

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 346 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1569

4  
5 By: Representatives Walters, Breedlove, D. Creekmore, Lamoureux, Medley, Overbey, Pennartz  
6 By: Senators Wilkinson, Altes, Trusty

## For An Act To Be Entitled

10 AN ACT TO ENHANCE THE PENALTIES FOR OBSCENITY  
11 OFFENSES UNDER CERTAIN CIRCUMSTANCES; AND FOR  
12 OTHER PURPOSES.

### Subtitle

14 TO ENHANCE THE PENALTIES FOR OBSCENITY  
15 OFFENSES UNDER CERTAIN CIRCUMSTANCES.

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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 § 5-4-201, concerning the fines authorized  
22 for conviction of criminal offenses and limitations on the amount of fines,  
23 is amended to add an additional subsection to read as follows:

24 (f)(1) Notwithstanding a limit imposed by this section or the section  
25 defining the felony offense, if a defendant has derived pecuniary gain from  
26 the commission of a felony offense under § 5-68-201 et seq., § 5-68-301 et  
27 seq., the Arkansas Law on Obscenity, § 5-68-401 et seq., or § 5-68-501 et  
28 seq., then upon conviction of the felony offense the defendant may be  
29 sentenced to pay a fine not exceeding two hundred fifty thousand dollars  
30 (\$250,000).

31 (2) As used in this subsection, "derived pecuniary gain" means  
32 that a defendant received income, benefit, property, money, or anything of  
33 value from the commission of a felony offense under § 5-68-201 et seq., § 5-  
34 68-301 et seq., the Arkansas Law on Obscenity, § 5-68-401 et seq., or § 5-68-  
35 501 et seq.



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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that children and other citizens of this state are being exposed to harmful material by persons who violate obscenity laws for profit; that any person including an individual or an organization or an agent of an individual or an organization that obtains pecuniary gain from a felony violation of the obscenity laws should be subject to an increased fine; and that this act is necessary because an increased fine will deter future felony violations of obscenity laws. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 3/19/2007