

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

# A Bill

HOUSE BILL 1739

5 By: Representative Lundstrum  
6 By: Senator Bledsoe  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE VIOLATION OF A NO CONTACT ORDER  
10 ISSUED BY A COURT IN RELATION TO CERTAIN OFFENSES,  
11 INCLUDING SEX TRAFFICKING-RELATED AND TERRORISTIC  
12 THREATENING OFFENSES; AND FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE VIOLATION OF A NO CONTACT  
16 ORDER ISSUED BY A COURT IN RELATION TO  
17 CERTAIN OFFENSES, INCLUDING SEX  
18 TRAFFICKING-RELATED AND TERRORISTIC  
19 THREATENING OFFENSES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 16-85-714 is amended to read as follows:  
26 16-85-714. No contact orders – Definitions.

27 (a) As used in this section:

28 (1) “Court” means a judge or judicial officer; and

29 (2) “No contact order” means an order issued by a court to a  
30 defendant at or after his or her first appearance on charges as described  
31 under Rule 8.1 of the Arkansas Rules of Criminal Procedure that prohibits the  
32 defendant from contacting directly or indirectly a person in any manner or  
33 from being within a certain distance of the person’s home or place of  
34 employment.

35 (b)(1) A court may issue a no contact order under this section in  
36 addition to any other condition of release from custody that is imposed by



1 the court if ~~it~~:

2 (A) The person is charged with one (1) or more of the  
 3 following offenses:

- 4 (i) Terroristic threatening, § 5-13-301;
- 5 (ii) Trafficking of persons, § 5-18-103; or
- 6 (iii) False imprisonment in the first degree, § 5-  
 7 11-103; or

8 (B) It appears that there exists a danger that a defendant  
 9 will ~~commit~~:

- 10 (i) Commit a serious crime, ~~seek;~~
- 11 (ii) Seek to intimidate a witness, ~~or otherwise; or~~
- 12 (iii) Otherwise unlawfully interfere with the  
 13 orderly administration of justice.

14 (2) The no contact order issued under this section shall be in  
 15 effect until it is modified or terminated by the court.

16 (3) A no contact order issued under this section may contain,  
 17 without limitation, the following:

18 (A) The reasons the court issued the no contact order in  
 19 specific terms and description in reasonable detail of the purpose of the  
 20 order;

21 (B)(i) A prohibition against the defendant's approaching  
 22 or communicating with a particular person or class of persons, either through  
 23 a third party or by telephone, electronic communication, or in writing.

24 (ii) A no contact order issued under this section  
 25 shall not be deemed to prohibit any lawful or ethical activity of defendant's  
 26 counsel;

27 (C) A prohibition against the defendant's going to certain  
 28 described geographical areas or premises, including an imposition of a  
 29 restriction that the defendant stay at least one thousand five hundred feet  
 30 (1,500') from a person's location;

31 (D) A prohibition against the defendant's possessing a  
 32 dangerous weapon or engaging in certain described activities, including the  
 33 ingestion of alcohol or certain drugs; and

34 (E) A requirement that the defendant report regularly to  
 35 and remain under the supervision of an officer of the court.

36 (4) When a no contact order is issued under this section, the

1 court shall inform the defendant of the penalties for failure to comply with  
2 the conditions or terms of the order.

3 (5) All terms of a no contact order issued under this section  
4 shall be reduced to writing, and a copy shall be given to the defendant.

5 (6)(A) If a defendant violates a no contact order issued under  
6 this section, the court shall issue a warrant directing that the defendant be  
7 arrested and immediately taken before any court having jurisdiction.

8 (B) The court shall then have authority to detain the  
9 defendant for a period of time not to exceed twenty-four (24) hours, unless  
10 the violation occurs on a Friday or a holiday, in which case the time period  
11 shall be forty-eight (48) hours, during which time the prosecuting attorney  
12 shall file a petition to revoke the defendant's appearance bond or modify the  
13 conditions of the defendant's release, alleging the following:

14 (i) That the defendant has knowingly violated the  
15 terms of a no contact order issued under this section;

16 (ii) That relevant information has become known to  
17 the prosecuting attorney warranting the modification of or revocation of the  
18 defendant's appearance bond; and

19 (iii) That a law enforcement officer had reasonable  
20 grounds to believe that the defendant violated the terms of a no contact  
21 order issued under this section and that it was impracticable to secure an  
22 arrest warrant at the time of arrest.

23 (C)(i) The defendant shall be entitled to a hearing on the  
24 petition to modify or revoke the defendant's appearance bond within forty-  
25 eight (48) hours of the defendant's appearance before the court, unless the  
26 violation occurs on a Friday or a holiday, in which case the hearing shall be  
27 within seventy-two (72) hours.

28 (ii) If after a hearing the court finds that the  
29 defendant knowingly violated the terms of a no contact order issued under  
30 this section, the court may impose different or additional conditions of  
31 release or revoke his or her appearance bond.

32 (c)(1) A court may set the duration of a no contact order issued under  
33 this section for an additional period of time after the adjudication of the  
34 offense for which the defendant was originally charged if it determines the  
35 additional period of time is necessary to protect the safety of a person,  
36 persons residing with the person, or members of the person's immediate

1 family.

2 (2) The duration or extension of the no contact order shall not  
3 be for more than one (1) year from the date of issuance or, if the original  
4 charge is adjudicated with a finding of the defendant's guilt, from the date  
5 of sentencing.

6 (d) Upon conviction, violation of a no contact order issued under this  
7 section is a Class A misdemeanor.

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