

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1754

5 By: Representative Gazaway
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For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF FURNISHING,
9 POSSESSING, OR USING PROHIBITED ARTICLES; AND FOR
10 OTHER PURPOSES.
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Subtitle

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13 CONCERNING THE OFFENSE OF FURNISHING,
14 POSSESSING, OR USING PROHIBITED ARTICLES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-54-119 is amended to read as follows:

21 5-54-119. Furnishing, possessing, or using prohibited articles =
22 Delivering a prohibited article.

23 (a) A person commits the offense of furnishing a prohibited article if
24 he or she knowingly:

25 (1) Introduces a prohibited article into a correctional
26 facility, the Arkansas State Hospital, or a youth services program; or

27 (2) Provides a person confined in a correctional facility, the
28 Arkansas State Hospital, or a youth services program with a prohibited
29 article.

30 (b)(1)(A) Furnishing or providing a weapon, intoxicating beverage,
31 controlled substance, moneys, a cellular telephone or other communication
32 device, the components of a cellular telephone or other communication device,
33 or any other items that would facilitate an escape, engaging in a continuing
34 criminal enterprise, § 5-64-405, or violence within a facility is a Class B
35 felony.

36 (B) Otherwise, furnishing a prohibited article is a Class



1 C felony.

2 (2) This section does not apply to a religious official who
 3 supplies sacramental wine labeled as sacramental wine to an inmate in the
 4 Department of Correction for the sole purpose of an approved religious
 5 service, pursuant to rules and regulations promulgated by the Board of
 6 Corrections.

7 (c)(1) A person commits possessing a prohibited article if, being an
 8 inmate of a correctional facility or in the custody of a correctional
 9 facility, the person knowingly possesses a:

- 10 (A) Cellular telephone or other communication device; ~~or~~
- 11 (B) Component of a cellular telephone or other
- 12 communication device; or
- 13 (C) Controlled substance.

14 (2) Possessing a prohibited article is a Class B felony.

15 (d)(1) A person commits using a prohibited article if, being an inmate
 16 of a correctional facility or in the custody of a correctional facility, the
 17 person knowingly uses a cellular telephone or other communication device to
 18 commit or to attempt, conspire, or solicit to commit:

- 19 (A) An escape from the custody of the correctional
- 20 facility;
- 21 (B) Engaging in a continuing criminal enterprise, § 5-64-
- 22 405; or
- 23 (C) A violent felony as defined at § 5-4-501(d)(2).

24 (2) Using a prohibited article is a Class A felony.

25 (e)(1) A person commits the offense of delivering a prohibited article
 26 if, being an inmate of a correctional facility or in the custody of a
 27 correctional facility, the person knowingly delivers a controlled substance
 28 to another person.

29 (2)(A) Delivering a prohibited article is a Class A felony if
 30 the controlled substance through its use causes the death of or serious
 31 bodily injury to another person.

32 (B) Otherwise, delivering a prohibited article is a Class
 33 B felony.

34 (f) A person may not be convicted of furnishing, possessing, or
 35 delivering a prohibited article if the prohibited article is a controlled
 36 substance and the person has been charged with, tried for, or convicted of a

1 possession or delivery offense under the Uniform Controlled Substances Act, §
2 5-64-401 et seq., that arises out of the same set of facts.

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