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4

A Bill

HOUSE BILL 1420

5 By: Representative C. Fite
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
9 SHELTER ACT; TO CREATE THE DOMESTIC VIOLENCE SHELTER
10 FUND; TO ESTABLISH PROCEDURES FOR FUNDING DOMESTIC
11 VIOLENCE SHELTERS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
15 SHELTER ACT; TO CREATE THE DOMESTIC
16 VIOLENCE SHELTER FUND; AND TO ESTABLISH
17 PROCEDURES FOR FUNDING DOMESTIC VIOLENCE
18 SHELTERS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 9, Chapter 6 is amended to add an
25 additional chapter, to comprise of Arkansas Code §§ 9-6-101 - 9-6-112, to
26 read as follows:

CHAPTER 6

ARKANSAS DOMESTIC VIOLENCE SHELTER ACT

9-6-101. Title.

31 This chapter shall be known and may be cited as the "Arkansas Domestic
32 Violence Shelter Act".
33

9-6-102. Definitions.

35 As used in this chapter:

36 (1) "Advocate" means an employee, supervisor, or administrator



1 of a shelter;

2 (2) "Dating relationship" means a romantic or intimate social
3 relationship between two (2) individuals that is not a casual relationship or
4 an ordinary fraternization in a business or social context and that is
5 determined by examining the following factors:

6 (A) The length of the relationship;

7 (B) The nature of the relationship; and

8 (C) The frequency of interaction between the two (2)
9 individuals involved in the relationship;

10 (3) "Domestic abuse" means:

11 (A) Physical harm, bodily injury, or assault against a
12 member of a family or a household by another member of the family or
13 household;

14 (B) The infliction of fear of imminent physical harm,
15 bodily injury, or assault between family or household members; or

16 (C) Sexual conduct between family or household members,
17 whether minors or adults, that constitutes a crime under the laws of this
18 state;

19 (4) "Family or household members" means:

20 (A) Spouses;

21 (B) Former spouses;

22 (C) Parents;

23 (D) Children;

24 (E) Persons related by blood within the fourth degree of
25 consanguinity;

26 (F) Persons who presently cohabit or in the past cohabited
27 together; and

28 (G) Persons who presently have one (1) or more children in
29 common;

30 (5) "Shelter" means an entity that:

31 (A) Provides services, including food, housing, advice,
32 counseling, and assistance to victims of domestic abuse and their minor
33 dependent children in this state; and

34 (B) Meets the program, fiscal, and training requirements
35 of this chapter; and

36 (6) "Volunteer" means a person who donates his or her time to

1 provide services to victims at a shelter.

2
3 9-6-103. Duties of the Arkansas Coalition Against Domestic Violence.
4 The Arkansas Coalition Against Domestic Violence or its designee, to
5 the extent funding is appropriated and available, shall:

6 (1) Annually evaluate each shelter receiving funds under this
7 chapter for compliance with the program, fiscal, and training requirements
8 under this chapter;

9 (2) Promulgate rules for the evaluation of each shelter
10 receiving funds under this chapter;

11 (3) Adopt a uniform system of recordkeeping to ensure the proper
12 handling of funds by a shelter receiving funding under this chapter;

13 (4) Provide training and technical assistance to shelters
14 receiving funding under this chapter to ensure minimum standards of service
15 delivery;

16 (5) Serve as a clearinghouse for information relating to
17 domestic abuse; and

18 (6) Provide educational programs on domestic abuse for the
19 benefit of the general public, victims, specific groups of persons, and other
20 persons as needed.

21
22 9-6-104. Receipt of money.

23 Except to the extent that money is available in the fund, the Arkansas
24 Coalition Against Domestic Violence shall not accept money or other
25 assistance from the federal government or any other entity or person if the
26 acceptance would obligate the State of Arkansas.

27
28 9-6-105. Determination of grant awards - Disbursement of funds.

29 (a) The Arkansas Coalition Against Domestic Violence shall:

30 (1) Establish the criteria for grant applications and awards
31 under this chapter;

32 (2) Review and grant or deny all or part of a grant application
33 submitted under this chapter; and

34 (3) Retain oversight of all grant expenditures under this
35 chapter.

36 (b) The coalition may disburse money appropriated from the Domestic

1 Violence Shelter Fund for the following purposes:

2 (1) To distribute a grant to a shelter that meets the
3 requirements of this chapter; and

4 (2)(A) To compensate the coalition for administrative costs
5 associated with the performance of its duties under this chapter.

