

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

HOUSE BILL 1706

4  
5 By: Representative Ballinger

## For An Act To Be Entitled

8 AN ACT CONCERNING THE INVESTIGATION AND PROSECUTION  
9 OF DOMESTIC VIOLENCE OFFENSES WHEN THE VICTIM IS NOT  
10 AVAILABLE TO TESTIFY; AND FOR OTHER PURPOSES.

## Subtitle

11  
12  
13 CONCERNING THE INVESTIGATION AND  
14 PROSECUTION OF DOMESTIC VIOLENCE OFFENSES  
15 WHEN THE VICTIM IS NOT AVAILABLE TO  
16 TESTIFY.  
17  
18  
19

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

21  
22 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is  
23 amended to add a new section to read as follows:

24 12-12-108. Domestic violence investigation - Victimless prosecution.

25 (a) A law enforcement agency that investigates a complaint or  
26 accusation of domestic violence shall do so in a manner that allows the  
27 prosecuting attorney to prosecute the offense if the prosecuting attorney has  
28 probable cause an offense was committed and achieve a guilty verdict based on  
29 evidence independent of the testimony of the victim of the offense.

30 (b) Compliance with this section may be achieved through the  
31 collection of evidence including without limitation:

32 (1) Witness statements;

33 (2) Properly obtained statements from the alleged offender;

34 (3) Medical records;

35 (4) Photographs or other media;

36 (5) Other physical evidence; and



1                   (6) Statements from the victim that are exclusions or exceptions  
2 to Rule 802 of the Arkansas Rules of Evidence.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36