

INTERIM STUDY PROPOSAL 2009-231

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

BPG/BPG
HOUSE BILL

4 By: Representative D. Creekmore

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8 Filed with: House Committee on Judiciary
9 pursuant to A.C.A. §10-3-217.

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11 **For An Act To Be Entitled**

12 AN ACT TO REQUIRE A PERSON TO DISCLOSE HIS OR HER
13 PRIOR CRIMINAL RECORD WHEN PETITIONING FOR AN EX
14 PARTE ORDER OF PROTECTION; AND FOR OTHER
15 PURPOSES.

16
17 **Subtitle**

18 TO REQUIRE A PERSON TO DISCLOSE HIS OR
19 HER PRIOR CRIMINAL RECORD WHEN
20 PETITIONING FOR AN EX PARTE ORDER OF
21 PROTECTION.

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

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26 SECTION 1. Arkansas Code § 9-15-201 is amended to read as follows:
27 9-15-201. Petition – Requirements generally.

28 (a) All petitions under this chapter shall be verified.

29 (b) The petition shall be filed in the county where the petitioner
30 resides, where the alleged incident of abuse occurred, or where the
31 respondent may be served.

32 (c)(1) A petition for relief under this chapter may be filed in the
33 circuit court.

34 (2) A petition for relief under this chapter may be filed in a
35 pilot district court if the jurisdiction is established by the Supreme Court
36 under Amendment 80, Section 7 of the Arkansas Constitution and if the cases

1 are assigned to the pilot district court through the Court Administrative
2 Plan under the Arkansas Supreme Court Administrative Order No. 14.

3 (d) A petition may be filed by:

4 (1) Any adult family or household member on behalf of himself or
5 herself;

6 (2) Any adult family or household member on behalf of another
7 family or household member who is a minor, including a married minor;

8 (3) Any adult family or household member on behalf of another
9 family or household member who has been adjudicated an incompetent; or

10 (4) An employee or volunteer of a domestic-violence shelter or
11 program on behalf of a minor, including a married minor.

12 (e)(1) A petition for relief shall:

13 (A) Allege the existence of domestic abuse;

14 (B) Disclose the existence of any pending litigation
15 between the parties; ~~and~~

16 (C) Disclose any prior filings of a petition for an order
17 of protection under this chapter; and

18 (D) Disclose whether the petitioner has been previously
19 convicted of a felony or of domestic battery in the third degree, § 5-26-305,
20 if he or she is requesting temporary custody of a minor child pursuant to an
21 ex parte order of protection under § 9-15-206.

22 (2) The petition shall be accompanied by an affidavit made under
23 oath that states the specific facts and circumstances of the domestic abuse
24 and the specific relief sought.

25 (f) The petition may be filed regardless of whether there is any
26 pending litigation between the parties.

27 (g) A person's right to file a petition, or obtain relief hereunder
28 shall not be affected by his or her leaving the residence or household to
29 avoid abuse.