

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2534

5 By: Representative L. Smith
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For An Act To Be Entitled

8 AN ACT TO ASSIST RESIDENTIAL TENANTS THAT ARE
9 VICTIMS OF DOMESTIC ABUSE, SEX CRIMES, OR
10 STALKING; AND FOR OTHER PURPOSES.
11
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Subtitle

13 TO ASSIST RESIDENTIAL TENANTS THAT ARE
14 VICTIMS OF DOMESTIC ABUSE, SEX CRIMES,
15 OR STALKING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 18, Chapter 16, Subchapter 1 is amended
22 to add an additional section to read as follows:

23 18-16-112. Protection for victims of domestic abuse.

24 (a) As used in this section:

25 (1) "Documented incident of domestic abuse" means evidence of
26 domestic abuse contained in:

27 (A) An order of a court of competent jurisdiction;

28 (B) A police report; or

29 (C) A verified or notarized copy of an incident report
30 from a domestic abuse program or sexual assault program;

31 (2) "Domestic abuse" means:

32 (A) The infliction of physical injury or the creation of a
33 reasonable fear that physical injury or harm will be inflicted upon a member
34 of a household by a member or former member of the household; or

35 (B) The commission of a sex crime or act of stalking upon
36 a member of a household;



1 (3) "Domestic abuse offender" means a person identified in a
 2 documented incident of domestic abuse as performing any act of domestic
 3 abuse;

4 (4) "Domestic abuse program" means a program or shelter that
 5 provides services, including food, housing, advice, counseling, and
 6 assistance to victims of domestic abuse and their minor dependent children in
 7 this state;

8 (5) "Sex crime" includes without limitation:

9 (A) The following offenses:

10 (i) Rape, § 5-14-103;

11 (ii) Sexual indecency with a child, § 5-14-110;

12 (iii) Sexual assault in the first degree, § 5-14-
 13 124;

14 (iv) Sexual assault in the second degree, § 5-14-
 15 125;

16 (v) Sexual assault in the third degree, § 5-14-126;

17 (vi) Sexual assault in the fourth degree, § 5-14-
 18 127;

19 (vii) Incest, § 5-26-202;

20 (viii) Engaging children in sexually explicit
 21 conduct for use in visual or print medium, § 5-27-303;

22 (ix) Transportation of minors for prohibited sexual
 23 conduct, § 5-27-305;

24 (x) Employing or consenting to the use of a child in
 25 a sexual performance, § 5-27-402;

26 (xi) Pandering or possessing visual or print medium
 27 depicting sexually explicit conduct involving a child, § 5-27-304;

28 (xii) Producing, directing, or promoting sexual
 29 performance, § 5-27-403;

30 (xiii) Promoting prostitution in the first degree, §
 31 5-70-104;

32 (xiv) Indecent exposure, § 5-14-112, if a felony
 33 level offense;

34 (xv) Exposing another person to human
 35 immunodeficiency virus when a person who has tested positive for human
 36 immunodeficiency virus was ordered by the sentencing court to register as a

1 sex offender, § 5-14-123;

2 (xvi) Kidnapping pursuant to § 5-11-102(a) when the
 3 victim is a minor and the offender is not the parent of the victim;

4 (xvii) False imprisonment in the first degree and
 5 false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the
 6 victim is a minor and the offender is not the parent of the victim;

7 (xviii) Permitting abuse of a child pursuant to § 5-
 8 27-221;

9 (xix) Computer child pornography, § 5-27-603;

10 (xx) Computer exploitation of a child in the first
 11 degree, § 5-27-605(a);

12 (xxi) Permanent detention or restraint when the
 13 offender is not the parent of the victim, § 5-11-106;

14 (xxii) Distributing, possessing, or viewing matter
 15 depicting sexually explicit conduct involving a child, § 5-27-602;

16 (xxiii) Computer child pornography, § 5-27-603; and

17 (xxiv) Computer exploitation of a child, § 5-27-605;

18 (B) An attempt, solicitation, or conspiracy to commit any
 19 offense enumerated in subdivision (a)(4)(A) of this section; and

20 (C) An adjudication of guilt for an offense of the law of
 21 another state, for a federal offense, for a tribal court offense, or for a
 22 military offense:

23 (i) Which is similar to any offense enumerated in
 24 subdivision (a)(4)(A) of this section; or

25 (ii) When that adjudication of guilt requires
 26 registration under another state's sex offender registration laws;

27 (6) "Sexual assault program" means a program or shelter that
 28 provides services, including food, housing, advice, counseling, and
 29 assistance to victims of sexual assault and their minor dependent children in
 30 this state, including a rape crisis center;

31 (7) "Stalking" means following or loitering near a person with
 32 the purpose of annoying, harassing, or committing an assault or battery
 33 against the person; and

34 (8) "Victim of domestic abuse" means a person or a member of the
 35 person's household who is identified in a documented incident of domestic
 36 abuse within:

1 (A) The immediately preceding sixty (60) days; or
2 (B) Sixty (60) days of the termination of a residential
3 tenancy by the person, a member of the person’s household, or landlord
4 because of domestic abuse.

5 (b) If a residential tenant, an applicant for a residential tenancy,
6 or a member of the tenant or applicant’s household is a victim of domestic
7 abuse as evidenced by a documented incident of domestic abuse:

8 (1) A landlord shall not terminate or fail to renew a
9 residential tenancy, refuse to enter into a residential tenancy, or otherwise
10 retaliate in the leasing of a residence because of the domestic abuse; and

11 (2)(A) At the residential tenant’s expense and with the
12 landlord’s prior consent, a landlord or a residential tenant other than a
13 domestic abuse offender may change the locks to the residential tenant’s
14 residence.

15 (B) The landlord or residential tenant shall furnish the
16 other a copy of the new key to the residential tenant’s residence immediately
17 after changing the locks or as soon after changing the locks as possible if
18 either the landlord or residential tenant is unavailable.

19 (c) Notwithstanding a conflicting provision in a domestic abuse
20 offender’s residential tenancy agreement:

21 (1) If a domestic abuse offender is under a court order to stay
22 away from a co-tenant residing in the domestic abuse offender’s residence or
23 the co-tenant’s residence, the domestic abuse offender under the court order
24 may access either residence only to the extent permitted by the court order
25 or another court order;

26 (2) A landlord may refuse access by a domestic abuse offender to
27 the residence of a victim of domestic abuse unless the domestic offender is
28 permitted access by court order; and

29 (3) A landlord may pursue all available legal remedies against
30 the domestic abuse offender including, without limitation, an action:

31 (A) To terminate the residential tenancy agreement of the
32 domestic abuse offender;

33 (B) To evict the domestic abuse offender whether or not a
34 residential tenancy agreement between the landlord and domestic abuse
35 offender exists; and

36 (C) For damages against the domestic abuse offender:

