

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/2/01*

# A Bill

HOUSE BILL 1046

5 By: Representatives Judy, Shoffner, Borhauer, Dees  
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## For An Act To Be Entitled

9 AN ACT TO *ESTABLISH* ADVOCATE-VICTIM  
10 *CONFIDENTIALITY* FOR VICTIMS OF DOMESTIC ABUSE;  
11 AND FOR OTHER PURPOSES.  
12

### Subtitle

13 TO ESTABLISH ADVOCATE-VICTIM  
14 *CONFIDENTIALITY* FOR VICTIMS OF  
15 DOMESTIC ABUSE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. For purposes of this act:

22 (1) "Domestic abuse" means:

23 (A) Physical harm, bodily injury, assault, or the infliction of  
24 fear of imminent physical harm, bodily injury, or assault between family or  
25 household members; or

26 (B) Any sexual conduct between family or household members,  
27 whether minors or adults, which constitutes a crime under the laws of this  
28 state;

29 (2) "Domestic abuse advocate" means any employee or volunteer who:

30 (A) Has at least thirty (30) hours of specialized domestic  
31 violence training in assisting victims of domestic abuse; and

32 (B) Is an employee of, or volunteer for, a domestic abuse center  
33 or other program for victims of domestic abuse whose primary purpose is to  
34 provide advice, counseling, or assistance to victims of domestic abuse;

35 (3) "Domestic abuse center" means any public or private agency that  
36 offers assistance to victims of domestic abuse, as defined in Arkansas Code 9-

1 15-103; and

2 (4) "Victim" means a person who consults a domestic abuse advocate for  
3 the purpose of securing advice, counseling, or assistance concerning a mental,  
4 physical, or emotional condition caused by an act of domestic abuse, an  
5 alleged act of domestic abuse, or an attempted act of domestic abuse.

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7 SECTION 2. (a) Any communication between a domestic abuse advocate and  
8 a victim is confidential if it relates to the incident of domestic abuse for  
9 which the victim is seeking assistance and if it is not intended to be  
10 disclosed to third persons other than those persons:

11 (1) Who are present to further the interests of the victim in the  
12 consultation, assessment or interview; or

13 (2) To whom disclosure is reasonably necessary to accomplish the  
14 purpose for which the domestic abuse advocate is consulted, including but not  
15 limited to Victim Assistance Coordinators.

16 (b)(1) Unless a court orders the disclosure of the confidential  
17 communications, a victim may refuse to disclose, and to prevent any other  
18 person from disclosing a confidential communication made by the victim to a  
19 domestic abuse advocate or any record made in the course of advising,  
20 counseling, or assisting the victim.

21 (2) The confidential communications shall be those made between  
22 the victim and the domestic abuse advocate and to records of those  
23 communications.

24 (c) Unless required to disclose the confidential communications by  
25 court order finding just cause, the confidential communications may be claimed  
26 by:

27 (1) The victim or the victim's attorney on behalf of the victim;

28 (2) A guardian or conservator of the victim unless the guardian  
29 or conservator is the alleged perpetrator;

30 (3) The personal representative of a deceased victim; or  
31 The domestic abuse advocate, but only on behalf of the victim.

32 (d) If a domestic abuse advocate has reasonable cause to suspect child  
33 mal treatment or that the child has died as a result of child mal treatment, or  
34 who observes a child being subjected to conditions or circumstances which  
35 would reasonably result in child mal treatment, the domestic abuse advocate  
36 shall immediately notify the child abuse hotline.

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*/s/ Judy, et al.*