

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.  
Act 1802 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 561

4  
5 By: Senator J. Bookout  
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## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE INCREASED PENALTIES FOR  
10 VIOLATION OF THE BURIAL ASSOCIATION LAW; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO PROVIDE INCREASED PENALTIES  
15 FOR VIOLATION OF THE BURIAL ASSOCIATION  
16 LAW.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 23-78-104 is amended to read as follows:  
22 23-78-104. Penalty.

23 (a)(1) It shall be unlawful for any person, firm, association,  
24 copartnership, corporation, company, or other organization to organize,  
25 operate, or in any way solicit members for a burial association, or for  
26 participation in any plan, scheme, or device similar to burial associations,  
27 except in the manner provided by this chapter and the rules and regulations  
28 promulgated by the Burial Association Board.

29 ~~(b)(2)~~ Any person, firm, association, copartnership, corporation,  
30 company, or other organization violating the provisions of ~~this section~~  
31 subsection (a) of this section shall be guilty of a ~~misdemeanor and, upon~~  
32 ~~conviction, shall be fined not more than two hundred fifty dollars (\$250) or~~  
33 ~~imprisoned not more than six (6) months, or both.~~ Class D felony.

34 (3) In addition to a fine or imprisonment, or both, a person  
35 convicted of a violation of this subsection shall be ordered to pay



1 restitution to persons aggrieved by the violation.

2 (b)(1) Any officer, agent, employee, or other individual who collects  
3 proceeds or assessments from members of burial associations shall be guilty  
4 of a Class D felony if he or she:

5 (A) Fails to deposit the collected amounts in the trust  
6 fund of the burial association; or

7 (B) Fails or knowingly makes or allows to be made a false  
8 entry on the record of the burial association with:

9 (i) Intent to deceive or defraud any member of the  
10 burial association; or

11 (ii) Intent to conceal the true financial condition  
12 of the burial association from regulators.

13 (2) Any officer, agent, employee, or other individual who  
14 diverts funds from a burial association for his or her personal use or to pay  
15 expenses of the contract funeral home not authorized by this subchapter shall  
16 be guilty of a Class D felony.

17 (3) In addition to a fine or imprisonment, or both, a person  
18 convicted of a violation of this subsection shall be ordered to pay  
19 restitution to the Burial Association Board or to persons aggrieved by the  
20 violation.

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23 APPROVED: 4/06/2005  
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