

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/29/19

A Bill

HOUSE BILL 1851

5 By: Representative Bentley
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ISSUANCE OF AN ORDER OF
10 PROTECTION; AND FOR OTHER PURPOSES.

Subtitle

14 CONCERNING THE ISSUANCE OF AN ORDER OF
15 PROTECTION.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code § 9-15-207(b), concerning an order of*
21 *protection, is amended to read as follows:*

22 *(b) An order of protection shall include a notice to the respondent or*
23 *party restrained that:*

24 *(1) A violation of the order of protection is a Class A*
25 *misdemeanor carrying a maximum penalty of one (1) ~~year~~ year's imprisonment in*
26 *the county jail or a fine of up to one thousand dollars (\$1,000), or both;*

27 *(2) A violation of an order of protection under this section*
28 *within five (5) years of a previous conviction for violation of an order of*
29 *protection is a Class D felony;*

30 *(3) It is unlawful for an individual who is subject to an order*
31 *of protection or convicted of a misdemeanor of domestic violence to ship,*
32 *transport, or possess a firearm or ammunition ~~pursuant to~~ under 18 U.S.C. §*
33 *922(g)(8) and (9) as it existed on January 1, ~~2007~~ 2019; ~~and~~*

34 *(4) A conviction of violation of an order of protection under*
35 *this section within five (5) years of a previous conviction for violation of*
36 *an order of protection is a Class D felony;*



1 (5) A person who is a respondent or an enjoined party is
2 restrained from harassing, stalking, or threatening a person named in an
3 order of protection as a family or household member, a child of the family or
4 household member, or a child of the respondent or enjoined party; and

5 (6) A person who is a respondent or an enjoined party is
6 restrained from engaging in other conduct that would place a person named in
7 an order of protection as a family or household member, a child of the family
8 or household member, or a child of the respondent or enjoined party in
9 reasonable fear of bodily injury.

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11 SECTION 2. Arkansas Code § 9-15-207, concerning an order of
12 protection, is amended to add an additional subsection to read as follows:

13 (h) An order of protection shall include either:

14 (1) A finding that the respondent presents a credible threat to
15 the physical safety of a person named in an order of protection as a family
16 or household member, a child of the family or household member, or a child of
17 the respondent or enjoined party; or

18 (2) An explicit prohibition against the use, attempted use, or
19 threatened use of physical force against the person named in the order of
20 protection as a family or household member, a child of the family or
21 household member, or a child of the respondent or enjoined party which would
22 reasonably be expected to cause bodily injury.

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25 /s/Bentley

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28 APPROVED: 4/11/19