

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: S3/27/07

# A Bill

SENATE BILL 828

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

15 TO PROHIBIT THE USE OF AUTOMATED  
16 TELEPHONE SOLICITATION FOR DEBT  
17 COLLECTION PURPOSES AND TO PROHIBIT  
18 COLLECTION CALLS TO PERSONS OTHER THAN A  
19 DEBTOR.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 *SECTION 1.* Arkansas Code § 5-71-209 is amended to read as follows:  
25 5-71-209. Harassing communications.

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

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

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

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

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



1 (2)(A) The person knowingly makes more than one (1) telephone  
2 communication to a third party for the purpose of acquiring consumer location  
3 information, unless the third party consents to future calls or is obligated  
4 to pay the debt.

5 (B) Subdivision (a)(2)(A) of this section does  
6 not apply to a telephone call by a public utility, a commercial mobile radio  
7 service provider, or an agent or contractor of the public utility or the  
8 commercial mobile radio service provider.

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

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

13 (d)(1) Upon the pretrial release of the defendant, a judicial officer  
14 shall enter a no contact order in writing consistent with Rules 9.3 and 9.4  
15 of the Arkansas Rules of Criminal Procedure and shall give notice to the  
16 defendant of penalties contained in Rule 9.5 of the Arkansas Rules of  
17 Criminal Procedure.

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

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

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

26 (f) A federally insured depository institution is in compliance with  
27 this section if the institution is in compliance with all debt collection  
28 regulations issued by the institution's primary state or federal regulator.

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30 /s/ Critcher  
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