

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

As Engrossed: H3/19/07

# A Bill

HOUSE BILL 2534

5 By: Representative L. Smith  
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7

## For An Act To Be Entitled

9 AN ACT TO ASSIST RESIDENTIAL TENANTS THAT ARE  
10 VICTIMS OF DOMESTIC ABUSE, SEX CRIMES, OR  
11 STALKING; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 TO ASSIST RESIDENTIAL TENANTS THAT ARE  
15 VICTIMS OF DOMESTIC ABUSE, SEX CRIMES,  
16 OR STALKING.  
17  
18

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 an order of a court of competent jurisdiction;

27 (2) "Domestic abuse" means:

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

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

33 (3) "Domestic abuse offender" means a person identified in a  
34 documented incident of domestic abuse as performing any act of domestic  
35 abuse;  
36



1 (4) "Sex crime" includes without limitation:

2 (A) The following offenses:

3 (i) Rape, § 5-14-103;

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

5 (iii) Sexual assault in the first degree, § 5-14-  
6 124;

7 (iv) Sexual assault in the second degree, § 5-14-  
8 125;

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

10 (vi) Sexual assault in the fourth degree, § 5-14-  
11 127;

12 (vii) Incest, § 5-26-202;

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

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

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

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

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

23 (xiii) Promoting prostitution in the first degree, §  
24 5-70-104;

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

27 (xv) Exposing another person to human  
28 immunodeficiency virus when a person who has tested positive for human  
29 immunodeficiency virus was ordered by the sentencing court to register as a  
30 sex offender, § 5-14-123;

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

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

36 (xviii) Permitting abuse of a child pursuant to § 5-

1 27-221;

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

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

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

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

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

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

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

13 (C) An adjudication of guilt for an offense of the law of  
14 another state, for a federal offense, for a tribal court offense, or for a  
15 military offense:

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

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

20 (5) "Stalking" means following or loitering near a person with  
21 the purpose of annoying, harassing, or committing an assault or battery  
22 against the person; and

23 (6) "Victim of domestic abuse" means a person or a member of the  
24 person's household who is identified in a documented incident of domestic  
25 abuse within:

26 (A) The immediately preceding sixty (60) days; or

27 (B) Sixty (60) days of the termination of a residential  
28 tenancy by the person, a member of the person's household, or landlord  
29 because of domestic abuse.

30 (b) If a residential tenant, an applicant for a residential tenancy,  
31 or a member of the tenant or applicant's household is a victim of domestic  
32 abuse as evidenced by a documented incident of domestic abuse:

33 (1) With respect to the victim of domestic abuse, a landlord  
34 shall not terminate or fail to renew a residential tenancy, refuse to enter  
35 into a residential tenancy, or otherwise retaliate in the leasing of a  
36 residence because of the domestic abuse; and

1           (2)(A) At the residential tenant's expense and with the  
2 landlord's prior consent, a landlord or a residential tenant other than a  
3 domestic abuse offender may change the locks to the residential tenant's  
4 residence.

5           (B) The landlord or residential tenant shall furnish the  
6 other a copy of the new key to the residential tenant's residence immediately  
7 after changing the locks or as soon after changing the locks as possible if  
8 either the landlord or residential tenant is unavailable.

9           (c) Notwithstanding a conflicting provision in a domestic abuse  
10 offender's residential tenancy agreement, if a domestic abuse offender is  
11 under a court order to stay away from a co-tenant residing in the domestic  
12 abuser's offender's residence or the co-tenant's residence:

13           (1) The domestic abuse offender under the court order may access  
14 either residence only to the extent permitted by the court order or another  
15 court order;

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

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

21           (A) To terminate the residential tenancy agreement of the  
22 domestic abuse offender;

23           (B) To evict the domestic abuse offender whether or not a  
24 residential tenancy agreement between the landlord and domestic abuse  
25 offender exists; and

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

27           (i) For any unpaid rent owed by the domestic abuse  
28 offender; and

29           (ii) Resulting from a documented incident of  
30 domestic abuse.

31           (3) A landlord is entitled to a court order terminating the  
32 residential tenancy agreement of a person or evicting a person, or both,  
33 under subdivision (c)(2)(A) or (B) of this section upon proof that the person  
34 is a domestic abuse offender under this section.

35           (d) A landlord is immune from civil liability if the landlord in good  
36 faith:

