

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

# A Bill

SENATE BILL 357

5 By: Senator Rapert  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 5 OF  
10 THE ARKANSAS CODE CONCERNING CRIMINAL OFFENSES AND  
11 THE ARKANSAS CRIMINAL CODE; AND FOR OTHER PURPOSES.  
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13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 5  
16 OF THE ARKANSAS CODE CONCERNING CRIMINAL  
17 OFFENSES AND THE ARKANSAS CRIMINAL CODE.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-65-309(c), concerning implied consent  
23 under the Underage Driving or Boating Under the Influence Law, is amended to  
24 conform usage with a defined term to read as follows:

25 (c) A test of a ~~person's~~ an underage person's blood under this section  
26 to determine the ~~person's~~ underage person's alcohol concentration, controlled  
27 substance content, or other intoxicating substance content in his or her  
28 blood requires a warrant based on probable cause that the underage person was  
29 operating or in actual physical control of a motorboat on the waters of this  
30 state or a motor vehicle while intoxicated.  
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32 SECTION 2. Arkansas Code § 5-71-213(a) and (b), concerning the offense  
33 of loitering, are amended to clarify references to read as follows:

34 (a) A person commits the offense of loitering if he or she:  
35 (1) Lingers, remains, or prowls in a public place or the  
36 premises of another person without apparent reason and under circumstances



1 that warrant alarm or concern for the safety of persons or property in the  
2 vicinity and, upon inquiry by a law enforcement officer, refuses to identify  
3 himself or herself and give a reasonably credible account of his or her  
4 presence and purpose;

5 (2) Lingers, remains, or prowls in or near a school building,  
6 not having any reason or relationship involving custody of or responsibility  
7 for a student and not having written permission from anyone authorized to  
8 grant permission;

9 (3) Lingers or remains on a sidewalk, roadway, or public right-  
10 of-way, in a public parking lot or public transportation vehicle or facility,  
11 or on private property, for the purpose of asking for anything as charity or  
12 a gift:

13 (A) In a harassing or threatening manner;

14 (B) In a way likely to cause alarm to ~~the other~~ another  
15 person; or

16 (C) Under circumstances that create a traffic hazard or  
17 impediment;

18 (4) Lingers or remains in a public place for the purpose of  
19 unlawful gambling;

20 (5) Lingers or remains in a public place for the purpose of  
21 engaging or soliciting another person to engage in prostitution or deviate  
22 sexual activity;

23 (6) Lingers or remains in a public place for the purpose of  
24 unlawfully buying, distributing, or using a controlled substance;

25 (7) Lingers or remains in a public place for the purpose of  
26 unlawfully buying, distributing, or consuming an alcoholic beverage;

27 (8) Lingers or remains on or about the premises of another  
28 person for the purpose of spying upon or invading the privacy of another  
29 person; or

30 (9) Lingers or remains on or about the premises of any off-site  
31 customer-bank communication terminal without any legitimate purpose.

32 (b) Among the circumstances that may be considered in determining  
33 whether a person is loitering are that the person:

34 (1) Takes flight upon the appearance of a law enforcement  
35 officer;

36 (2) Refuses to identify himself or herself;

1 (3) Manifestly endeavors to conceal himself or herself or any  
2 object; or

3 (4) Has acted in a harassing or threatening manner or in a way  
4 likely to cause alarm to ~~the other~~ another person after sunset or before  
5 sunrise.

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7 SECTION 3. Arkansas Code § 5-77-201(e), concerning definitions under  
8 the offense of unlawful possession, purchase, sale, or transfer of a blue  
9 light or blue lens cap, is amended to repeal a defined term that is not used  
10 in the section to read as follows:

11 (e) As used in this section:

12 (1) "Auxiliary law enforcement officer" means the same as  
13 defined in § 12-9-301;

14 (2) "Blue lens cap" means a lens cap designed to produce a blue  
15 color of light when light from a device designed for an emergency vehicle  
16 passes through the lens cap; and

17 (3) "Blue light" means any operable device that:

18 (A) Emits a blue color of light;

19 (B) Is designed for use by an emergency vehicle or is  
20 similar in appearance to a device designed for use by an emergency vehicle;  
21 and

22 (C) Can be operated by use of the vehicle's battery, the  
23 vehicle's electrical system, or a dry cell battery; ~~and~~

24 ~~(4) "Illegitimately" includes violating a state or federal law.~~

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26 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

27 It is the intent of the General Assembly that:

28 (1) The enactment and adoption of this act shall not expressly  
29 or impliedly repeal an act passed during the regular session of the Ninety-  
30 Second General Assembly;

31 (2) To the extent that a conflict exists between an act of the  
32 regular session of the Ninety-Second General Assembly and this act:

33 (A) The act of the regular session of the Ninety-Second  
34 General Assembly shall be treated as a subsequent act passed by the General  
35 Assembly for the purpose of:

36 (i) Giving the act of the regular session of the

1 Ninety-Second General Assembly its full force and effect; and

2 (ii) Amending or repealing the appropriate parts of  
3 the Arkansas Code of 1987; and

4 (B) Section 1-2-107 shall not apply; and

5 (3) This act shall make only technical, not substantive, changes  
6 to the Arkansas Code of 1987.

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