

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

A Bill

HOUSE BILL 1851

5 By: Representative Bentley
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE ISSUANCE OF AN ORDER OF
9 PROTECTION; AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING THE ISSUANCE OF AN ORDER OF
13 PROTECTION.
14

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 9-15-103, concerning definitions used in
20 the Domestic Abuse Act, is amended to add a new subdivision to read as
21 follows:

22 (8) "Companion" means:

23 (A) The intimate partner of a person; or

24 (B) A person with whom the person has a close personal
25 relationship that is characterized by the following:

26 (i) Emotional connectedness;

27 (ii) Regular contact;

28 (iii) Ongoing physical contact or sexual behavior,

29 or both;

30 (iv) Identification as a couple; and

31 (v) Familiarity with and knowledge of each other's
32 lives.

33
34 SECTION 2. Arkansas Code § 9-15-207(b), concerning an order of
35 protection, is amended to read as follows:

36 (b) An order of protection shall include a notice to the respondent or



1 party restrained that:

2 (1) A violation of the order of protection is a Class A
 3 misdemeanor carrying a maximum penalty of one (1) year imprisonment in the
 4 county jail or a fine of up to one thousand dollars (\$1,000), or both;

5 (2) A violation of an order of protection under this section
 6 within five (5) years of a previous conviction for violation of an order of
 7 protection is a Class D felony;

8 (3) It is unlawful for an individual who is subject to an order
 9 of protection or convicted of a misdemeanor of domestic violence to ~~ship~~:

10 (A) Harass, stalk, or threaten a companion or family
 11 member of a companion associated with the named petitioner of an order of
 12 protection;

13 (B) Engage in conduct that would place a companion or
 14 family member of a companion associated with the named petitioner of an order
 15 of protection in reasonable fear of bodily injury to a companion or family
 16 member of a companion associated with the named petitioner of an order of
 17 protection; or

18 (C) Ship, transport, or possess a firearm or ammunition
 19 pursuant to under 18 U.S.C. § 922(g)(8) and (9) as it existed on January 1,
 20 2007 2019; and

21 (4) A conviction of violation of an order of protection under
 22 this section within five (5) years of a previous conviction for violation of
 23 an order of protection is a Class D felony.

24
 25 SECTION 3. Arkansas Code § 9-15-207, concerning an order of
 26 protection, is amended to add an additional subsection to read as follows:

27 (h) An order of protection shall explicitly state, if the facts
 28 support the finding, that the court:

29 (1) Finds that the respondent named in the order of protection
 30 presents a credible threat to the physical safety of the petitioner named in
 31 the order of protection, or the companion or family member of the companion;
 32 and

33 (2) Prohibits the use or threatened use of physical force or
 34 harm by the respondent named in the order of protection against the
 35 petitioner named in the order of protection or the companion or family member
 36 of the companion.