

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1263

5 By: Representatives Unger, Lundstrum  
6 By: Senator M. McKee  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFENSE OF UNLAWFUL REMOVAL OR  
10 FAILURE TO CHARGE AN ELECTRONIC MONITORING DEVICE;  
11 AND FOR OTHER PURPOSES.  
12  
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## Subtitle

15 TO CREATE THE OFFENSE OF UNLAWFUL  
16 REMOVAL OR FAILURE TO CHARGE AN  
17 ELECTRONIC MONITORING DEVICE.  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 5, Chapter 54, Subchapter 1, is amended  
22 to add an additional section to read as follows:

23 5-54-123. Unlawful removal or failure to charge an electronic  
24 monitoring device.

25 (a) As used in this section:

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

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

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



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

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

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

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

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

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

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

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

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