

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Representative Sheppard  
5 Senator Mahony  
6

# A Bill

HOUSE BILL 1222

## For An Act To Be Entitled

8 "AN ACT TO PREVENT WORKPLACE VIOLENCE; AND FOR OTHER  
9 PURPOSES."

### Subtitle

12 "TO PREVENT WORKPLACE VIOLENCE"

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

16 SECTION 1. (a) If an employer, or an employer\_s employee(s) or  
17 invitee(s) have:

18 (1) suffered unlawful violence by an individual as defined by  
19 Arkansas Code Annotated § 5-13-310 (terroristic act), § 5-14-103 (rape),  
20 §§ 5-14-201 - 203 (battery), or § 5-26-301 (wife battering); or

21 (2) received a threat of violence by an individual which can  
22 reasonably be construed as a threat which may be carried out at the worksite  
23 as defined by Arkansas Code Annotated § 5-13-301 (terroristic threatening),  
24 § 5-38-202 (threatening catastrophe), §§ 5-13-204 - 207 (assault), or  
25 §§ 5-26-304 - 306 (assault on wife); or

26 (3) been stalked or harassed at the worksite as defined by  
27 Arkansas Code Annotated § 5-71-213 (loitering), § 5-39-203 (criminal  
28 trespass), § 5-71-208 (harassment), or § 5-71-229 (stalking);  
29 the employer may (in addition to, or instead of, filing criminal charges  
30 against the individual) seek a temporary restraining order, a preliminary  
31 injunction, and an injunction pursuant to Rule 65 of the Arkansas Rules of  
32 Civil Procedure, prohibiting further unlawful acts by that individual at the  
33 worksite, which shall include any place at which work is being performed on  
34 behalf of the employer.

35 (b) Proof (by affidavit in an ex parte hearing, or by a preponderance  
36 of the evidence in any other hearing) of any action described in subsection

1 (a) shall constitute irreparable harm or damage to the employer, or employer\_s  
2 employee(s) or invitee(s). Upon granting of any restraining order,  
3 preliminary injunction, or injunction, the court may, among other appropriate  
4 orders:

5 (1) order the defendant not to visit, assault, molest, or  
6 otherwise interfere with the employer or the employer\_s operations, or the  
7 employer\_s employee(s) or invitee(s) at the employer\_s worksite;

8 (2) order the defendant to cease stalking the employer\_s  
9 employee(s) or invitee(s) at the employer\_s worksite;

10 (3) order the defendant to cease harassment of the employer or  
11 the employer\_s employee(s) or invitee(s) at the employer\_s worksite;

12 (4) order the defendant not to abuse or injure the employer,  
13 including the employer\_s property, or the employer\_s employee(s) or invitee(s)  
14 at the employer\_s worksite;

15 (5) order the defendant not to telephone the employer or the  
16 employer\_s employee(s) or invitee(s) at the employer\_s worksite;

17 (6) such other necessary and appropriate relief as deemed  
18 appropriate in the discretion of the court.

19 (c) When necessary to protect the employer or the employer\_s  
20 employee(s), invitee(s), or property, and when authorized by the court,  
21 temporary restraining orders, preliminary injunctions, and injunctions granted  
22 pursuant to the provisions of this act may be served upon the defendant by a  
23 peace officer, sheriff, constable, or policeman, or other officer whose duty  
24 it is to preserve the peace, with appropriate orders to such officials to  
25 enforce the court\_s order.

26 (d) All orders and injunctions issued pursuant to the provisions of  
27 this act shall have statewide validity, unless specifically modified or  
28 terminated by the issuing judge, and may be enforced by the issuing court for  
29 any violation anywhere in the state, and by any court of competent  
30 jurisdiction within the state for violations which may occur within that  
31 court\_s jurisdiction.

32 (e) An employer and an employer\_s agents who act in accord with the  
33 provisions of this act shall be presumed to be acting in good faith and,  
34 unless lack of good faith is shown by clear and convincing evidence, are  
35 immune from civil liability for actions taken hereunder.

36 (f) Any employer, or its employee(s) or invitee(s), which does not

1 utilize the procedures authorized by this act, shall not be liable for  
2 negligence nor shall evidence of the same be admissible as evidence of  
3 negligence.

4 (g) The provisions of this act shall apply beginning on the effective  
5 date of this act.

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7 SECTION 2. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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