

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1279

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 5 OF
10 THE ARKANSAS CODE CONCERNING THE CRIMINAL CODE; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 5
16 OF THE ARKANSAS CODE CONCERNING THE
17 CRIMINAL CODE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-1-109(f), concerning when a prosecution
23 is commenced, is amended to read as follows to delete obsolete language:

24 (f) A prosecution is commenced when an arrest warrant is issued by a
25 judge based on probable cause or an indictment, information, or other
26 charging instrument if the arrest warrant ~~or other process~~ is sought to be
27 executed without unreasonable delay.
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29 SECTION 2. Arkansas Code § 5-54-209(a), concerning the offense of use
30 of a hoax substance, is amended to read as follows to clarify a reference:

31 (a) A person commits the offense of use of a hoax substance or hoax
32 bomb if the person knowingly delivers or causes the delivery of a hoax
33 substance or hoax bomb to a governmental facility, school, business,
34 hospital, office building, or similar facility open to the public, or to a
35 person's home, business, or place of work, with the purpose of causing
36 anxiety, unrest, fear, personal discomfort, or the evacuation of the ~~facility~~



1 governmental facility, school, business, hospital, office building, or
 2 similar facility open to the public or the person's home, business, or place
 3 of work.

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 5 SECTION 3. Arkansas Code § 5-65-204(a)(1), concerning the definition
 6 of "alcohol concentration" under the Omnibus DWI or BWI Act, is amended to
 7 read as follows to delete obsolete language:

8 (a)(1) As used in this chapter, § 5-10-105, and § 5-75-101 et seq.,
 9 ~~and § 5-76-101 et seq. [repealed]~~, "alcohol concentration" means either:

10 (A) Grams of alcohol per one hundred milliliters (100 ml)
 11 or one hundred cubic centimeters (100 cc) of blood; or

12 (B) Grams of alcohol per two hundred ten liters (210 l) of
 13 breath.

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 15 SECTION 4. Arkansas Code § 5-73-120(c)(2), concerning the
 16 permissibility of carrying a weapon, is amended to read as follows to correct
 17 the omission of a comma by Acts 2005, No. 1994, § 293:

18 (2) The person is a law enforcement officer, correctional
 19 officer, or member of the armed forces, acting in the course and scope of his
 20 or her official duties;

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 22 SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

23 It is the intent of the General Assembly that:

24 (1) The enactment and adoption of this act shall not expressly
 25 or impliedly repeal an act passed during the regular session of the Ninety-
 26 Fourth General Assembly;

27 (2) To the extent that a conflict exists between an act of the
 28 regular session of the Ninety-Fourth General Assembly and this act:

29 (A) The act of the regular session of the Ninety-Fourth
 30 General Assembly shall be treated as a subsequent act passed by the General
 31 Assembly for the purposes of:

32 (i) Giving the act of the regular session of the
 33 Ninety-Fourth General Assembly its full force and effect; and

34 (ii) Amending or repealing the appropriate parts of
 35 the Arkansas Code of 1987; and

36 (B) Section 1-2-107 shall not apply; and

1 (3) This act shall make only technical, not substantive, changes
2 to the Arkansas Code of 1987.

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5 **APPROVED: 3/2/23**
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