6 (B) Compensation received by the coalition under
7 subdivision (b)(2)(A) of this section shall not exceed one percent (1%) of
8 the annual total of the fund.

9
10 9-6-106. Program requirements.

11 A shelter receiving funds under this chapter shall:

12 (1) Develop and implement a written nondiscrimination policy to
13 provide services without regard to race, religion, color, age, marital
14 status, national origin, ancestry, or sexual orientation;

15 (2) Provide a facility that is open, accessible, and staffed by
16 an advocate or a volunteer each day of the calendar year and twenty-four (24)
17 hours each day;

18 (3) Provide emergency housing and related supportive services in
19 a safe, and protective environment for victims of domestic abuse and their
20 children;

21 (4)(A) Provide a crisis telephone hotline that is answered by an
22 advocate or a volunteer who meets the training requirements under this
23 chapter each day of the calendar year and twenty-four (24) hours each day.

24 (B) The crisis telephone hotline required under
25 subdivision (4)(A) of this section shall not be answered by an answering
26 machine, answering service, or mobile telephone voicemail;

27 (5)(A) Require all advocates and volunteers who provide direct
28 services to victims to sign a written confidentiality agreement that
29 prohibits the release of:

30 (i) The name or other personal and identifying
31 information about a victim served at the shelter; and

32 (ii) The name or other personal and identifying
33 information about a family or household member of a victim served at the
34 shelter.

35 (B) The confidentiality agreement shall not apply to an
36 advocate who testifies in court.

1 (C) The confidentiality agreement required under
 2 subdivision (5)(A) of this section does not:

3 (i) Apply to an advocate who testifies in court; or

4 (ii) Prevent disclosure for federal grant review,
 5 audit, or reporting;

6 (6) Develop and implement a written plan for outreach efforts to
 7 aid victims of domestic violence;

8 (7) Provide peer support groups for victims;

9 (8) Provide assistance and court advocacy for victims seeking
 10 orders of protection; and

11 (9) Provide training and educational information on domestic
 12 violence for professionals, community organizations, and interested
 13 individuals.

14
 15 9-6-107. Fiscal requirements.

16 A shelter receiving funds under this chapter shall:

17 (1) Incorporate in this state as a private nonprofit corporation
 18 that is exempt from taxation under Section 501(c)(3) of the Internal Revenue
 19 Code, 26 U.S.C. § 501(c)(3), and that has the primary purpose of providing
 20 services to victims of domestic abuse or domestic violence;

21 (2) Be governed by a board of directors;

22 (3) Develop and implement written personnel policies that state
 23 the shelter's employment practices;

24 (4) Develop and implement written procedures that conform with
 25 the uniform system of recordkeeping developed by the Arkansas Coalition
 26 Against Domestic Violence or its designee to ensure proper handling of funds;
 27 and

28 (5) Provide the coalition or its designee with statistical data
 29 that states the following:

30 (A) The type of services provided by the shelter; and

31 (B) The number of victims and children served each year.

32
 33 9-6-108. Training requirements.

34 A shelter receiving funds under this chapter shall:

35 (1)(A) Require each member of its board of directors to attend
 36 an orientation approved by the Arkansas Coalition Against Domestic Violence

1 or its designee within six (6) months after joining the board of directors.

2 (B) The orientation required under subdivision (1)(A) of
 3 this section shall include an explanation of the dynamics of domestic
 4 violence and the role of a board member;

5 (2)(A) Require each advocate and volunteer who provides direct
 6 services to victims to attend fifteen (15) hours of initial staff training
 7 approved by the coalition or its designee.

8 (B) The initial staff training required under subdivision
 9 (2)(A) of this section shall include without limitation the following topics
 10 of instruction:

- 11 (i) Crisis intervention;
- 12 (ii) Case management;
- 13 (iii) Safety planning;
- 14 (iv) Individual or group facilitation; and
- 15 (v) Proper procedure for answering the crisis
 16 telephone hotline; and

17 (3)(A) Require each advocate who provides direct services to
 18 victims to attend ten (10) hours of continuing education annually that is
 19 approved by the coalition or its designee.

20 (B) The continuing education required under subdivision
 21 (3)(A) of this section shall include without limitation the following topics
 22 of instruction:

- 23 (i) Crisis intervention;
- 24 (ii) Case management;
- 25 (iii) Safety planning;
- 26 (iv) Individual or group facilitation; and
- 27 (v) The proper procedure for answering the crisis
 28 telephone hotline.

