

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/28/03

A Bill

HOUSE BILL 2472

5 By: Representative Martin
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For An Act To Be Entitled

9 AN ACT CONCERNING PSYCHIATRIC REPORTS ON
10 ACQUITTED DEFENDANTS; AND FOR OTHER PURPOSES.
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Subtitle

12 AN ACT CONCERNING PSYCHIATRIC REPORTS ON
13 ACQUITTED DEFENDANTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-2-314(d), concerning psychiatric reports
20 on acquitted defendants, is amended to read as follows:

21 (d)(1) The Director of the Department of Human Services shall file the
22 psychiatric or psychological report with a probate court having venue within
23 thirty (30) days following entry of order of acquittal. A hearing shall be
24 conducted by the probate court and shall take place not later than ten (10)
25 days following the filing of the report with the probate court.

26 (2) If the report is not filed within thirty (30) days following
27 the receipt of an order of acquittal the circuit court may:

28 (A) Exercise powers of contempt against the director and
29 any other persons responsible for the preparation and filing of the report;
30 and

31 (B) May grant a petition for a writ of habeas corpus
32 ordering the release of the defendant under terms and conditions which are
33 reasonable and just for the defendant and societal concerns about the safety
34 of persons and property of others.

35 (3) If the report is not filed within thirty (30) days following
36 entry of an order of acquittal, the circuit court may grant a petition for a



1 writ of habeas corpus ordering the release of the defendant under terms and
2 conditions which are reasonable and just for the defendant and societal
3 concerns about the safety of persons and property of others.

4 /s/ Martin

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