

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: S3/25/15  
**A Bill**

HOUSE BILL 1706

By: Representatives Ballinger, C. Douglas

By: Senator B. King

### For An Act To Be Entitled

AN ACT CONCERNING THE INVESTIGATION AND PROSECUTION  
OF DOMESTIC VIOLENCE OFFENSES WHEN THE VICTIM IS NOT  
AVAILABLE TO TESTIFY; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE INVESTIGATION AND  
PROSECUTION OF DOMESTIC VIOLENCE OFFENSES  
WHEN THE VICTIM IS NOT AVAILABLE TO  
TESTIFY.

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

SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is amended to add a new section to read as follows:

12-12-108. Domestic violence investigation - Victimless prosecution.

(a) A law enforcement agency that investigates a complaint or accusation of domestic violence shall do so in a manner that allows the prosecuting attorney to prosecute the offense if the prosecuting attorney has probable cause an offense was committed and achieve a guilty verdict based on evidence independent of the testimony of the victim of the offense.

(b) Compliance with this section may be achieved through the collection of evidence including without limitation:

- (1) Witness statements;
- (2) Properly obtained statements from the alleged offender;
- (3) Medical records;
- (4) Photographs or other media;



(5) Other physical evidence; and  
(6) Statements from the victim that are exclusions or exceptions  
to Rule 802 of the Arkansas Rules of Evidence.

*/s/Ballinger*

**APPROVED: 04/01/2015**