

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/13/17
A Bill

HOUSE BILL 1420

By: Representatives C. Fite, Dalby, Tucker

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
SHELTER ACT; TO CREATE THE DOMESTIC VIOLENCE SHELTER
FUND; TO ESTABLISH PROCEDURES FOR FUNDING DOMESTIC
VIOLENCE SHELTERS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS DOMESTIC VIOLENCE
SHELTER ACT; TO CREATE THE DOMESTIC
VIOLENCE SHELTER FUND; AND TO ESTABLISH
PROCEDURES FOR FUNDING DOMESTIC VIOLENCE
SHELTERS.

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

SECTION 1. Arkansas Code Title 9 is amended to add an additional chapter to read as follows:

CHAPTER 6
ARKANSAS DOMESTIC VIOLENCE SHELTER ACT

9-6-101. Title.

This chapter shall be known and may be cited as the "Arkansas Domestic Violence Shelter Act".

9-6-102. Definitions.

As used in this chapter:

(1) "Advocate" means an employee, supervisor, or administrator of a shelter;



(2) "Dating relationship" means a romantic or intimate social relationship between two (2) individuals that is not a casual relationship or an ordinary fraternization in a business or social context and that is determined by examining the following factors:

(A) The length of the relationship;

(B) The nature of the relationship; and

(C) The frequency of interaction between the two (2) individuals involved in the relationship;

(3) "Domestic abuse" means:

(A) Physical harm, bodily injury, or assault against an individual in a dating relationship by the other individual in the dating relationship or against a member of a family or household by another member of the family or household;

(B) Mental harm caused by the infliction of fear of imminent physical harm, bodily injury, or assault against an individual in a dating relationship by the other individual in the dating relationship or against a member of a family or household by another member of the family or household; or

(C) Sexual conduct between family or household members or between individuals in a dating relationship, whether minors or adults, that constitutes a crime under the laws of this state;

(4) "Family or household member" means a:

(A) Spouse;

(B) Former spouse;

(C) Parent;

(D) Child;

(E) Person related to another family or household member by blood;

(F) Person who cohabits with another family or household member or who cohabited in the past with another family or household member; and

(G) Person who shares one (1) or more children in common with another person;

(5) "Statewide domestic violence entity" means an entity that:

(A) Provides all the required core and continuing education for statewide domestic violence shelters and programs;

(B) Is governed by a board of directors that is made up of a majority of publicly funded statewide domestic violence shelter program directors;

(C) Functions as the clearinghouse of domestic violence statistical data for Arkansas; and

(D) Exclusively services domestic violence programs;

(6) "Shelter" means an entity that:

(A) Provides services, including food, housing, advice, counseling, and assistance to victims of domestic abuse and their minor dependent children in this state; and

(B) Meets the program, fiscal, and training requirements of this chapter; and

(7) "Volunteer" means a person who donates his or her time to provide services to victims at a shelter.

9-6-103. Establishment – Purpose and criteria.

(a) The Department of Finance and Administration shall establish the Arkansas Domestic Violence Shelter Grant Program to assist in the funding of domestic violence shelters in Arkansas.

(b) The purpose and criteria of the program is to:

(1) Annually evaluate each shelter receiving funds under this chapter for compliance with the program, fiscal, and training requirements under this chapter;

(2) Promulgate rules for the evaluation of each shelter receiving funds under this chapter;

(3) Adopt a uniform system of recordkeeping to ensure the proper handling of funds by a shelter receiving funds under this chapter;

(4) Provide training and technical assistance to shelters receiving funds under this chapter to ensure minimum standards of service delivery;

(5) Serve as a clearinghouse for information relating to domestic abuse; and

(6) Provide educational programs on domestic abuse for the benefit of the general public, victims, specific groups of persons, and other persons as needed.

(c) The department shall establish rules to implement this chapter.

9-6-104. Receipt of money.

