

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.

Act 748 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S3/19/09*

**A Bill**

SENATE BILL 410

5 By: Senator Madison  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 5 OF  
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
11 OTHER PURPOSES.  
12

**Subtitle**

13 AN ACT TO MAKE VARIOUS CORRECTIONS TO  
14 TITLE 5 OF THE ARKANSAS CODE OF 1987  
15 ANNOTATED.  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 5-1-110(d)(1)(E) is amended to read as  
22 follows to remove obsolete language:

23 (E) Continuing criminal enterprise, § 5-64-405 ~~and former~~  
24 ~~§ 5-64-414~~, and any predicate felony utilized to prove the continuing  
25 criminal enterprise.  
26

27 SECTION 2. Arkansas Code § 5-2-607 is amended to read as follows to  
28 incorporate in a definition language incorporated by reference and to make  
29 stylistic changes:

30 5-2-607. Use of deadly physical force in defense of a person.

31 (a) A person is justified in using deadly physical force upon another  
32 person if the person reasonably believes that the other person is:

33 (1) Committing or about to commit a felony involving force or  
34 violence;

35 (2) Using or about to use unlawful deadly physical force; or



1           (3)~~(A)~~ Imminently endangering the person's life or imminently  
2 about to victimize the person as described in § 9-15-103 from the  
3 continuation of a pattern of domestic abuse.

4           ~~(B) As used in this section, "domestic abuse" means the~~  
5 ~~same as defined in § 9-15-103.~~

6           (b) A person may not use deadly physical force in self-defense if ~~he~~  
7 ~~or she~~ the person knows that he or she can avoid the necessity of using  
8 deadly physical force with complete safety:

9           (1)(A) By retreating.

10           (B) However, a person is not required to retreat if the  
11 person is:

12           (i) In the person's dwelling or on the curtilage  
13 surrounding the person's dwelling and was not the original aggressor; or

14           (ii) A law enforcement officer or a person assisting  
15 at the direction of a law enforcement officer; or

16           (2) By surrendering possession of property to a person claiming  
17 a lawful right to possession of the property.

18           (c) As used in this section, ~~"curtilage":~~

19           (1) "Curtilage" means the land adjoining a dwelling that is  
20 convenient for ~~family~~ residential purposes and habitually used for ~~family~~  
21 residential purposes, but not necessarily enclosed, and includes an  
22 outbuilding that is directly and intimately connected with the dwelling and  
23 in close proximity to the dwelling; and

24           (2) "Domestic abuse" means:

25           (A) Physical harm, bodily injury, assault, or the  
26 infliction of fear of imminent physical harm, bodily injury, or assault  
27 between family or household members; or

28           (B) Any sexual conduct between family or household  
29 members, whether minors or adults, that constitutes a crime under the laws of  
30 this state.

31  
32           SECTION 3. Arkansas Code § 5-4-104(e)(1)(A)(vi) is amended to read as  
33 follows to correct a reference:

34           (vi) Engaging in a continuing criminal enterprise,  
35 ~~former § 5-64-414~~ § 5-64-405.

36

1 SECTION 4. Arkansas Code § 5-4-301(a)(1)(F) is amended to read as  
2 follows to correct a reference:

3 (F) Engaging in a continuing criminal enterprise, ~~former-§~~  
4 ~~5-64-414~~ § 5-64-405.

5  
6 SECTION 5. Arkansas Code § 5-5-101(b) is amended to read as follows to  
7 clarify the scope of a definition and to make stylistic changes:

8 (b)(1) ~~"Contraband"~~ As used in this section, "contraband" includes  
9 means any:

10 ~~(1)(A)~~ Article possessed under a circumstance prohibited  
11 by law;

12 ~~(2)(B)~~ Weapon or other ~~instrumentality~~ instrument used in  
13 the commission or attempted commission of a felony;

14 ~~(3)(C)~~ Visual, print, or electronic medium that depicts  
15 sexually explicit conduct involving a child prohibited under § 5-27-304;

16 ~~(4)(D)~~ Visual, print, or electronic medium that contains a  
17 sexual performance of a child prohibited under § 5-27-403;

18 ~~(5)(E)~~ Item the possession of which is prohibited by § 5-  
19 27-602;

20 ~~(6)(F)~~ Item the production of which is prohibited by § 5-  
21 27-603;

22 ~~(7)(G)~~ Item the production of which is prohibited by § 5-  
23 27-605; or

24 ~~(8)(H)~~ Other article designated "contraband" by law, ~~but~~  
25 ~~shall not include a visual, a print, or an electronic medium created,~~  
26 ~~obtained, or possessed by licensed medical personnel or a regulated medical~~  
27 ~~facility for the purpose of treatment or documentation of injuries to a~~  
28 ~~child.~~

29 (2) "Contraband" does not include a visual, a print, or an  
30 electronic medium created, obtained, or possessed by licensed medical  
31 personnel or a regulated medical facility for the purpose of treatment or  
32 documentation of injuries to a child.

