

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: S3/13/17

A Bill

HOUSE BILL 1420

5 By: Representatives C. Fite, Dalby, Tucker
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
10 SHELTER ACT; TO CREATE THE DOMESTIC VIOLENCE SHELTER
11 FUND; TO ESTABLISH PROCEDURES FOR FUNDING DOMESTIC
12 VIOLENCE SHELTERS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
16 SHELTER ACT; TO CREATE THE DOMESTIC
17 VIOLENCE SHELTER FUND; AND TO ESTABLISH
18 PROCEDURES FOR FUNDING DOMESTIC VIOLENCE
19 SHELTERS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 *SECTION 1. Arkansas Code Title 9 is amended to add an additional*
26 *chapter to read as follows:*

CHAPTER 6

ARKANSAS DOMESTIC VIOLENCE SHELTER ACT

9-6-101. Title.

30
31 *This chapter shall be known and may be cited as the "Arkansas Domestic*
32 *Violence Shelter Act".*
33

9-6-102. Definitions.

34
35 *As used in this chapter:*

36 *(1) "Advocate" means an employee, supervisor, or administrator*
37 *of a shelter;*



1 (2) "Dating relationship" means a romantic or intimate social
2 relationship between two (2) individuals that is not a casual relationship or
3 an ordinary fraternization in a business or social context and that is
4 determined by examining the following factors:

5 (A) The length of the relationship;

6 (B) The nature of the relationship; and

7 (C) The frequency of interaction between the two (2)
8 individuals involved in the relationship;

9 (3) "Domestic abuse" means:

10 (A) Physical harm, bodily injury, or assault against an
11 individual in a dating relationship by the other individual in the dating
12 relationship or against a member of a family or household by another member
13 of the family or household;

14 (B) Mental harm caused by the infliction of fear of
15 imminent physical harm, bodily injury, or assault against an individual in a
16 dating relationship by the other individual in the dating relationship or
17 against a member of a family or household by another member of the family or
18 household; or

19 (C) Sexual conduct between family or household members or
20 between individuals in a dating relationship, whether minors or adults, that
21 constitutes a crime under the laws of this state;

22 (4) "Family or household member" means a:

23 (A) Spouse;

24 (B) Former spouse;

25 (C) Parent;

26 (D) Child;

27 (E) Person related to another family or household member
28 by blood;

29 (F) Person who cohabits with another family or household
30 member or who cohabited in the past with another family or household member;
31 and

32 (G) Person who shares one (1) or more children in common
33 with another person;

34 (5) "Statewide domestic violence entity" means an entity that:

35 (A) Provides all the required core and continuing
36 education for statewide domestic violence shelters and programs;

1 (B) Is governed by a board of directors that is made up of
2 a majority of publicly funded statewide domestic violence shelter program
3 directors;

4 (C) Functions as the clearinghouse of domestic violence
5 statistical data for Arkansas; and

6 (D) Exclusively services domestic violence programs;

7 (6) "Shelter" means an entity that:

8 (A) Provides services, including food, housing, advice,
9 counseling, and assistance to victims of domestic abuse and their minor
10 dependent children in this state; and

11 (B) Meets the program, fiscal, and training requirements
12 of this chapter; and

13 (7) "Volunteer" means a person who donates his or her time to
14 provide services to victims at a shelter.

15
16 9-6-103. Establishment – Purpose and criteria.

17 (a) The Department of Finance and Administration shall establish the
18 Arkansas Domestic Violence Shelter Grant Program to assist in the funding of
19 domestic violence shelters in Arkansas.

20 (b) The purpose and criteria of the program is to:

21 (1) Annually evaluate each shelter receiving funds under this
22 chapter for compliance with the program, fiscal, and training requirements
23 under this chapter;

24 (2) Promulgate rules for the evaluation of each shelter
25 receiving funds under this chapter;

26 (3) Adopt a uniform system of recordkeeping to ensure the proper
27 handling of funds by a shelter receiving funds under this chapter;

28 (4) Provide training and technical assistance to shelters
29 receiving funds under this chapter to ensure minimum standards of service
30 delivery;

31 (5) Serve as a clearinghouse for information relating to
32 domestic abuse; and

33 (6) Provide educational programs on domestic abuse for the
34 benefit of the general public, victims, specific groups of persons, and other
35 persons as needed.

36 (c) The department shall establish rules to implement this chapter.
37

38 9-6-104. Receipt of money.

1 Except to the extent that moneys are available in the Domestic Violence
2 Shelter Fund, a statewide domestic violence entity that receives a grant
3 under this chapter shall not accept money or other assistance from the United
4 States Government or any other entity or person if the acceptance would
5 obligate the State of Arkansas.

