

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/17/21 S4/22/21

A Bill

HOUSE BILL 1724

By: Representatives Gazaway, Clowney
By: Senators C. Tucker, Bledsoe, Hester

For An Act To Be Entitled

*AN ACT TO AMEND THE LAW CONCERNING DOMESTIC VIOLENCE
ORDERS OF PROTECTION; CONCERNING COURSE OF CONTROL;
AND FOR OTHER PURPOSES.*

Subtitle

*TO AMEND THE LAW CONCERNING DOMESTIC
VIOLENCE ORDERS OF PROTECTION; AND
CONCERNING COURSE OF CONTROL.*

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) In times of natural disasters and crises, the rates of interpersonal violence historically rise, especially among households experiencing significant financial strain;

(2) The coronavirus 2019 (COVID-19) pandemic has proven this historical trend to be the reality for survivors of domestic violence as police chiefs nationwide reported increases of ten percent (10%) to thirty percent (30%) in domestic violence assaults in the first two (2) weeks after a national emergency was declared in March of 2020, thereby revealing more severe violence as compared with years immediately preceding 2020;

(3) During the coronavirus 2019 (COVID-19) crisis, reports show this is a worst-case scenario for victims experiencing domestic violence, with the data showing coronavirus 2019 (COVID-19) is being used as a scare tactic to keep victims isolated from their children or support systems;



(4) Shelter-in-place orders and other restrictions related to coronavirus 2019 (COVID-19) have resulted in victims being isolated from family, friends, and the community;

(5) While some jurisdictions have reported a drop in domestic violence calls, these reports do not necessarily equate to a reduction in domestic violence; and

(6) The increased isolation of victims has created an environment in which abuse, including course of control, is more likely to go undetected and, by extension, unreported.

SECTION 2. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended to add an additional section to read as follows:

9-15-219. Order of protection – Course of control – Definitions.

(a) As used in this section:

(1)(A) "Course of control" means a pattern of behavior that in purpose or effect unreasonably interferes with the free will and personal liberty of a person.

(B) "Course of control" includes without limitation the following:

(i) Unreasonably isolating a person from his or her friends, relatives, or other sources of support;

(ii) Unreasonably depriving a person of basic necessities;

(iii) Unreasonably controlling, regulating, or monitoring a person's movements, communications, daily behavior, finances, economic resources, or access to resources; and

(iv) Unreasonably compelling a person by intimidation, force, threat of force, or threat based on actual or suspected immigration status to engage in conduct from which the person has a right to abstain or to abstain from conduct in which the person has a right to engage; and

(2)(A) "Disturbing the peace" means a pattern of behavior that unreasonably destroys the mental or emotional calm of a family or household member based on the totality of the circumstances.

(B) "Disturbing the peace" includes without limitation course of control.

(b) A court may enter an ex parte order enjoining a party from engaging in course of control or disturbing the peace, including without limitation through one (1) or more of the following acts:

- (1) Molesting the other party;
- (2) Attacking the other party;
- (3) Striking the other party;
- (4) Stalking the other party;
- (5) Threatening the other party;
- (6) Sexually assaulting the other party;
- (7) Battering the other party;
- (8) Credibly impersonating the other party;
- (9) Falsely impersonating the other party;
- (10) Harassing the other party;
- (11) Telephoning the other party with the intent to harass the other party;
- (12) Destroying the personal property of the other party;
- (13) Directly or indirectly contacting the other party with the intent to harass the other party;
- (14) Coming within a specified distance of the other party;
- (15) Disturbing the peace of the other party;
- (16) Disturbing the peace of a family member or household member of the other party; or
- (17) Any other act that the court determines should be enjoined.

(c)(1) Upon a showing of good cause, an order of protection may include an order granting the petitioner the exclusive care, possession, or control of an animal owned, possessed, leased, kept or held by:

- (A) The petitioner;
- (B) The respondent; or
- (C) A minor residing in the residence or household of either the petitioner or respondent.

(2) The court may order the respondent to refrain from:

- (A) Coming into contact with the animal; or
- (B) Taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(d) This section does not limit any other remedy available to a

petitioner by another provision of law.

/s/Gazaway

APPROVED: 4/30/21