

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1059

5 By: Representative House  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE OFFENSE OF  
9 VIOLATION OF AN ORDER OF PROTECTION; TO CRIMINALIZE  
10 THE VIOLATION OF A MILITARY ORDER OF PROTECTION; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE LAW CONCERNING THE OFFENSE  
16 OF VIOLATION OF AN ORDER OF PROTECTION;  
17 AND TO CRIMINALIZE THE VIOLATION OF A  
18 MILITARY ORDER OF PROTECTION.  
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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 § 5-53-134(a), concerning the violation of an  
24 order of protection, is amended to add an additional subdivision to read as  
25 follows:

26 (3)(A) A service member commits the offense of violation of a  
27 military order of protection if:

28 (i) The commanding general, a military judge, or a  
29 military commander authorized under United States Department of Defense  
30 Instruction 6400.06, as it existed on January 1, 2017, issues a military  
31 order of protection against the service member;

32 (ii) The service member receives actual notice or  
33 other lawful notice of the military order of protection as authorized under  
34 United States Department of Defense Instruction 6400.06, as it existed on  
35 January 1, 2017; and

36 (iii) The service member knowingly violates a



1 condition of the military order of protection.

2 (B) A prosecution against a service member for the offense  
 3 of violation of a military order of protection does not prohibit the  
 4 commanding general or military commander who issued the military order of  
 5 protection from pursuing appropriate disciplinary action against the service  
 6 member under the Military Code of Arkansas.

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 8 SECTION 2. Arkansas Code § 5-53-134, concerning a violation of an  
 9 order of protection, is amended to add an additional subsection to read as  
 10 follows:

11 (f) As used in this section:

12 (1) "Military order of protection" means an official command  
 13 directed at a service member for the purpose of preventing violent and  
 14 threatening acts against a person who:

15 (A) Is the current or former spouse of the service member;

16 (B) Is or was a child, step-child, parent, step-parent,  
 17 sibling, guardian, or ward of the service member;

18 (C) Is residing or cohabitating or in the past has resided  
 19 or cohabitated with the service member;

20 (D) Has or had a child in common with the service member;

21 (E) Is or has been in a dating relationship with the  
 22 service member as defined by § 9-15-103; or

23 (F) Has had an intimate sexual relationship with the  
 24 service member; and

25 (2) "Service member" means a person serving in:

26 (A) Any branch or reserve component of the United States  
 27 Armed Forces; or

28 (B) The National Guard of any state.

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 30 SECTION 3. The title of Arkansas Code Title 9, Chapter 15, Subchapter  
 31 3 is amended to read as follows:

32 Subchapter 3 – ~~Out-of-State~~ Orders of Protection From Other Jurisdictions  
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34 SECTION 4. Arkansas Code § 9-15-303 is amended to read as follows:  
 35 9-15-303. Immunity from liability.

36 (a) Law enforcement officers and law enforcement agencies shall be

1 immune from civil or criminal liability if acting in good faith in an effort  
2 to comply with this subchapter.

3 (b) Except as provided by § 9-15-207(b)(3), a military order of  
4 protection as defined under § 5-53-134(f)(1) shall be enforced by law  
5 enforcement of this state according to the provisions of § 9-15-101 et seq.

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