6
7 9-6-105. Determination of grant awards.

8 (a) The Department of Finance and Administration shall:

9 (1) Establish the criteria for grant applications and awards in
10 accordance with § 9-6-103(b);

11 (2) Review and grant or deny all or part of a grant application
12 submitted under this chapter in accordance with § 9-6-103(b); and

13 (3) Retain oversight of all grant expenditures under this
14 chapter.

15 (b) A statewide domestic violence entity that is awarded a grant under
16 this chapter shall use the moneys that the statewide domestic violence entity
17 receives to distribute funds to shelters that meet the requirements of this
18 chapter.

19
20 9-6-106. Operational requirements of shelters receiving domestic
21 violence shelter funds.

22 A statewide domestic violence entity that receives a grant under this
23 chapter shall distribute funds to a shelter if the shelter:

24 (1) Develops and implements a written nondiscrimination policy
25 to provide services without regard to race, religion, color, age, marital
26 status, national origin, ancestry, or sexual orientation;

27 (2) Provides a facility that is open, accessible, and staffed by
28 an advocate or a volunteer each day of the calendar year and twenty-four (24)
29 hours each day;

30 (3) Provides emergency housing and related supportive services
31 in a safe and protective environment for victims of domestic abuse and their
32 children;

33 (4)(A) Provides a crisis telephone hotline that is answered by
34 an advocate or a volunteer who meets the training requirements under this
35 chapter each day of the calendar year and twenty-four (24) hours each day.

36 (B) The crisis telephone hotline required under

1 subdivision (4)(A) of this section shall not be answered by an answering
2 machine, answering service, or mobile telephone voicemail;

3 (5)(A) Requires all advocates and volunteers who provide direct
4 services to victims to sign a written confidentiality agreement that
5 prohibits the release of:

6 (i) The name or other personal and identifying
7 information about a victim served at the shelter; and

8 (ii) The name or other personal and identifying
9 information about a family or household member of a victim served at the
10 shelter.

11 (B) The confidentiality agreement required under
12 subdivision (5)(A) of this section does not:

13 (i) Apply to an advocate who testifies in court
14 under a lawfully issued witness subpoena; or

15 (ii) Prevent disclosure for federal grant review,
16 audit, or reporting;

17 (6) Develops and implements a written plan for outreach efforts
18 to aid victims of domestic violence;

19 (7) Provides peer support groups for victims;

20 (8) Provides assistance and court advocacy for victims seeking
21 orders of protection; and

22 (9) Provides training and educational information on domestic
23 violence for professionals, community organizations, and interested
24 individuals.

25
26 9-6-107. Fiscal requirements.

27 A statewide domestic violence entity that receives a grant under this
28 chapter shall distribute funds to a shelter if the shelter:

29 (1) Incorporates in this state as a private nonprofit
30 corporation that is exempt from taxation under the Internal Revenue Code, 26
31 U.S.C. § 501(c)(3), and that has the primary purpose of providing services to
32 victims of domestic abuse or domestic violence;

33 (2) Is governed by a board of directors;

34 (3) Develops and implements written personnel policies that
35 state the shelter's employment practices;

36 (4) Develops and implements written procedures that conform with

1 the uniform system of recordkeeping developed by the Department of Finance
2 and Administration or its designee to ensure proper handling of funds; and

3 (5) Provides the department or its designee with statistical
4 data that states the following:

5 (A) The type of services provided by the shelter; and

6 (B) The number of victims and children served each year.

7
8 9-6-108. Training requirements.

9 A statewide domestic violence entity that receives a grant under this
10 chapter shall distribute funds to a shelter if the shelter:

11 (1)(A) Requires each member of its board of directors to attend
12 an orientation that is administered by a statewide domestic violence entity
13 and approved by the Department of Finance and Administration or its designee
14 within six (6) months after joining the board of directors.

15 (B) The orientation required under subdivision (1)(A) of
16 this section shall include an explanation of the dynamics of domestic
17 violence and the role of a board member;

18 (2)(A) Requires each advocate and volunteer who provides direct
19 services to victims to attend fifteen (15) hours of initial staff training
20 approved by the department or its designee.

21 (B) The initial staff training required under subdivision
22 (2)(A) of this section shall include without limitation the following topics
23 of instruction:

24 (i) Crisis intervention;

25 (ii) Case management;

26 (iii) Safety planning;

27 (iv) Individual or group facilitation; and

28 (v) Proper procedure for answering the crisis
29 telephone hotline; and

30 (3)(A) Requires each advocate who provides direct services to
31 victims to attend ten (10) hours of continuing education annually that is
32 approved by the department or its designee.