29
 30 9-6-109. Right of entry.

31 The Arkansas Coalition Against Domestic Violence or its designee may
 32 enter and inspect the premises of a shelter receiving funds under this
 33 chapter to perform an annual evaluation or to otherwise determine compliance
 34 with this chapter.

1 9-6-110. Reports.

2 The Arkansas Coalition Against Domestic Violence or its designee shall
 3 provide an annual report by October 1 of each year to the Chair of the Senate
 4 Interim Committee on Children and Youth and the Chair of the House Committee
 5 on Aging, Children and Youth, Legislative and Military Affairs containing the
 6 following information:

7 (1) The incidence of domestic violence in this state based on
 8 information obtained from shelters receiving funds under this chapter;

9 (2) A description of shelters that meet the requirements of and
 10 receive funding from the coalition or its designee under this chapter; and

11 (3) The number of persons assisted by the shelters that receive
 12 funding from the coalition or its designee under this chapter.

13
 14 9-6-111. Disclosure of information.

15 Information received by the Arkansas Coalition Against Domestic
 16 Violence, its employees, or its designees through files, reports,
 17 evaluations, inspections, or otherwise is confidential and shall not be
 18 disclosed publicly in a manner that identifies an individual or facility.

19
 20 9-6-112. Immunity from civil liability.

21 The Arkansas Coalition Against Domestic Violence, its employees, and
 22 its designees shall be immune from civil liability for performing duties
 23 under this chapter.

24
 25 SECTION 2. Arkansas Code § 16-10-305, concerning court costs levied
 26 against and collected from a defendant, is amended to add an additional
 27 subsection to read as follows:

28 (h)(1) An additional court cost of twenty-five dollars (\$25.00) shall
 29 be assessed and remitted to the Administration of Justice Funds Section of
 30 the Office of Administrative Services of the Department of Finance and
 31 Administration by the court clerk for deposit as special revenues into the
 32 Domestic Violence Shelter Fund if a person is a perpetrator of domestic abuse
 33 and is:

34 (A) Convicted of an offense under § 5-26-301 et seq.; or

35 (B) The respondent on a permanent order of protection
 36 entered by a court under the Domestic Abuse Act of 1991, § 9-15-101 et seq.

1 (2) When a convicted person is authorized to make installment
2 payments under § 16-13-704, the court cost assessed under subdivision (h)(1)
3 of this section shall be collected from the initial installment payment
4 first.

5 (3) The court clerk shall disburse all court costs collected
6 each month under subdivision (h)(1) of this section to the Administration of
7 Justice Funds Section of the Office of Administrative Services of the
8 Department of Finance and Administration by the fifteenth working day of the
9 following month.

10
11 SECTION 3. Arkansas Code § 16-13-704(a), concerning a defendant's
12 payment of a fine by means of installment payments when authorized by the
13 court, is amended to add an additional subdivision, to read as follows:

14 (3) When a person is authorized to pay a fine on an installment
15 basis, any court cost assessed under § 16-10-305(h) shall be collected from
16 the initial installment payment first.

17
18 SECTION 4. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended
19 to include an additional section to read as follows:

20 19-6-833. Domestic Violence Shelter Fund.

21 (a) There is created on the books of the Treasurer of State, the
22 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
23 fund to be known as the "Domestic Violence Shelter Fund".

24 (b) The fund shall be used to provide funding for statewide grants
25 awarded and disbursed to domestic violence shelters established under the
26 Arkansas Domestic Violence Shelter Act, § 9-6-101 et seq.

27 (c) The fund shall consist of:

28 (1) The special revenues collected under § 16-10-305(h);

29 (2) Moneys obtained from private grants or other sources that
30 are designated to be credited to the fund; and

31 (3) Any other revenues authorized by law.

32 (d) The fund shall be used by the Arkansas Coalition Against Domestic
33 Violence as provided under the Arkansas Domestic Violence Shelter Act, § 9-6-
34 101 et seq.

1 SECTION 5. Arkansas Code § 19-6-301, concerning the enumeration of
2 special revenues, is amended to add an additional subdivision to read as
3 follows:

4 (253) Fees collected under § 12-12-1510(c); ~~and~~

5 (254) All permit and license fees received by Arkansas Tobacco Control
6 under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq.; and

7 (255) Revenues collected under § 16-10-305(h).

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