

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: S3/15/01

A Bill

HOUSE BILL 1049

5 By: Representatives Judy, Shoffner, Lendall, Borhauer, Dees, *Horn*
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For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE 9-15-301 AND TO
10 AMEND ARKANSAS CODE 9-15-302 PERTAINING TO THE
11 FULL FAITH AND CREDIT FOR OUT-OF-STATE PROTECTION
12 ORDERS; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO REPEAL ARKANSAS CODE 9-15-301 AND TO
15 AMEND ARKANSAS CODE 9-15-302 PERTAINING
16 TO THE FULL FAITH AND CREDIT FOR OUT-OF-
17 STATE PROTECTION ORDERS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 9-15-301 is hereby repealed:

24 ~~9-15-301. Filing in this state.~~

25 ~~A certified copy of an order of protection issued in another state may~~
26 ~~be filed in the office of the clerk of any chancery court of this state.~~
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28 SECTION 2. Arkansas Code 9-15-302 is amended to read as follows:

29 9-15-302. Full faith and credit.

30 (a) Any protection order issued that is consistent with subsection (b)
31 of this section by the issuing court of one state or Indian tribe shall be
32 afforded full faith and credit by the courts of this state, ~~and upon~~
33 ~~registration as provided in § 9-15-301,~~ and shall be enforced by law
34 enforcement as if it were issued in this state.

35 (b) A protection order issued by a state or tribal court is consistent
36 with this section if:

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

3 (2)(A) Reasonable notice and opportunity to be heard was given to
4 the person against whom the order is sought sufficient to protect that
5 person's right to due process.

6 (B) In the case of ex parte orders, notice and opportunity
7 to be heard ~~must~~ shall be provided within the time required by state or tribal
8 law and, in any event, within a reasonable time after the order is issued
9 sufficient to protect the respondent's due process rights.

10 ~~(c) A protection order issued by a state or tribal court against one
11 who has petitioned, filed a complaint, or otherwise filed a written pleading
12 for protection against abuse by a spouse or intimate partner is not entitled
13 to full faith and credit if:~~

14 ~~(1) No cross or counter petition, complaint, or other written
15 pleading was filed seeking such a protection order; or~~

16 ~~(2)(A) A cross or counter petition has been filed; and~~

17 ~~(B) The court did not make specific findings that each
18 party was entitled to such an order.~~

19 (c) A protection order issued against both the petitioner and the
20 respondent by a court of another state, tribe, or territory shall not be
21 enforceable against the petitioner unless:

22 (1) The respondent filed a cross or counter petition, complaint,
23 or other written pleading seeking a protection order; and

24 (2) The issuing court made specific findings against both the
25 petitioner and the respondent and determined that that each party was entitled
26 to an order.

27 ~~(d)(1) After submission of an order of protection to the chancery
28 clerk, the chancellor shall review the order to determine whether it complies
29 with subsection (b) of this section.~~

30 ~~(2) If it does, then the clerk shall register it and forward it
31 to law enforcement as provided in § 12-12-215(b)(1).~~

32 ~~(3) Furthermore, protection orders issued by a court of this
33 state shall only be forwarded to law enforcement as provided in § 12-12-
34 215(b)(1) if the protection orders are consistent with subsection (b) of this
35 section. An out-of-state protection order may be entered into the Arkansas
36 Crime Information Center by presenting a certified copy of the order to a~~

1 sheriff in the county where enforcement of the protection order may be
2 necessary.

3 (2) There shall be no fee for entering the out-of-state
4 protection order.

5 (3) The sheriff shall not notify the party against whom the order
6 has been issued that an out-of-state protection order has been entered in this
7 state.

8 (4) The sheriff shall, as soon as possible, cause the out-of-
9 state protection order to be entered into the Arkansas Crime Information
10 Center protection order registry file.

11 (5) Entry of the out-of-state protection order into the Arkansas
12 Crime Information Center protection order registry file shall not be required
13 for enforcement of the protection order in this state.

14 (e)(1) A law enforcement officer shall treat an out-of-state protection
15 order as a valid, legal document and shall make an arrest for a violation of
16 the protection order in the same manner as a violation of a protection order
17 issued within this state.

18 (2) A law enforcement officer may rely upon:

19 (A) A copy of any out-of-state protection order that has
20 been provided to the officer by any source; or

21 (B) The statement of any person protected by an out-of-
22 state protection order that the protection order remains in effect.

23 (3) Unless it is apparent to the law enforcement officer that the
24 order is not authentic on its face, the officer shall not refuse to enforce
25 the terms of the protection order on the grounds that the order has not been
26 filed with the sheriff or entered into the Arkansas Crime Information Center
27 protection order registry file.

28 */s/ Judy*

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