

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 2175

5 By: Representative H. Wilkins  
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## For An Act To Be Entitled

8 AN ACT TO REPEAL THE LAW REQUIRING SUSPENSION OF  
9 COURT ACTION REGARDING FAILURE TO PROVIDE CHILD  
10 SUPPORT WHEN A PERSON PLEADS INSANITY IN A CONTEMPT  
11 PROCEEDING; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO REPEAL THE LAW REQUIRING SUSPENSION OF  
15 COURT ACTION REGARDING FAILURE TO PROVIDE  
16 CHILD SUPPORT WHEN A PERSON PLEADS  
17 INSANITY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 9-14-104 is repealed.

24 ~~9-14-104. Failure to support—Defense of insanity to contempt~~  
25 ~~proceedings.~~

26 ~~(a) Whenever a person pleads insanity in contempt proceedings before a~~  
27 ~~circuit judge for failure to make family support payments as ordered by the~~  
28 ~~circuit judge or whenever the circuit judge has reason to believe that the~~  
29 ~~defense of insanity will be raised or become an issue in the case, the~~  
30 ~~circuit judge shall postpone all proceedings in the cause. He or she shall~~  
31 ~~forthwith commit the contemnor to the Arkansas State Hospital where the~~  
32 ~~contemnor will remain under observation for such time as the court will~~  
33 ~~direct, but not exceeding one (1) month.~~

34 ~~(b) The circuit judge shall order the director or his or her designee~~  
35 ~~of the Arkansas State Hospital to direct some competent physician or~~  
36 ~~physicians employed by the Arkansas State Hospital to conduct observation and~~



1 ~~investigations of the mental conditions of the contemnor and to prepare a~~  
2 ~~written report thereof. On issuing the order, the circuit judge shall direct~~  
3 ~~the circuit clerk to notify the attorneys in the case of the issuance of the~~  
4 ~~order.~~

5 ~~(c) The action of the court in committing the contemnor for~~  
6 ~~examination shall not preclude the plaintiff or contemnor from calling expert~~  
7 ~~witnesses to testify at the trial. The expert witnesses shall have free~~  
8 ~~access to the contemnor for the purposes of observation and examination~~  
9 ~~during the period of his or her commitment to the Arkansas State Hospital for~~  
10 ~~examination.~~

11 ~~(d) The Arkansas State Hospital shall indicate separately the~~  
12 ~~contemnor's mental condition at the time of the alleged act of contempt. This~~  
13 ~~report shall be certified by the director or his or her designee of the~~  
14 ~~Arkansas State Hospital, under his or her seal, or by an affidavit duly~~  
15 ~~subscribed and sworn to by him or her before a notary public who shall add~~  
16 ~~his or her certificate and affix his or her seal thereto.~~

17 ~~(e) It is the specific intent of this section only to affect those~~  
18 ~~laws pertaining to mental health. Nothing in this section shall be deemed to~~  
19 ~~repeal or modify the provisions of §§ 20-64-701—20-64-707. No other laws~~  
20 ~~shall be affected in any manner, nor shall the inclusion of those laws within~~  
21 ~~the mental health laws in any way repeal or affect those laws as they~~  
22 ~~otherwise apply.~~

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