Except to the extent that moneys are available in the Domestic Violence Shelter Fund, a statewide domestic violence entity that receives a grant under this chapter shall not accept money or other assistance from the United States Government or any other entity or person if the acceptance would obligate the State of Arkansas.

9-6-105. Determination of grant awards.

(a) The Department of Finance and Administration shall:

(1) Establish the criteria for grant applications and awards in accordance with § 9-6-103(b);

(2) Review and grant or deny all or part of a grant application submitted under this chapter in accordance with § 9-6-103(b); and

(3) Retain oversight of all grant expenditures under this chapter.

(b) A statewide domestic violence entity that is awarded a grant under this chapter shall use the moneys that the statewide domestic violence entity receives to distribute funds to shelters that meet the requirements of this chapter.

9-6-106. Operational requirements of shelters receiving domestic violence shelter funds.

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1) Develops and implements a written nondiscrimination policy to provide services without regard to race, religion, color, age, marital status, national origin, ancestry, or sexual orientation;

(2) Provides a facility that is open, accessible, and staffed by an advocate or a volunteer each day of the calendar year and twenty-four (24) hours each day;

(3) Provides emergency housing and related supportive services in a safe and protective environment for victims of domestic abuse and their children;

(4)(A) Provides a crisis telephone hotline that is answered by an advocate or a volunteer who meets the training requirements under this chapter each day of the calendar year and twenty-four (24) hours each day.

(B) The crisis telephone hotline required under

subdivision (4)(A) of this section shall not be answered by an answering machine, answering service, or mobile telephone voicemail;

(5)(A) Requires all advocates and volunteers who provide direct services to victims to sign a written confidentiality agreement that prohibits the release of:

(i) The name or other personal and identifying information about a victim served at the shelter; and

(ii) The name or other personal and identifying information about a family or household member of a victim served at the shelter.

(B) The confidentiality agreement required under subdivision (5)(A) of this section does not:

(i) Apply to an advocate who testifies in court under a lawfully issued witness subpoena; or

(ii) Prevent disclosure for federal grant review, audit, or reporting;

(6) Develops and implements a written plan for outreach efforts to aid victims of domestic violence;

(7) Provides peer support groups for victims;

(8) Provides assistance and court advocacy for victims seeking orders of protection; and

(9) Provides training and educational information on domestic violence for professionals, community organizations, and interested individuals.

9-6-107. Fiscal requirements.

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1) Incorporates in this state as a private nonprofit corporation that is exempt from taxation under the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and that has the primary purpose of providing services to victims of domestic abuse or domestic violence;

(2) Is governed by a board of directors;

(3) Develops and implements written personnel policies that state the shelter's employment practices;

(4) Develops and implements written procedures that conform with

the uniform system of recordkeeping developed by the Department of Finance and Administration or its designee to ensure proper handling of funds; and

(5) Provides the department or its designee with statistical data that states the following:

(A) The type of services provided by the shelter; and

(B) The number of victims and children served each year.

9-6-108. Training requirements.

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1)(A) Requires each member of its board of directors to attend an orientation that is administered by a statewide domestic violence entity and approved by the Department of Finance and Administration or its designee within six (6) months after joining the board of directors.

(B) The orientation required under subdivision (1)(A) of this section shall include an explanation of the dynamics of domestic violence and the role of a board member;

(2)(A) Requires each advocate and volunteer who provides direct services to victims to attend fifteen (15) hours of initial staff training approved by the department or its designee.

(B) The initial staff training required under subdivision (2)(A) of this section shall include without limitation the following topics of instruction:

(i) Crisis intervention;

(ii) Case management;

(iii) Safety planning;

(iv) Individual or group facilitation; and

(v) Proper procedure for answering the crisis telephone hotline; and

(3)(A) Requires each advocate who provides direct services to victims to attend ten (10) hours of continuing education annually that is approved by the department or its designee.

