

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

A Bill

SENATE BILL 828

4
5 By: Senator Critcher
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE USE OF AUTOMATED TELEPHONE
10 SOLICITATION FOR DEBT COLLECTION PURPOSES; TO
11 PROHIBIT COLLECTION CALLS TO PERSONS OTHER THAN A
12 DEBTOR; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO PROHIBIT THE USE OF AUTOMATED
15 TELEPHONE SOLICITATION FOR DEBT
16 COLLECTION PURPOSES AND TO PROHIBIT
17 COLLECTION CALLS TO PERSONS OTHER THAN A
18 DEBTOR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-63-204(a)(1), concerning the Class B
25 misdemeanor offense involving the use of automated telephone solicitation, is
26 amended to read as follows:

27 (a)(1) It is unlawful for any person to use a telephone for the
28 purpose of offering any goods or services for sale, or for conveying
29 information regarding any goods or services for the purpose of soliciting the
30 sale or purchase of the goods or services, or for soliciting information,
31 gathering data, or for any other purpose ~~in connection with a political~~
32 ~~campaign~~ when the use involves an automated system for the selection and
33 dialing of telephone numbers and the playing of recorded messages when a
34 message is completed to the called number in connection with:

35 (A) A political campaign;

36 (B) The collection of a debt; or



1 (C) A telephone call to a friend, relative, acquaintance,
 2 or employee of a debtor concerning a debt owed by the debtor.

3
 4 SECTION 2. Arkansas Code § 5-71-209 is amended to read as follows:
 5 5-71-209. Harassing communications.

6 (a) A person commits the offense of harassing communications if:

7 (1) ~~with~~ With the purpose to harass, annoy, or alarm another
 8 person, the person:

9 ~~(1)(A)~~ (A) Communicates with a person, anonymously or
 10 otherwise, by telephone, telegraph, mail, or any other form of written
 11 communication, in a manner likely to harass, annoy, or cause alarm;

12 ~~(2)(B)~~ (B) Makes a telephone call or causes a telephone to
 13 ring repeatedly, with no purpose of legitimate communication, regardless of
 14 whether a conversation ensues; or

15 ~~(3)(C)~~ (C) Knowingly permits any telephone under his or her
 16 control to be used for any purpose prohibited by this section; or

17 (2) The person knowingly makes a telephone call to a friend,
 18 relative, acquaintance, or employee of a debtor concerning a debt owed by the
 19 debtor.

20 (b) An offense involving use of a telephone may be prosecuted in the
 21 county where the defendant was located when he or she used a telephone, or in
 22 the county where the telephone made to ring by the defendant was located.

23 (c) Harassing communications is a Class A misdemeanor.

24 (d)(1) Upon the pretrial release of the defendant, a judicial officer
 25 shall enter a no contact order in writing consistent with Rules 9.3 and 9.4
 26 of the Arkansas Rules of Criminal Procedure and shall give notice to the
 27 defendant of penalties contained in Rule 9.5 of the Arkansas Rules of
 28 Criminal Procedure.

29 (2) This no contact order remains in effect during the pendency
 30 of any appeal of a conviction under this section.

31 (3) The judicial officer or prosecuting attorney shall provide a
 32 copy of this no contact order to the victim and arresting agency without
 33 unnecessary delay.

34 (e) If the judicial officer has reason to believe that mental disease
 35 or defect of the defendant will or has become an issue in the cause, the
 36 judicial officer shall enter such orders as are consistent with § 5-2-305.