



## ARKANSAS SENTENCING COMMISSION

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### **Impact Assessment for HB1764 Sponsored by Representative Underwood**

**Subtitle** TO AMEND THE LAW CONCERNING A VIOLATION OF AN ORDER OF PROTECTION

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill expands conduct provisions in an existing criminal penalty.

**Change from Current Law**<sup>2</sup> Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-53-134(b)(2)(A), Violation of an order of protection, by expanding the conduct provisions for a violation that is a Class D felony. Under the proposed bill, a violation of an order of protection is a Class D felony if the offense is committed within five (5) years of a previous conviction for violation of an order of protection under this section or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction. Under current law, there is no provision for a violation of an equivalent penal law of this state or of another state or foreign jurisdiction.

**Impact Information** The proposed bill amends an existing course of conduct, the likely number of occurrences of which cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were seventy-seven (77) felony convictions for a violation of A.C.A. § 5-53-134, Violation of an order of protection.

The Division of Correction (ADC) reports that there are currently four (4) offenders serving a sentence for A.C.A. § 5-53-134, Violation of an order of protection, as the most serious offense.

The likely number of occurrences with the amendment to an existing unlawful course of conduct is unknown. For this reason, the potential impact on correctional resources cannot be determined.

<sup>1</sup> This impact assessment was prepared 4/1/2025 9:12 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used:

“minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500