(B) The continuing education required under subdivision (3)(A) of this section shall include without limitation the following topics of instruction:

(i) Crisis intervention;

(ii) Case management;
(iii) Safety planning;
(iv) Individual or group facilitation; and
(v) The proper procedure for answering the crisis telephone hotline.

9-6-109. Right of entry.

A statewide domestic violence entity that receives a grant under this chapter shall have the right to enter and inspect the premises of a shelter receiving funds under this chapter and perform an annual evaluation or otherwise determine compliance with this chapter.

9-6-110. Reports.

The Director of the Department of Finance and Administration or his or her designee shall provide an annual report by October 1 of each year to the Chair of the Senate Interim Committee on Children and Youth and the Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs containing the following information:

(1) The incidence of domestic violence in this state based on information obtained from shelters that receive funds under this chapter;

(2) A description of shelters that meet the requirements of and receive funds under this chapter; and

(3) The number of persons assisted by the shelters that receive funds under this chapter.

9-6-111. Disclosure of information.

Information from files, reports, evaluations, inspections, or other sources that is received by the Department of Finance and Administration and its employees and designees or by a statewide domestic violence entity that receives funds under this chapter and its employees and designees is confidential and shall not be disclosed publicly in a manner that identifies an individual or facility.

SECTION 2. Arkansas Code § 9-15-202, concerning filing fees assessed under the Domestic Abuse Act of 1991, is amended to add an additional subsection to read as follows:

(d)(1) An additional court cost of twenty-five dollars (\$25.00) shall be assessed and remitted to the Administration of Justice Funds Section within the Department of Finance and Administration by the court clerk for deposit as special revenues into the Domestic Violence Shelter Fund if a person is a convicted perpetrator of domestic abuse or is the respondent on a permanent order of protection entered by a court under the Domestic Abuse Act of 1991, § 9-15-101 et seq.

(2) The court clerk shall disburse all court costs collected each month under subdivision (d)(1) of this section to the Administration of Justice Funds Section by the fifteenth working day of the following month.

SECTION 3. Arkansas Code § 16-10-305, concerning court costs levied against and collected from a defendant, is amended to add an additional subsection to read as follows:

(h)(1) An additional court cost of twenty-five dollars (\$25.00) shall be assessed and remitted to the Administration of Justice Funds Section within the Department of Finance and Administration by the court clerk for deposit as special revenues into the Domestic Violence Shelter Fund if a person is a convicted perpetrator of domestic abuse or is the respondent on a permanent order of protection entered by a court under the Domestic Abuse Act of 1991, § 9-15-101 et seq.

(2) When a convicted person is authorized to make installment payments under § 16-13-704, the court cost assessed under subdivision (h)(1) of this section shall be collected from the initial installment payment first.

(3) The court clerk shall disburse all court costs collected each month under subdivision (h)(1) of this section to the Administration of Justice Funds Section by the fifteenth working day of the following month.

SECTION 4. Arkansas Code § 16-13-704(a), concerning a defendant's payment of a fine by means of installment payments when authorized by the court, is amended to add an additional subdivision to read as follows:

(3) When a person is authorized to pay a fine on an installment basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be collected from the initial installment payment first.

SECTION 5. Arkansas Code § 19-6-301, concerning the enumeration of special revenues, is amended to add additional subdivisions to read as follows:

(255) Revenues collected under § 9-15-202(d); and

(256) Revenues collected under § 16-10-305(h).

SECTION 6. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended to include an additional section to read as follows:

19-6-833. Domestic Violence Shelter Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Domestic Violence Shelter Fund".

(b) The fund shall be used to provide funding for statewide grants awarded to a statewide domestic violence entity under the Arkansas Domestic Violence Shelter Act, § 9-6-101 et seq.

(c) The fund shall consist of:

(1) The special revenues collected under § 9-15-202(d) and § 16-10-305(h);

(2) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and

(3) Any other revenues authorized by law.

/s/C. Fite