

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1734

5 By: Representative Gazaway
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For An Act To Be Entitled

8 AN ACT CONCERNING THE AFFIRMATIVE DEFENSES TO A
9 VIOLATION OF AN ORDER OF PROTECTION; CREATING A
10 DEFENSE TO A VIOLATION OF A NO CONTACT ORDER; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 CONCERNING THE AFFIRMATIVE DEFENSES TO A
15 VIOLATION OF AN ORDER OF PROTECTION; AND
16 CREATING A DEFENSE TO A VIOLATION OF A NO
17 CONTACT ORDER.
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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(d), concerning the affirmative
24 defenses to the offense of violation of an order of protection, is amended to
25 read as follows:

26 (d) It is an affirmative defense to a prosecution under this section
27 if:

28 (1) The parties have reconciled prior to the violation of the
29 order of protection; ~~or~~

30 (2) The petitioner for the order of protection:

31 (A) Invited the defendant to come to the petitioner's
32 residence or place of employment listed in the order of protection; and

33 (B) Knew that the defendant's presence at the petitioner's
34 residence or place of employment would be in violation of the order of
35 protection; ~~;~~

36 (3) The petitioner for the order of protection arranged or



1 invited the defendant into meeting at a location or took affirmative steps to
 2 communicate with the defendant with the promise that the petitioner would not
 3 report the defendant to law enforcement for violating the order of
 4 protection; or

5 (4) The petitioner for the order of protection visited the
 6 residence or place of employment of the defendant on his or her own accord
 7 and without any threat, duress, or coercion on the part of the defendant.

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 9 SECTION 2. Arkansas Code § 16-85-714, concerning no contact orders
 10 issued at an arraignment and pleading, is amended to add an additional
 11 subsection to read as follows:

12 (e) It is not a violation of a no contact order under this section if:

13 (1) The victim in the case:

14 (A) Invited the defendant to come to the victim's
 15 residence or place of employment listed in the no contact order; and

16 (B) Knew that the defendant's presence at the victim's
 17 residence or place of employment would be in violation of the no contact
 18 order;

19 (2) The victim arranged or invited the defendant into meeting at
 20 a location or took affirmative steps to communicate with the defendant; or

21 (3) The victim visited the residence or place of employment of
 22 the defendant on his or her own accord and without any threat, duress, or
 23 coercion on the part of the defendant.