

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 2083

4 By: Representatives Lynn and Madison

5

6

7

For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE ARKANSAS CRIME INFORMATION CENTER
9 TO MAINTAIN A REGISTRY OF ORDERS OF PROTECTION; AND FOR
10 OTHER PURPOSES."

11

12

Subtitle

13 "TO REQUIRE THE ARKANSAS CRIME
14 INFORMATION CENTER TO MAINTAIN A
15 REGISTRY OF ORDERS OF PROTECTION."

16

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

18

19 SECTION 1. (a) In addition to other duties as provided, the Arkansas
20 Crime Information Center (ACIC) shall maintain a registry of all orders of
21 protection and temporary orders of protection issued by a court of this state
22 or registered in this state. The court clerk shall immediately, upon receipt
23 of an authorized order of protection, temporary order of protection, and any
24 modification or cancellation of such orders, forward a copy to the sheriff of
25 the county for service. The sheriff shall immediately enter, or cause to be
26 entered, such orders and any subsequent modifications or cancellations, into
27 the ACIC system. If the sheriff does not have an ACIC terminal and entries
28 are made by another agency that does have an ACIC terminal, that agency shall
29 make such entries immediately upon receipt of information from the sheriff.
30 Only orders which are consistent with Section 3 (b) may be entered into the
31 ACIC system.

32 (b) Information contained in the registry shall be determined by the
33 ACIC Supervisory Board. Orders of protection and temporary orders of
34 protection required to be entered into the ACIC system shall include, at a
35 minimum, the full name and date of birth of the subject of the order for

1 *proper identification.*

2 (c) Information contained in the registry shall be deemed confidential
3 and shall be available at all times only to courts, law enforcement and
4 prosecuting attorneys.

5

6 SECTION 2. A certified copy of an order of protection issued in
7 another state may be filed in the office of the clerk of any chancery court
8 of this state.

9

10 SECTION 3. (a) Any protection order issued that is consistent with
11 subsection (b) of this section by the issuing court of one (1) state or
12 Indian tribe shall be afforded full faith and credit by the courts of this
13 state and upon registration as provided in Section 2 of this act shall be
14 enforced by law enforcement as if it were issued in this state.

15 (b) A protection order issued by a state or tribal court is consistent
16 with this subsection if:

17 (1) Such court had jurisdiction over the parties and matters
18 under the laws of such state or Indian tribe; and

19 (2) Reasonable notice and opportunity to be heard was given to
20 the person against whom the order is sought sufficient to protect that
21 person's right to due process. In the case of ex parte orders, notice and
22 opportunity to be heard must be provided within the time required by state or
23 tribal law, and in any event within a reasonable time after the order is
24 issued sufficient to protect the respondent's due process rights. A
25 protection order issued by a state or tribal court against one who has
26 petitioned, filed a complaint, or otherwise filed a written pleading for
27 protection against abuse by a spouse or intimate partner is not entitled to
28 full faith and credit if:

29 (A) no cross or counter petition, complaint, or other
30 written pleading was filed seeking such a protection order; or

31 (B) a cross or counter petition has been filed and the
32 court did not make specific findings that each party was entitled to such an
33 order.

34 (c) After submission of an order of protection to the chancery clerk,
35 the chancellor shall review to determine whether it complies with subsection

1 (b) of this section. If it does, then the clerk shall register it and
2 forward it to law enforcement as provided in Section 1. Furthermore,
3 protection orders issued by a court of this state shall only be forwarded to
4 law enforcement as provided in Section 1 if the protection orders are
5 consistent with subsection (b) of this section.

6

7 SECTION 4. Law enforcement officers shall be entitled to the same
8 immunity as when enforcing in-state orders if acting in good faith on out-of-
9 state orders.

10

11 SECTION 5. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

14

15 SECTION 6. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

20

21 SECTION 7. All laws and parts of laws in conflict with this act are
22 hereby repealed.

23

24 SECTION 8. *This act becomes effective on October 1, 1995.*

25

/s/Rep. Lynn, et al

26

27

28

29

30

31

32

33

34

35

As Engrossed: 3/22/95

HB 2083

1

2

3

0314951200.vjf397