

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1263

By: Representatives Unger, Lundstrum

By: Senator M. McKee

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF UNLAWFUL REMOVAL OR
FAILURE TO CHARGE AN ELECTRONIC MONITORING DEVICE;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE OFFENSE OF UNLAWFUL
REMOVAL OR FAILURE TO CHARGE AN
ELECTRONIC MONITORING DEVICE.

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

SECTION 1. Arkansas Code Title 5, Chapter 54, Subchapter 1, is amended to add an additional section to read as follows:

5-54-123. Unlawful removal or failure to charge an electronic monitoring device.

(a) As used in this section:

(1) "Electronic monitoring device" means an electronic device approved by the Board of Corrections that meets the minimum Federal Communications Commission regulations and requirements and that utilizes available technology that is able to track a person's location and monitor his or her location; and

(2) "Pending charge" means a charge that results from an arrest or issuance of a citation or criminal summons, or after the filing of an information or indictment, and that has not been resolved by acquittal, conviction, dismissal, or nolle prosequi.

(b) A person commits unlawful removal or failure to charge an electronic monitoring device if, being ordered to wear an electronic



monitoring device as a condition of probation, parole, post-release supervision, or release on a pending charge or disposition of a charge:

(1) The person knowingly removes the electronic monitoring device from his or her body; or

(2) The person knowingly fails to properly charge the electronic monitoring device and the failure to properly charge the electronic monitoring device prevents the electronic monitoring device from tracking or monitoring the person's location.

(c) It is a defense to prosecution under this section that the:

(1) Removal of the electronic monitoring device or failure to charge the electronic monitoring device was due to an emergency condition or unforeseen circumstance; and

(2) Defendant acted as a reasonable person in the defendant's position would act.

(d) Unlawful removal or failure to charge an electronic monitoring device is a Class A misdemeanor.

(e) Upon conviction for unlawful removal or failure to charge an electronic monitoring device, a defendant shall be ordered to pay restitution for the cost of repair or replacement of the electronic monitoring device if the electronic monitoring device was damaged, lost, or destroyed.

APPROVED: 2/18/25