33 (B) The continuing education required under subdivision
34 (3)(A) of this section shall include without limitation the following topics
35 of instruction:

36 (i) Crisis intervention;

1 (ii) Case management;
2 (iii) Safety planning;
3 (iv) Individual or group facilitation; and
4 (v) The proper procedure for answering the crisis
5 telephone hotline.

6
7 9-6-109. Right of entry.

8 A statewide domestic violence entity that receives a grant under this
9 chapter shall have the right to enter and inspect the premises of a shelter
10 receiving funds under this chapter and perform an annual evaluation or
11 otherwise determine compliance with this chapter.

12
13 9-6-110. Reports.

14 The Director of the Department of Finance and Administration or his or
15 her designee shall provide an annual report by October 1 of each year to the
16 Chair of the Senate Interim Committee on Children and Youth and the Chair of
17 the House Committee on Aging, Children and Youth, Legislative and Military
18 Affairs containing the following information:

19 (1) The incidence of domestic violence in this state based on
20 information obtained from shelters that receive funds under this chapter;

21 (2) A description of shelters that meet the requirements of and
22 receive funds under this chapter; and

23 (3) The number of persons assisted by the shelters that receive
24 funds under this chapter.

25
26 9-6-111. Disclosure of information.

27 Information from files, reports, evaluations, inspections, or other
28 sources that is received by the Department of Finance and Administration and
29 its employees and designees or by a statewide domestic violence entity that
30 receives funds under this chapter and its employees and designees is
31 confidential and shall not be disclosed publicly in a manner that identifies
32 an individual or facility.

33
34 SECTION 2. Arkansas Code § 9-15-202, concerning filing fees assessed
35 under the Domestic Abuse Act of 1991, is amended to add an additional
36 subsection to read as follows:

1 (d)(1) An additional court cost of twenty-five dollars (\$25.00) shall
2 be assessed and remitted to the Administration of Justice Funds Section
3 within the Department of Finance and Administration by the court clerk for
4 deposit as special revenues into the Domestic Violence Shelter Fund if a
5 person is a convicted perpetrator of domestic abuse or is the respondent on a
6 permanent order of protection entered by a court under the Domestic Abuse Act
7 of 1991, § 9-15-101 et seq.

8 (2) The court clerk shall disburse all court costs collected
9 each month under subdivision (d)(1) of this section to the Administration of
10 Justice Funds Section by the fifteenth working day of the following month.

11
12 SECTION 3. Arkansas Code § 16-10-305, concerning court costs levied
13 against and collected from a defendant, is amended to add an additional
14 subsection to read as follows:

15 (h)(1) An additional court cost of twenty-five dollars (\$25.00) shall
16 be assessed and remitted to the Administration of Justice Funds Section
17 within the Department of Finance and Administration by the court clerk for
18 deposit as special revenues into the Domestic Violence Shelter Fund if a
19 person is a convicted perpetrator of domestic abuse or is the respondent on a
20 permanent order of protection entered by a court under the Domestic Abuse Act
21 of 1991, § 9-15-101 et seq.

22 (2) When a convicted person is authorized to make installment
23 payments under § 16-13-704, the court cost assessed under subdivision (h)(1)
24 of this section shall be collected from the initial installment payment
25 first.

26 (3) The court clerk shall disburse all court costs collected
27 each month under subdivision (h)(1) of this section to the Administration of
28 Justice Funds Section by the fifteenth working day of the following month.

29
30 SECTION 4. Arkansas Code § 16-13-704(a), concerning a defendant's
31 payment of a fine by means of installment payments when authorized by the
32 court, is amended to add an additional subdivision to read as follows:

33 (3) When a person is authorized to pay a fine on an installment
34 basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be
35 collected from the initial installment payment first.

36

1 SECTION 5. Arkansas Code § 19-6-301, concerning the enumeration of
2 special revenues, is amended to add additional subdivisions to read as
3 follows:

- 4 (255) Revenues collected under § 9-15-202(d); and
5 (256) Revenues collected under § 16-10-305(h).

6
7 SECTION 6. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended
8 to include an additional section to read as follows:

9 19-6-833. Domestic Violence Shelter Fund.

10 (a) There is created on the books of the Treasurer of State, the
11 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
12 fund to be known as the "Domestic Violence Shelter Fund".

13 (b) The fund shall be used to provide funding for statewide grants
14 awarded to a statewide domestic violence entity under the Arkansas Domestic
15 Violence Shelter Act, § 9-6-101 et seq.

16 (c) The fund shall consist of:

- 17 (1) The special revenues collected under § 9-15-202(d) and § 16-
18 10-305(h);
19 (2) Moneys obtained from private grants or other sources that
20 are designated to be credited to the fund; and
21 (3) Any other revenues authorized by law.

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23 /s/C. Fite
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