

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1038

5 By: Representative D. Creekmore
6 By: Senator Broadway
7
8

For An Act To Be Entitled

10 AN ACT CONCERNING AN ARREST FOR VIOLATION OF AN
11 ORDER OF PROTECTION AND THE PENALTY FOR THE
12 OFFENSE OF VIOLATION OF AN ORDER OF PROTECTION;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT CONCERNING AN ARREST FOR
16 VIOLATION OF AN ORDER OF PROTECTION AND
17 THE PENALTY FOR THE OFFENSE OF VIOLATION
18 OF AN ORDER OF PROTECTION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-53-134(b), concerning the penalty
25 classification for violation of an order of protection, is amended to read as
26 follows:

27 (b)(1) ~~Violation~~ Except as provided in subdivision (b)(2) of this
28 section, violation of an order of protection under this section is a Class A
29 misdemeanor.

30 (2) A conviction of violation of an order of protection under
31 this section within five (5) years of a previous conviction for violation of
32 an order of protection is a Class D felony.
33

34 SECTION 2. Arkansas Code § 9-15-207 is amended to read as follows:

35 9-15-207. Order of Protection – Enforcement – Penalties – Criminal
36 jurisdiction.



1 (a) Any order of protection granted ~~pursuant to~~ under this chapter
 2 ~~shall be is~~ enforceable by ~~any a~~ law enforcement agency with proper
 3 jurisdiction.

4 ~~(b) Any order of protection shall include a notice to the respondent~~
 5 ~~or party restrained that a violation of the order is a Class A misdemeanor~~
 6 ~~carrying a maximum penalty of one (1) year imprisonment in the county jail or~~
 7 ~~a fine of up to one thousand dollars (\$1,000), or both.~~

8 ~~(c) Any order of protection shall include a notice to the respondent~~
 9 ~~or party restrained that it is unlawful for an individual who is subject to~~
 10 ~~an order of protection or convicted of any misdemeanor of domestic violence~~
 11 ~~to ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C.~~
 12 ~~§ 922(g)(8) and (9) as it existed on January 1, 2007.~~

13 (b) An order of protection shall include a notice to the respondent or
 14 party restrained that:

15 (1) A violation of the order of protection is a Class A
 16 misdemeanor carrying a maximum penalty of one (1) year imprisonment in the
 17 county jail or a fine of up to one thousand dollars (\$1,000), or both;

18 (2) A violation of an order of protection under this section
 19 within five (5) years of a previous conviction for violation of an order of
 20 protection is a Class D felony;

21 (3) It is unlawful for an individual who is subject to an order
 22 of protection or convicted of a misdemeanor of domestic violence to ship,
 23 transport, or possess a firearm or ammunition pursuant to 18 U.S.C. §
 24 922(g)(8) and (9) as it existed on January 1, 2007; and

25 (4) A conviction of violation of an order of protection under
 26 this section within five (5) years of a previous conviction for violation of
 27 an order of protection is a Class D felony.

28 ~~(d)(c)~~ Jurisdiction for the criminal offense of violating the terms of
 29 an order of protection ~~shall be is~~ with the circuit court or other courts
 30 having jurisdiction over criminal matters.

31 ~~(e)(d)(1)~~ In the final order of protection, the petitioner's home or
 32 business address may ~~specifically~~ be excluded from notice to the respondent.

33 (2) A court shall also order that the petitioner's copy of the
 34 order of protection be excluded from any address where the respondent happens
 35 to reside.

36 ~~(f)(e)~~ A law enforcement officer shall not arrest a petitioner for the

1 violation of an order of protection issued against a respondent.

2 (f) When a law enforcement officer has probable cause to believe that
3 a respondent has violated an order of protection and has been presented
4 verification of the existence of the order of protection, the officer may,
5 ~~without a warrant,~~ arrest the ~~apparent violator~~ respondent without a warrant
6 whether the violation ~~was in or outside~~ occurred in the presence of the
7 officer if the order of protection was obtained according to this chapter and
8 ~~with~~ the Arkansas Rules of Criminal Procedure.

9 (g) An order of protection issued by a court of competent
10 jurisdiction in any county of this state is enforceable in every county of
11 this state by any court or law enforcement officer.

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