

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1176

5 By: Representative Tucker
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE OFFENSE OF HARASSING
10 COMMUNICATIONS; AND FOR OTHER PURPOSES.
11

Subtitle

14 CONCERNING THE OFFENSE OF HARASSING
15 COMMUNICATIONS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-71-209 is amended to read as follows:
21 5-71-209. Harassing communications.

22 (a) As used in this section, "electronic device" includes a computer,
23 cell phone, tablet, smartphone, or any other device that connects to the
24 Internet or is used in the electronic transmission of communication or
25 information.

26 ~~(a)~~(b) A person commits the offense of harassing communications if,
27 with the purpose to harass, annoy, or alarm another person, the person:

28 (1) Communicates with a person, anonymously or otherwise, by
29 telephone, telegraph, mail, email, message delivered to an electronic device,
30 or any other form of written or electronic communication, in a manner likely
31 to harass, annoy, or cause alarm;

32 (2) Makes a telephone call or causes a telephone to ring
33 repeatedly, with no purpose of legitimate communication, regardless of
34 whether a conversation ensues; or

35 (3) Knowingly permits any telephone or electronic device under
36 his or her control to be used for any purpose prohibited by this section.



1 ~~(b)~~(c) An offense involving use of a telephone or electronic device
 2 may be prosecuted in the county where the defendant was located when he or
 3 she used a the telephone or electronic device, or in the county where the
 4 telephone made to ring by the defendant or the electronic device that
 5 received a message or email from the defendant was located.

6 ~~(e)~~(d) Harassing communications is a Class A misdemeanor.

7 ~~(d)~~(1)~~(e)~~(1) Upon the pretrial release of the defendant, a judicial
 8 officer shall enter a no contact order in writing consistent with Rules 9.3
 9 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to
 10 the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of
 11 Criminal Procedure.

12 (2) ~~This~~ The no contact order under subdivision (e)(1) of this
 13 section remains in effect during the pendency of any appeal of a conviction
 14 under this section.

15 (3) The judicial officer or prosecuting attorney shall provide a
 16 copy of ~~this~~ the no contact order under subdivision (e)(1) of this section to
 17 the victim and arresting agency without unnecessary delay.

18 ~~(e)~~(f) If ~~the~~ a judicial officer has reason to believe that mental
 19 disease or defect of the defendant will or has become an issue in ~~the cause a~~
 20 prosecution under this section, the judicial officer shall enter such orders
 21 as are consistent with § 5-2-305.

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 24 **APPROVED: 02/06/2017**
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