

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1176

By: Representative Tucker
By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF HARASSING
COMMUNICATIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF HARASSING
COMMUNICATIONS.

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

SECTION 1. Arkansas Code § 5-71-209 is amended to read as follows:
5-71-209. Harassing communications.

(a) As used in this section, "electronic device" includes a computer, cell phone, tablet, smartphone, or any other device that connects to the Internet or is used in the electronic transmission of communication or information.

~~(a)~~(b) A person commits the offense of harassing communications if, with the purpose to harass, annoy, or alarm another person, the person:

(1) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, email, message delivered to an electronic device, or any other form of written or electronic communication, in a manner likely to harass, annoy, or cause alarm;

(2) Makes a telephone call or causes a telephone to ring repeatedly, with no purpose of legitimate communication, regardless of whether a conversation ensues; or

(3) Knowingly permits any telephone or electronic device under his or her control to be used for any purpose prohibited by this section.



~~(b)(c)~~ An offense involving use of a telephone or electronic device may be prosecuted in the county where the defendant was located when he or she used a the telephone or electronic device, or in the county where the telephone made to ring by the defendant or the electronic device that received a message or email from the defendant was located.

~~(e)(d)~~ Harassing communications is a Class A misdemeanor.

~~(d)(1)(e)(1)~~ Upon the pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(2) ~~This~~ The no contact order under subdivision (e)(1) of this section remains in effect during the pendency of any appeal of a conviction under this section.

(3) The judicial officer or prosecuting attorney shall provide a copy of ~~this~~ the no contact order under subdivision (e)(1) of this section to the victim and arresting agency without unnecessary delay.

~~(e)(f)~~ If ~~the~~ a judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in ~~the cause a~~ prosecution under this section, the judicial officer shall enter such orders as are consistent with § 5-2-305.

APPROVED: 02/06/2017