

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1721

5 By: Representatives Gazaway, Clowney  
6 By: Senators C. Tucker, Bledsoe, Hester  
7

## For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "ARKANSAS PHOENIX ACT OF  
10 2021"; CONCERNING THE STATUTE OF LIMITATIONS FOR  
11 OFFENSES INVOLVING DOMESTIC VIOLENCE; CONCERNING THE  
12 TRAINING GIVEN TO LAW ENFORCEMENT OFFICERS FOR  
13 SITUATIONS IN WHICH DOMESTIC VIOLENCE IS SUSPECTED;  
14 AND FOR OTHER PURPOSES.  
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## Subtitle

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18 TO BE KNOWN AS THE "ARKANSAS PHOENIX ACT  
19 OF 2021"; CONCERNING THE STATUTE OF  
20 LIMITATIONS FOR CERTAIN OFFENSES; AND  
21 CONCERNING THE TRAINING GIVEN TO LAW  
22 ENFORCEMENT OFFICERS FOR SITUATIONS IN  
23 WHICH DOMESTIC VIOLENCE IS SUSPECTED.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. DO NOT CODIFY. Title.

29 This act shall be known and may be cited as the "Arkansas Phoenix Act  
30 of 2021".  
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32 SECTION 2. Arkansas Code § 5-1-109, concerning the statute of  
33 limitations for criminal offenses, is amended to add an additional subsection  
34 to read as follows:

35 (k)(1) If the period prescribed in subsection (b) of this section has  
36 expired, a prosecution may nevertheless be commenced for an offense listed



1 under subdivision (k)(2) of this section within five (5) years of the  
 2 expiration of the limitations otherwise provided for under this section or  
 3 for an offense listed under subdivision (k)(3) of this section within three  
 4 (3) years of the expiration of the limitations otherwise provided for under  
 5 this section, if the offense has not previously been reported to a law  
 6 enforcement agency or prosecuting attorney and:

7 (A) The state discovers deoxyribonucleic acid (DNA)  
 8 evidence sufficient to charge the defendant after the period prescribed in  
 9 subsection (b) of this section has expired;

10 (B) The state becomes aware of the existence of an audio  
 11 or video recording, a photograph, or a written or electronic communication  
 12 that provides evidence sufficient to charge the defendant after the period  
 13 prescribed in subsection (b) of this section has expired;

14 (C) The defendant confesses to the offense and all other  
 15 elements of the offense are present; or

16 (D) Three (3) or more persons also victimized by the  
 17 defendant present other evidence of the commission of an offense listed under  
 18 subdivision (k)(2) of this section, as well as the commission of domestic  
 19 battering in the third degree, § 5-26-305, or first degree assault on a  
 20 family or household member, § 5-26-307, to a law enforcement agency or  
 21 prosecuting attorney against the same defendant.

22 (2) The applicable offenses under this subdivision (k)(2) are:

23 (A) Domestic battering in the first degree, § 5-26-303;

24 (B) Domestic battering in the second degree, § 5-26-304;

25 and

26 (C) Aggravated assault on a family or household member, §  
 27 5-26-306.

28 (3) The applicable offenses under this subdivision (k)(3) are:

29 (A) Domestic battering in the third degree, § 5-26-305;

30 and

31 (B) First degree assault on a family or household member,  
 32 § 5-26-307.

33  
 34 SECTION 3. Arkansas Code § 12-9-113 is amended to read as follows:  
 35 12-9-113. Domestic violence training.

36 (a)(1) In accordance with the certification requirements of the

1 Arkansas Commission on Law Enforcement Standards and Training for law  
2 enforcement officers, all new law enforcement officers in the State of  
3 Arkansas shall complete at least twenty (20) hours of training in domestic  
4 violence and twenty (20) hours of training in child abuse.

5 (2) Practicum training will also be sufficient for this  
6 requirement.

7 (b) Pertaining to domestic abuse, the topics that shall be covered  
8 are:

9 (1) The dynamics of domestic abuse;

10 (2) The Domestic Abuse Act of 1991, § 9-15-101 et seq.;

11 (3) Domestic abuse victim interview techniques;

12 (4) Supportive services available; ~~and~~

13 (5) Pro-arrest guidelines and drawbacks of dual arrest and  
14 practices to promote the safety of officers;

15 (6) Techniques for handling incidents of offenses involving a  
16 family or household member that minimize the likelihood of injury to the law  
17 enforcement officer and that promote the safety of the victim;

18 (7) The nature and extent of offenses involving a family or  
19 household member;

20 (8) The signs of offenses involving a family or household  
21 member;

22 (9) Criminal conduct that may be related to offenses involving a  
23 family or household member, including without limitation:

24 (A) Coercion for purposes of committing or impeding the  
25 investigation or prosecution of offenses involving a family or household  
26 member;

27 (B) Unlawful imprisonment;

28 (C) Extortion and the use of fear;

29 (D) Crimes of fraud; and

30 (E) Unlawful dissemination or publication of an intimate  
31 image;

32 (10) The assessment of lethality or signs of lethal violence in  
33 offenses involving a family or household member;

34 (11) The legal rights of, and remedies available to, victims of  
35 offenses involving a family or household member;

36 (12) Documentation, report writing, and evidence collection;

1           (13) Diversion of offenses involving a family or household  
 2 member;

3           (14) Tenancy issues with offenses involving a family or  
 4 household member;

5           (15) The impact on children of law enforcement intervention in  
 6 offenses involving a family or household member;

7           (16) The services and facilities available to victims and  
 8 offenders;

9           (17) The use and applications of the criminal law in situations  
 10 that involve family or household members;

11           (18) Verification and enforcement of orders of protection in  
 12 situations both in which the suspect is present and in which the suspect has  
 13 fled;

14           (19) Cite and release policies, as applicable; and

15           (20) Emergency assistance to victims and how to assist victims  
 16 in pursuing criminal justice options.

17           (c)(1) The training that addresses domestic violence under subsection  
 18 (b) of this section shall include a brief current and historical context on:

19                   (A) Communities of color impacted by incarceration and  
 20 violence;

21                   (B) Enforcement of criminal laws in situations in which an  
 22 offense against a family or household member has occurred;

23                   (C) Availability of civil remedies and community  
 24 resources; and

25                   (D) Protection of the victim.

26           (2) If appropriate, the training under subsection (b) of this  
 27 section shall include experts on domestic violence and other offenses  
 28 involving a family or household member, who may include victims and people  
 29 who have committed an offense involving a family or household member and have  
 30 been or are in the process of being rehabilitated, with expertise in the  
 31 delivery of direct services to victims and people who have committed an  
 32 offense involving a family or household member, including without limitation  
 33 utilizing the staff of shelters for victims.

34           ~~(e)~~(d) Pertaining to child abuse victim interview techniques, the  
 35 topics that shall be covered are:

36                   (1) Current law, including the Child Maltreatment Act, § 12-18-

1 101 et seq., and the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

2 (2) Child sexual abuse; and

3 (3) Physical and behavioral indicators.

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