

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2320

5 By: Representative Moore
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For An Act To Be Entitled

9 AN ACT TO COMPLY WITH STOP VIOLENCE AGAINST WOMEN
10 FORMULA GRANT PROGRAM AND DEPARTMENT OF JUSTICE
11 REAUTHORIZATION ACT OF 2005 FUNDING REQUIREMENTS;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14 TO COMPLY WITH STOP VIOLENCE AGAINST
15 WOMEN FORMULA GRANT PROGRAM AND
16 DEPARTMENT OF JUSTICE REAUTHORIZATION
17 ACT OF 2005 FUNDING REQUIREMENTS.
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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 Title 5, Chapter 26, Subchapter 2 is amended
24 to add an additional section to read as follows:

25 5-26-313. Notice.

26 A person who is convicted of any misdemeanor of domestic violence shall
27 be notified by the court that it is unlawful for the person to ship,
28 transport, or possess a firearm or ammunition pursuant to 18 U.S.C. §
29 922(g)(8) and (9) as it existed on January 1, 2007.
30

31 SECTION 2. Arkansas Code § 9-15-207 is amended to read as follows:

32 9-15-207. Protection order - Enforcement - Penalties - Criminal
33 jurisdiction.

34 (a) Any order of protection granted pursuant to this chapter shall be
35 enforceable by any law enforcement agency with proper jurisdiction.

36 (b) Any order of protection shall include a notice to the respondent



1 or party restrained that a violation of the order is a Class A misdemeanor
 2 carrying a maximum penalty of one (1) year imprisonment in the county jail or
 3 a fine of up to one thousand dollars (\$1,000), or both.

4 (c) Any order of protection shall include a notice to the respondent
 5 or party restrained that it is unlawful for an individual who is subject to a
 6 protective order or convicted of any misdemeanor of domestic violence to
 7 ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. §
 8 922(g)(8) and (9) as it existed on January 1, 2007.

9 (d) Jurisdiction for the criminal offense of violating the terms of an
 10 order of protection shall be with the circuit court or other courts having
 11 jurisdiction over criminal matters.

12 ~~(d)(1)~~ (e)(1) In the final order of protection, the petitioner's home
 13 or business address may specifically be excluded from notice to the
 14 respondent.

15 (2) A court shall also order that the petitioner's copy of the
 16 order of protection be excluded from any address where the respondent happens
 17 to reside.

18 ~~(e)(f)~~ (f) When a law enforcement officer has probable cause to believe
 19 that a respondent has violated an order of protection and has been presented
 20 verification of the existence of the order, the officer may, without a
 21 warrant, arrest the apparent violator whether the violation was in or outside
 22 the presence of the officer if the order was obtained according to this
 23 chapter and with the Arkansas Rules of Criminal Procedure.

24 ~~(f)(g)~~ (g) An order of protection issued by a court of competent
 25 jurisdiction in any county of this state is enforceable in every county of
 26 this state by any court or law enforcement officer.

27
 28 SECTION 3. Arkansas Code Title 12, Chapter 12, Subchapter 1 is amended
 29 to add an additional section to read as follows:

30 12-12-106. Investigations of an alleged sex offense.

31 (a) A law enforcement officer, prosecuting attorney, or other
 32 government official shall not ask or require an adult victim of an alleged
 33 sex offense, a youth victim of an alleged sex offense, or a child victim of
 34 an alleged sex offense to submit to a polygraph examination or an examination
 35 of any other truth-telling device as a condition of proceeding with the
 36 investigation of an alleged sex offense.

1 (b) The refusal of a victim of an alleged sex offense to submit to an
2 examination described in subsection (a) of this section shall not prevent the
3 investigation, charging, or prosecution of the alleged sex offense.

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5 SECTION 4. Arkansas Code § 12-12-403 is amended to read as follows:

6 12-12-403. Examinations and treatment - Payment.

7 (a) All licensed emergency departments shall provide prompt,
8 appropriate emergency medical-legal examinations for sexual assault victims.

9 (b)(1)(A) All victims shall be exempted from the payment of expenses
10 incurred as a result of receiving a medical-legal examination provided the
11 ~~following conditions are met:~~

12 ~~(1) The assault must be reported to a law enforcement agency;~~
13 ~~and~~

14 ~~(2)(A) The victim must receive the medical-legal examination~~
15 ~~within seventy-two (72) hours of the attack.~~

16 (B) However, the seventy-two-hour time limitation may be
17 waived if the victim is a minor or if the Crime Victims Reparations Board
18 finds that good cause exists for the failure to provide the exam within the
19 required time.

20 (2)(A) This subsection does not require a victim of sexual
21 assault to participate in the criminal justice system or to cooperate with
22 law enforcement in order to be provided with a forensic medical exam or
23 reimbursement for charges incurred on account of a forensic medical exam, or
24 both.

25 (B) Subdivision (b)(2)(A) of this section does not
26 preclude a report of suspected abuse or neglect as permitted or required by
27 the Arkansas Child Maltreatment Act, § 12-12-501 et seq.

28 (c)(1) A medical facility or licensed health care provider that
29 performs a medical-legal examination shall submit a sexual assault
30 reimbursement form, an itemized statement which meets the requirements of 45
31 C.F.R. 164.512(d), as it existed on January 2, 2001, directly to the board
32 for payment.

33 (2) The medical facility or licensed health care provider shall
34 not submit any remaining balance after reimbursement by the board to the
35 victim.

36 (3) Acceptance of payment of the expenses of the medical-legal

1 examination by the board shall be considered payment in full and bars any
2 legal action for collection.

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