

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Representative M. Wilson**

Call Item No.44

A Bill

HOUSE BILL 1031

For An Act To Be Entitled

8 "AN ACT TO PROVIDE AUTHORITY FOR THE ESTABLISHMENT OF
9 PRETRIAL OR *POSTTRIAL* TREATMENT, INTERVENTION AND
10 DIVERSION PROGRAMS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO PROVIDE AUTHORITY FOR THE
14 ESTABLISHMENT OF PRETRIAL OR *POSTTRIAL*
15 TREATMENT, INTERVENTION AND DIVERSION
16 PROGRAMS."

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

20 *SECTION 1. Any judicial district, with the agreement of the parties,*
21 *may establish a program whereby a defendant may be transferred to a pretrial*
22 *or posttrial treatment program for drug abuse provided:*

23 (a) The treatment program is at least one year in length and meets the
24 minimum standards of treatment promulgated by the Bureau of Alcohol and Drug
25 Abuse Prevention of the Arkansas Department of Health;

26 (b) The charge or charges against the defendant carries a punishment
27 which may be suspended;

28 (c) The defendant has never used Act 346 of 1981 to expunge a felony or
29 has been convicted of a felony, is not awaiting trial for a felony, is not on
30 probation or a suspended imposition of sentence, and has not been convicted of
31 any crime of violence or possession of weapons;

32 (d) The defendant waived his rights to a speedy trial *and such other*
33 *rights as agreed to by the parties* and executed a consent for limited release
34 of confidential information regarding treatment permitting the judge,
35 prosecutor and defense attorney access to information relating to attendance,

1 attitude, participation and results of drug screens;

2 (e) The defendant is eighteen (18) years of age or older. This
3 provision may be waived with the consent of the prosecuting attorney.

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5 SECTION 2. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 /s/Rep. M. Wilson

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As Engrossed: 8/18/94

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