

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 308

5 By: Senators S. Flowers, Burnett, L. Chesterfield, Crumbly, J. Dismang, J. Hutchinson, D. Johnson,
6 Rapert, P. Malone, D. Wyatt
7 By: Representatives T. Baker, Patterson, Steel, B. Wilkins, Wright
8

For An Act To Be Entitled

10 AN ACT TO CREATE THE OFFENSE OF PROVOKING A PERSON TO
11 VIOLATE AN ORDER OF PROTECTION; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE OFFENSE OF PROVOKING A
16 PERSON TO VIOLATE AN ORDER OF PROTECTION
17 AND TO DECLARE AN EMERGENCY.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 5, Chapter 53, Subchapter 1 is amended
24 to add a new section to read as follows:

25 5-53-135. Provoking a person to violate an order of protection.

26 (a) A person commits the offense of provoking a person to violate an
27 order of protection if:

28 (1) He or she petitioned for and was granted an order of
29 protection under the Domestic Abuse Act of 1991, § 9-15-101 et seq.;

30 (2) The order of protection has not expired; and

31 (3) He or she knowingly induces or otherwise causes the person
32 who is subject to the order of protection to violate the order of protection
33 regarding a requirement that the person who is subject to the order of
34 protection:

35 (A) Keep a certain distance from or otherwise stay away
36 from the person granted the order of protection; or



1 (B) Refrain from contacting directly or indirectly the
2 person granted the order of protection.

3 (b) It is an affirmative defense to a prosecution under this section
4 that the parties have reconciled before the act that gave rise to a violation
5 of this section.

6 (c) Provoking a person to violate an order of protection is a Class A
7 misdemeanor.

8
9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that orders of protection are a
11 valuable tool for the courts and for law enforcement in maintaining peace and
12 order during domestic disputes; that in rare instances, however, the person
13 who is protected in these cases provokes the person who is subject to the
14 order to violate the order, leading to potential criminal prosecution; and
15 that this act is immediately necessary because the process of being granted
16 an order of protection is being abused in this manner. Therefore, an
17 emergency is declared to exist and this act being immediately necessary for
18 the preservation of the public peace, health, and safety shall become
19 effective on:

20 (1) The date of its approval by the Governor;

21 (2) If the bill is neither approved nor vetoed by the Governor,
22 the expiration of the period of time during which the Governor may veto the
23 bill; or

24 (3) If the bill is vetoed by the Governor and the veto is
25 overridden, the date the last house overrides the veto.