

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2087

4
5 By: Representative Ferrell

For An Act To Be Entitled

9 "AN ACT TO ALLOW EVIDENCE OF PRIOR SEXUAL OFFENSES TO BE
10 ADMITTED IN CRIMINAL CASES IN WHICH THE DEFENDANT IS
11 ACCUSED OF ANY SEXUAL OFFENSE DEFINED IN TITLE 5, CHAPTER
12 14 OF THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER
13 PURPOSES."

Subtitle

16 "TO ALLOW EVIDENCE OF PRIOR SEXUAL
17 OFFENSES TO BE ADMITTED IN CRIMINAL
18 CASES IN WHICH THE DEFENDANT IS ACCUSED
19 OF ANY SEXUAL OFFENSE DEFINED IN TITLE
20 5, CHAPTER 14 OF THE ARKANSAS CODE OF
21 1987 ANNOTATED"

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

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25 SECTION 1. (a) In all criminal cases in which the defendant is accused
26 of any sexual offense defined in Title 5, Chapter 14 of the Arkansas Code of
27 1987 Annotated, evidence of the defendant's commission of a prior sexual
28 offense defined in Title 5, Chapter 14 of the Arkansas Code of 1987 Annotated
29 is admissible as evidence, and may be considered for its bearing on any matter
30 to which it is determined to be relevant by the court.

31 (b) In any criminal case in which the prosecutor intends to offer
32 evidence of a prior sexual offense as defined in subsection (a), the intent to
33 offer and evidence of the prior sexual offense shall be disclosed, together
34 with statements of witnesses or a summary of the substance of any testimony
35 that is expected to be offered, to the defendant and the defense attorney of
36 record at least fifteen (15) days before the scheduled date of trial, or at

1 such later time as the court may allow for good cause shown.

2 (c) This act shall not be construed to limit in any way the
3 admissibility of evidence or consideration of evidence under any other
4 provision of law or court rule.

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

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

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

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