

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

As Engrossed: H3/29/19
A Bill

HOUSE BILL 1734

5 By: Representative Gazaway
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7 **For An Act To Be Entitled**

8 *AN ACT CONCERNING THE AFFIRMATIVE DEFENSES TO A*
9 *VIOLATION OF AN ORDER OF PROTECTION; AND FOR OTHER*
10 *PURPOSES.*

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13 **Subtitle**

14 *CONCERNING THE AFFIRMATIVE DEFENSES TO A*
15 *VIOLATION OF AN ORDER OF PROTECTION.*
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-53-134(d), concerning the affirmative
21 defenses to the offense of violation of an order of protection, is amended to
22 read as follows:

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

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

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

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

30 (B) Knew that the defendant's presence at the petitioner's
31 residence or place of employment would be in violation of the order of
32 protection;

33 (3) The petitioner for the order of protection arranged or
34 invited the defendant into meeting at a location or took affirmative steps to
35 communicate with the defendant with the promise that the petitioner would not
36 report the defendant to law enforcement for violating the order of



1 protection; or

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

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/s/Gazaway