordinary fraternization between two (2) individuals in a
30 business or social context.

31
32 SECTION 4. Arkansas Code § 9-15-203(b), concerning the petition
33 for protection orders, is amended to read as follows:

34 (b) The petition may be in substantially the following form:

35
36 Petition for Order of Protection

1 Case No. _____

2 _____ Petitioner's home address:

3
4 Petitioner _____
5 _____
6
7 _____

8 ~~Social Security Number~~ Date of Birth

9
10 Petitioner's work address:
11 _____

12 vs.

13
14 _____ Respondent's home address:

15 Respondent _____
16 _____
17 _____

18 ~~Social Security Number~~ Date of Birth

19 if known

20 Respondent's work address:
21 _____
22 _____

23
24 ___ I am the petitioner and ___ at least 18 years of age ___ under 18 but
25 emancipated.

26 ___ I am filing on behalf of myself.

27 ___ I am filing on behalf of a family or household member who is:

28 ___ A minor(s): (list) _____

29 ___ An adjudicated incompetent person: (list) _____

30 ___ The respondent is ___ at least 18 years of age ___ under 18 but
31 emancipated.

32 ___ The respondent and petitioner (or victim if filling on behalf of a minor
33 or incompetent person): (check all that apply)

- 34 ___ Are spouses;
- 35 ___ Are related by blood;
- 36 ___ Are parent and child;

- 1 ___ Currently reside together or cohabitately;
- 2 ___ Are former spouses;
- 3 ___ Formerly resided together or cohabitated;
- 4 ___ Have or have had a child in common; or
- 5 ___ Are presently or in the past have been in a dating relationship.

6 If order of protection of children is requested:

7	Children	Date of Birth	Address	Relationship to Parties
8	_____			
9	_____			
10	_____			
11	_____			

12 The respondent has committed domestic abuse to the petitioner or victim by
13 the following acts: (describe)

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 I am afraid of the respondent and: (describe)

24 _____

25 _____

26 _____

27 _____

28 _____

29 _____

30 _____ (1) There is an immediate and present danger of domestic abuse
31 to me; or

32 _____ (2) The respondent is scheduled to be released from
33 incarceration within thirty (30) days and upon the respondent's release there
34 will be an immediate and present danger of domestic abuse to me.

35 The reasons are as follows: (describe)

36 _____

1 _____
 2 _____
 3 _____
 4 _____

5 _____ Petitioner requests that the court issue an ex parte order of
 6 protection with the following provisions: (check all that apply)

7 _____ excluding the respondent from a shared residence or from the
 8 residence of the petitioner or victim. Address of residence:

9 _____
 10 _____

11 _____ excluding the respondent from the place of business, employment,
 12 school or other location of the petitioner or victim. Address of residence:

13 _____

14 _____ excluding the respondent from the place of business, employment,
 15 school or other location of the petitioner or victim. Address of:

16 place of business: _____

17 employment: _____

18 school: _____

19 other (identify): _____

20 Prohibiting the respondent, directly or through an agent, from
 21 contacting the petitioner or victim, except under the following conditions:

22 _____
 23 _____
 24 _____

25 _____ awarding temporary custody of minor children as follows:

26 Child's Name	Person to Receive Custody
-----------------	---------------------------

27 _____
 28 _____
 29 _____
 30 _____
 31 _____

32 _____ requiring the respondent to pay child support in the amount of
 33 \$_____ per child per month

34 _____ requiring the respondent to pay spousal support in the amount of
 35 \$_____ per month

36 _____ excluding the petitioner's address from notice to the respondent

1 _____ It is further requested that upon hearing the court issue a full
2 order of protection with the following provisions: (check all that apply)

3 _____ excluding the respondent from the shared residence or from the
4 residence of the petitioner or victim. Address of the residence:

5 _____

6 _____ excluding the respondent from the place of business, employment,
7 school or other location of the petitioner or victim. Address of:

8 place of business: _____

9 employment: _____

10 school: _____

11 other (identify): _____

12 _____ awarding temporary custody of minor children as follows:

Child's Name	Person to Receive Custody
--------------	---------------------------

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____ requiring the respondent to pay child support in the amount of
20 \$_____ per child per month

21 _____ requiring the respondent to pay spousal support in the amount of
22 \$_____ per month

23 _____ requiring the respondent to pay filing fees, service fees, court
24 costs and petitioner's attorney fees.

25 The petitioner under oath states that the facts stated in the above
26 petition are true according to the petitioner's best knowledge and belief.

27 _____

28 Date

_____ Petitioner's signature

29 STATE OF ARKANSAS

30 COUNTY OF _____

31 Subscribed and sworn to before me this _____ day of _____,
32 20 __.

33 _____
34 Notary Public

35 My Commission Expires:

36 _____

1 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
2 General Assembly of the State of Arkansas that individuals in dating
3 relationships are often the victims of domestic abuse; that current law does
4 not allow them to obtain an order of protection to protect themselves from
5 abuse; and that this act is immediately necessary to give individuals in
6 dating relationships the protection from domestic abuse that others are
7 afforded currently under the law. Therefore, an emergency is declared to
8 exist and this act being immediately necessary for the preservation of the
9 public peace, health, and safety shall become effective on:

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

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

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

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18 /s/ L. Smith, et al
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