

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/29/19

# A Bill

HOUSE BILL 1734

By: Representative Gazaway

## For An Act To Be Entitled

*AN ACT CONCERNING THE AFFIRMATIVE DEFENSES TO A  
VIOLATION OF AN ORDER OF PROTECTION; AND FOR OTHER  
PURPOSES.*

### Subtitle

*CONCERNING THE AFFIRMATIVE DEFENSES TO A  
VIOLATION OF AN ORDER OF PROTECTION.*

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

SECTION 1. Arkansas Code § 5-53-134(d), concerning the affirmative defenses to the offense of violation of an order of protection, is amended to read as follows:

(d) It is an affirmative defense to a prosecution under this section if:

(1) The parties have reconciled prior to the violation of the order of protection; ~~or~~

(2) The petitioner for the order of protection:

(A) Invited the defendant to come to the petitioner's residence or place of employment listed in the order of protection; and

(B) Knew that the defendant's presence at the petitioner's residence or place of employment would be in violation of the order of protection;

(3) The petitioner for the order of protection arranged or invited the defendant into meeting at a location or took affirmative steps to communicate with the defendant with the promise that the petitioner would not report the defendant to law enforcement for violating the order of



protection; or

(4) The petitioner for the order of protection visited the residence or place of employment of the defendant on his or her own accord and without any threat, duress, or coercion on the part of the defendant.

*/s/Gazaway*

**APPROVED: 4/11/19**