

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Fite

A Bill

HOUSE BILL 1448

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR PERMANENT NO CONTACT ORDERS
9 UPON A CONVICTION FOR CERTAIN CRIMINAL OFFENSES; AND
10 FOR OTHER PURPOSES.

Subtitle

14 TO PROVIDE FOR PERMANENT NO CONTACT
15 ORDERS UPON A CONVICTION FOR CERTAIN
16 CRIMINAL OFFENSES.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 1, is amended
22 to add a new section to read as follows:

23 5-4-106. Permanent no contact orders.

24 (a) As used in this section, "permanent no contact order" means an
25 order issued by a court to a defendant after a conviction that prohibits the
26 defendant for the life of the defendant from contacting, directly or
27 indirectly, a person in any manner or from being within a certain distance of
28 the person's home or place of employment.

29 (b)(1) At the time of sentencing, a court shall make a determination
30 as to whether or not a permanent no contact order shall be issued.

31 (2) A court may issue a permanent no contact order to a
32 defendant if:

33 (A) The defendant was convicted of one (1) or more of the
34 following offenses:

35 (i) Capital murder, § 5-10-101, or attempted capital
36 murder;



1 (ii) Murder in the first degree, § 5-10-102, or
 2 attempted murder in the first degree;

3 (iii) Murder in the second degree, § 5-10-103, or
 4 attempted murder in the second degree;

5 (iv) Kidnapping, § 5-11-102;

6 (v) Battery in the first degree, § 5-13-201;

7 (vi) Battery in the second degree, § 5-13-202;

8 (vii) Rape, § 5-14-103;

9 (viii) Sexual assault in the first degree, § 5-14-
 10 124;

11 (ix) Domestic battering in the first degree, § 5-26-
 12 303; or

13 (x) Domestic battering in the second degree, § 5-26-
 14 304; and

15 (B) If it appears by a preponderance of the evidence,
 16 including without limitation evidence of the defendant's criminal history and
 17 character evidence, that the defendant may attempt to intimidate a witness,
 18 victim, or member of a victim's family.

19 (c) A permanent no contact order issued under this section shall
 20 include without limitation the following:

21 (1) The reasons the court issued the permanent no contact order
 22 in specific terms and description in reasonable detail of the purpose of the
 23 permanent no contact order;

24 (2)(A) A prohibition against the person's approaching or
 25 communicating with a particular person or class of persons, either through a
 26 third party, by telephone, by electronic communication, or in writing.

27 (B) A permanent no contact order does not prohibit any
 28 lawful or ethical activity of defendant's attorney; and

29 (3) A prohibition against the defendant's going to certain
 30 described geographical areas or premises, which may include an imposition of
 31 a restriction that the defendant stay at least one thousand five hundred feet
 32 (1,500') from a person's location.

33 (d) When a permanent no contact order is issued, the court shall
 34 inform the defendant of the penalties for failure to comply with the
 35 conditions or terms of the permanent no contact order.

36 (e) All terms and conditions of a permanent no contact order issued

1 shall be reduced to writing, and a copy shall be given to the defendant.

2 (f) If a defendant violates a term or condition of the permanent no
 3 contact order, the court shall issue a warrant directing that the defendant
 4 be arrested and immediately taken before any court having jurisdiction.

5 (g) Upon a petition by either the prosecuting attorney or the
 6 defendant, a permanent no contact order may be modified or terminated by the
 7 court if circumstances change that substantially alter either:

8 (1) A term or condition of the permanent no contact order; or

9 (2) The reason for the issuance of the permanent no contact
 10 order.

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 12 SECTION 2. Arkansas Code Title 5, Chapter 53, Subchapter 1, is amended
 13 to add a new section to read as follows:

14 5-53-135. Violation of a permanent no contact order.

15 (a) A person commits the offense of violation of a permanent no
 16 contact order if the person:

17 (1) Was issued a permanent no contact order under § 5-4-106; and

18 (2) Knowingly violates a term or condition of the permanent no
 19 contact order.

20 (b) Violation of a permanent no contact order is a Class D felony.

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