

Stricken language would be deleted from and underlined language would be added to present law.
Act 799 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/1/21
A Bill

HOUSE BILL 1739

By: Representatives Lundstrum, *Bentley, M. Berry, Brooks, Brown, Christiansen, Cloud, C. Cooper, Crawford, Milligan, Richmond, Rye, Scott, B. Smith, Wing, Wooten*

By: Senator Bledsoe

For An Act To Be Entitled

AN ACT CONCERNING THE VIOLATION OF A NO CONTACT ORDER
ISSUED BY A COURT IN RELATION TO CERTAIN OFFENSES,
INCLUDING SEX TRAFFICKING-RELATED AND TERRORISTIC
THREATENING OFFENSES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE VIOLATION OF A NO CONTACT
ORDER ISSUED BY A COURT IN RELATION TO
CERTAIN OFFENSES, INCLUDING SEX
TRAFFICKING-RELATED AND TERRORISTIC
THREATENING OFFENSES.

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

SECTION 1. Arkansas Code § 16-85-714 is amended to read as follows:
16-85-714. No contact orders – Definitions.

(a) As used in this section:

(1) “Court” means a judge or judicial officer; and

(2) “No contact order” means an order issued by a court to a
defendant at or after his or her first appearance on charges as described
under Rule 8.1 of the Arkansas Rules of Criminal Procedure that prohibits the
defendant from contacting directly or indirectly a person in any manner or
from being within a certain distance of the person’s home or place of
employment.

(b)(1) A court may issue a no contact order under this section in



addition to any other condition of release from custody that is imposed by the court if ~~it~~:

(A) The person is charged with one (1) or more of the following offenses:

(i) Terroristic threatening, § 5-13-301;

(ii) Trafficking of persons, § 5-18-103; or

(iii) False imprisonment in the first degree, § 5-11-103; or

(B) It appears that there exists a danger that a defendant will ~~commit~~:

(i) Commit a serious crime, ~~seek~~;

(ii) Seek to intimidate a witness, ~~or otherwise~~; or

(iii) Otherwise unlawfully interfere with the orderly administration of justice.

(2) The no contact order issued under this section shall be in effect until it is modified or terminated by the court.

(3) A no contact order issued under this section may contain, without limitation, the following:

(A) The reasons the court issued the no contact order in specific terms and description in reasonable detail of the purpose of the order;

(B)(i) A prohibition against the defendant's approaching or communicating with a particular person or class of persons, either through a third party or by telephone, electronic communication, or in writing.

(ii) A no contact order issued under this section shall not be deemed to prohibit any lawful or ethical activity of defendant's counsel;

(C) A prohibition against the defendant's going to certain described geographical areas or premises, including an imposition of a restriction that the defendant stay at least one thousand five hundred feet (1,500') from a person's location;

(D) A prohibition against the defendant's possessing a dangerous weapon or engaging in certain described activities, including the ingestion of alcohol or certain drugs; and

(E) A requirement that the defendant report regularly to and remain under the supervision of an officer of the court.

(4) When a no contact order is issued under this section, the court shall inform the defendant of the penalties for failure to comply with the conditions or terms of the order.

(5) All terms of a no contact order issued under this section shall be reduced to writing, and a copy shall be given to the defendant.

(6)(A) If a defendant violates a no contact order issued under this section, the court shall issue a warrant directing that the defendant be arrested and immediately taken before any court having jurisdiction.

(B) The court shall then have authority to detain the defendant for a period of time not to exceed twenty-four (24) hours, unless the violation occurs on a Friday or a holiday, in which case the time period shall be forty-eight (48) hours, during which time the prosecuting attorney shall file a petition to revoke the defendant's appearance bond or modify the conditions of the defendant's release, alleging the following:

(i) That the defendant has knowingly violated the terms of a no contact order issued under this section;

(ii) That relevant information has become known to the prosecuting attorney warranting the modification of or revocation of the defendant's appearance bond; and

(iii) That a law enforcement officer had reasonable grounds to believe that the defendant violated the terms of a no contact order issued under this section and that it was impracticable to secure an arrest warrant at the time of arrest.

(C)(i) The defendant shall be entitled to a hearing on the petition to modify or revoke the defendant's appearance bond within forty-eight (48) hours of the defendant's appearance before the court, unless the violation occurs on a Friday or a holiday, in which case the hearing shall be within seventy-two (72) hours.

(ii) If after a hearing the court finds that the defendant knowingly violated the terms of a no contact order issued under this section, the court may impose different or additional conditions of release or revoke his or her appearance bond.

(c)(1) A court may set the duration of a no contact order issued under this section for an additional period of time after the adjudication of the offense for which the defendant was originally charged if it determines the additional period of time is necessary to protect the safety of a person,

persons residing with the person, or members of the person's immediate family.

(2) The duration or extension of the no contact order shall not be for more than one (1) year from the date of issuance or, if the original charge is adjudicated with a finding of the defendant's guilt, from the date of sentencing.

(d) Upon conviction, violation of a no contact order issued under this section is a Class A misdemeanor.

/s/Lundstrum

APPROVED: 4/20/21