

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

As Engrossed: H1/17/17

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

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/s/House

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