

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 2175

By: Representative H. Wilkins

## For An Act To Be Entitled

AN ACT TO REPEAL THE LAW REQUIRING SUSPENSION OF  
COURT ACTION REGARDING FAILURE TO PROVIDE CHILD  
SUPPORT WHEN A PERSON PLEADS INSANITY IN A CONTEMPT  
PROCEEDING; AND FOR OTHER PURPOSES.

## Subtitle

TO REPEAL THE LAW REQUIRING SUSPENSION OF  
COURT ACTION REGARDING FAILURE TO PROVIDE  
CHILD SUPPORT WHEN A PERSON PLEADS  
INSANITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-14-104 is repealed.

~~9-14-104. Failure to support—Defense of insanity to contempt proceedings.~~

~~(a) Whenever a person pleads insanity in contempt proceedings before a circuit judge for failure to make family support payments as ordered by the circuit judge or whenever the circuit judge has reason to believe that the defense of insanity will be raised or become an issue in the case, the circuit judge shall postpone all proceedings in the cause. He or she shall forthwith commit the contemnor to the Arkansas State Hospital where the contemnor will remain under observation for such time as the court will direct, but not exceeding one (1) month.~~

~~(b) The circuit judge shall order the director or his or her designee of the Arkansas State Hospital to direct some competent physician or physicians employed by the Arkansas State Hospital to conduct observation and~~



~~investigations of the mental conditions of the contemnor and to prepare a written report thereof. On issuing the order, the circuit judge shall direct the circuit clerk to notify the attorneys in the case of the issuance of the order.~~

~~(c) The action of the court in committing the contemnor for examination shall not preclude the plaintiff or contemnor from calling expert witnesses to testify at the trial. The expert witnesses shall have free access to the contemnor for the purposes of observation and examination during the period of his or her commitment to the Arkansas State Hospital for examination.~~

~~(d) The Arkansas State Hospital shall indicate separately the contemnor's mental condition at the time of the alleged act of contempt. This report shall be certified by the director or his or her designee of the Arkansas State Hospital, under his or her seal, or by an affidavit duly subscribed and sworn to by him or her before a notary public who shall add his or her certificate and affix his or her seal thereto.~~

~~(e) It is the specific intent of this section only to affect those laws pertaining to mental health. Nothing in this section shall be deemed to repeal or modify the provisions of §§ 20-64-701—20-64-707. No other laws shall be affected in any manner, nor shall the inclusion of those laws within the mental health laws in any way repeal or affect those laws as they otherwise apply.~~

**APPROVED: 04/11/2013**