

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Reps. Pollan, Owens, Riable, Molinaro, Smith**

A Bill

HOUSE BILL 1371

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-42-101 (b) CONCERNING
9 THE RAPE SHIELD LAW; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT CONCERNING THE RAPE SHIELD LAW."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Arkansas Code 16-42-101 (b) is amended to read as follows:

17 "(b) In any criminal prosecution under §§ 5-14-103 - 5-14-110, or for
18 criminal attempt to commit, criminal solicitation to commit, or criminal
19 conspiracy to commit an offense defined in any of those sections, opinion
20 evidence, reputation evidence, or evidence of specific instances of the
21 victim's prior sexual conduct with the defendant or any other person, evidence
22 of a victim's prior allegations of sexual conduct with the defendant or any
23 other person which allegations the victim asserts to be true, or evidence
24 offered by the defendant concerning prior allegations of sexual conduct by the
25 victim with the defendant or any other person if the victim denies making the
26 allegations is not admissible by the defendant, either through direct
27 examination of any defense witness or through cross-examination of the victim
28 or other prosecution witness, to attack the credibility of the victim, to
29 prove consent or any other defense, or for any other purpose."

31 SECTION 2. Arkansas Code 16-42-101(c)(1) is amended to read as follows:

32 "(c)(1) A written motion shall be filed by the defendant with the court
33 at any time prior to the time the defense rests stating that the defendant has
34 an offer of relevant evidence prohibited by subsection (b) of this section and
35 the purpose for which the evidence is believed relevant."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 3. Arkansas Code 16-42-101(d) is amended to read as follows:

"(d) In the event the defendant has not filed a written motion or a written motion has been filed and the court has determined that the offered proof is not relevant to a fact in issue, any willful attempt by counsel or a defendant to make any reference to the evidence prohibited by subsection (b) of this section in the presence of the jury may subject counsel or a defendant to appropriate sanctions by the court."

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Pollan, et al