33  
34 SECTION 6. Arkansas Code § 5-10-101(a)(1)(A) is amended to add a new  
35 subdivision to read as follows to clarify the criminal offenses within its  
36 scope:

1 (xi) Aggravated residential burglary, § 5-39-204.

2  
3 SECTION 7. Arkansas Code § 5-14-101 is amended to add a new definition  
4 to read as follows to clarify the use of "minor" within Title 5, Chapter 14:

5 (11) "Minor" means a person who is less than eighteen (18) years of  
6 age.

7  
8 SECTION 8. The introductory language of Arkansas Code § 5-14-  
9 103(a)(4)(A) is amended to read as follows to reflect the definition of  
10 "minor" added to § 5-14-101 by this act:

11 (4)(A) Who is ~~less than eighteen (18) years of age~~ a minor and  
12 the actor is the victim's:

13  
14 SECTION 9. Arkansas Code § 5-14-110(a)(3) and (4) are amended to read  
15 as follows to clarify the criminal offense in (a)(4) and to reflect the  
16 definition of "minor" added to § 5-14-101 by this act:

17 (3) With the purpose to arouse or gratify a sexual desire of  
18 himself or herself or a sexual desire of any other person, the person  
19 purposely exposes his or her sex organs to ~~another person who is less than~~  
20 ~~eighteen (18) years of age~~ a minor, and the actor is:

21 (A) Employed with the Department of Correction, Department  
22 of Community Correction, any city or county jail, or any juvenile detention  
23 facility, and the minor is in custody at a facility operated by the agency or  
24 contractor employing the actor;

25 (B) A professional under § 12-12-507(b) and is in a  
26 position of trust or authority over the minor; or

27 (C) The minor's guardian, an employee in the minor's  
28 school or school district, a temporary caretaker, or a person in a position  
29 of trust and authority over the minor;

30 (4) With the purpose to arouse or gratify his or her sexual  
31 desire or a sexual desire of another person, a person who is eighteen (18)  
32 years of age or older+

33 ~~(A) Causes~~ causes or coerces ~~another person who is less~~  
34 ~~than eighteen (18) years of age~~ a minor to expose his or her sex organs to  
35 another person; ~~and~~ , and the actor is:

36 ~~(B)(i) Is employed~~ (A) Employed with the Department of

1 Correction, the Department of Community Correction, any city or county jail,  
2 or any juvenile detention facility, and the minor is in custody at a facility  
3 operated by the agency or contractor employing the actor;

4 ~~(ii) Is a (B) A~~ professional under § 12-12-507(b)  
5 and is in a position of trust or authority over the minor; or

6 ~~(iii) Is the (C) The~~ minor's guardian, an employee  
7 in the minor's school or school district, a temporary caretaker, or a person  
8 in a position of trust or authority over the minor; or

9  
10 SECTION 10. The introductory language of Arkansas Code § 5-14-124(a)  
11 is amended to read as follows to reflect the definition of "minor" added to §  
12 5-14-101 by this act:

13 (a) A person commits sexual assault in the first degree if the person  
14 engages in sexual intercourse or deviate sexual activity with ~~another person~~  
15 ~~who is less than eighteen (18) years of age and~~ a minor who is not the  
16 actor's spouse and the actor is:

17  
18 SECTION 11. The introductory language of Arkansas Code § 5-14-  
19 125(a)(4)(A) is amended to read as follows to reflect the definition of  
20 "minor" added to § 5-14-101 by this act:

21 (4)(A) Engages in sexual contact with ~~another person who is less~~  
22 ~~than eighteen (18) years of age~~ a minor and the actor is:

23  
24 SECTION 12. The introductory language of Arkansas Code § 5-14-  
25 125(a)(5)(A) is amended to read as follows to reflect the definition of  
26 "minor" added to § 5-14-101 by this act:

27 (5)(A) Being ~~less than eighteen (18) years of age~~ a minor,  
28 engages in sexual contact with another person who is:

29  
30 SECTION 13. The introductory language of Arkansas Code § 5-14-  
31 125(b)(2) is amended to read as follows to reflect the definition of "minor"  
32 added to § 5-14-101 by this act:

33 (2) Sexual assault in the second degree is a Class D felony if  
34 committed by a ~~person less than eighteen (18) years of age~~ minor with another  
35 person who is:

36

1 SECTION 14. The introductory language of Arkansas Code § 5-14-  
2 126(a)(2)(A) is amended to read as follows to reflect the definition of  
3 "minor" added to § 5-14-101 by this act:

4 (2)(A) Being ~~under eighteen (18) years of age~~ a minor, engages  
5 in sexual intercourse or deviate sexual activity with another person who is:  
6

7 SECTION 15. Arkansas Code § 5-14-132(c) and (d) are amended to read as  
8 follows to clarify the scope of a criminal offense, clarify references, and  
9 make stylistic changes:

10 (c) It is not a violation of this section if the sex offender:

11 (1) Is ~~a minor~~ less than twenty-two (22) years of age and is a  
12 student enrolled in a grade kindergarten through twelve (K-12) program;

13 (2) Enters upon the campus for the purpose of attending a  
14 school-sponsored event for which an admission fee is charged or tickets are  
15 sold or distributed, a graduation ceremony, or a baccalaureate ceremony;

16 (3) Enters upon the campus on a day that is not designated a  
17 student contact day by the ~~school district's~~ public school's calendar or on a  
18 day in which no school-sponsored event is taking place upon the campus; or

19 (4) Is the parent or guardian of a student enrolled in a public  
20 school ~~district~~ and enters upon the campus where the student is enrolled for  
21 the purpose of:

22 (A) Delivering to the student medicine, food, or personal  
23 items, ~~provided that the items~~ if the medicine, food, or personal items are  
24 delivered directly to the ~~school~~ public school's office; or

25 (B) Attending a scheduled parent-teacher conference,  
26 ~~provided if~~ the sex offender is escorted to and from the scheduled parent-  
27 teacher conference by a designated public school official or employee.

28 (d)(1) A sex offender who is the parent or guardian of a ~~child~~ student  
29 enrolled in a public school ~~district~~ and wishes to enter upon the campus ~~in~~  
30 ~~which~~ where the student is enrolled for any other purpose ~~must~~ shall give  
31 reasonable notice to the public school principal or his or her designee.

32 (2)(A) The public school principal or his or her designee may  
33 allow the parent or guardian sex offender to enter upon the campus ~~as~~ so long  
34 as there is a designated public school official or employee available to  
35 escort and supervise the parent or guardian sex offender while he or she  
36 remains on campus.

1 (B) If a designated public school official or employee is  
 2 not available at the time the parent or guardian sex offender wishes to enter  
 3 upon the campus, the parent or guardian sex offender shall not enter upon the  
 4 campus until he or she is notified that a designated public school official  
 5 or employee is available.

6  
 7 SECTION 16. Arkansas Code § 5-26-303(a)(4) is amended to read as  
 8 follows to clarify a criminal offense:

9 (4) ~~He or she~~ The person:

10 (A) ~~commits~~ Commits any act of domestic battering as  
 11 defined in ~~subdivisions (a)(1) — (3) of this section or~~ § 5-26-304 or § 5-26-  
 12 305; and,

13 (B) ~~for~~ For conduct that occurred within the ten (10)  
 14 years preceding the commission of the current offense, ~~he or she~~ the person  
 15 has on two (2) previous occasions been convicted of any act of battery  
 16 against a family or household member as defined by the laws of this state or  
 17 by the equivalent laws of any other state or foreign jurisdiction.

18  
 19 SECTION 17. Arkansas Code § 5-27-227 is repealed because its  
 20 provisions are being enacted as a new subchapter by this act:

21 ~~5-27-227. Providing minors with tobacco products and cigarette papers~~  
 22 ~~—Purchase, use, or possession prohibited—Self-service displays prohibited~~  
 23 ~~—Placement of tobacco vending machines.~~

24 ~~(a) It is unlawful for any person to give, barter, or sell to a minor:~~

25 ~~(1) Tobacco in any form; or~~

26 ~~(2) A cigarette paper.~~

27 ~~(b) It is unlawful for any minor:~~

28 ~~(1) Unless acting as an agent of the minor's employer within the~~  
 29 ~~scope of employment, to use or possess:~~

30 ~~(A) Tobacco in any form; or~~

31 ~~(B) A cigarette paper;~~

32 ~~(2) To purchase or attempt to purchase:~~

33 ~~(A) Tobacco in any form; or~~

34 ~~(B) A cigarette paper; or~~

35 ~~(3) For the purpose of obtaining or attempting to obtain tobacco~~  
 36 ~~in any form or a cigarette paper, to use any:~~

1                   ~~(A) Falsified identification; or~~

2                   ~~(B) Identification other than his or her own.~~

3           ~~(c)(1) It is not an offense under subdivisions (b)(1) or (2) of this~~  
4 ~~section if a minor was acting at the direction of an employee or authorized~~  
5 ~~agent of a governmental agency authorized to enforce or ensure compliance~~  
6 ~~with a law relating to the prohibition of the sale of tobacco in any form or~~  
7 ~~a cigarette paper to a minor.~~

8                   ~~(2) Any minor used in the manner described in subdivision (c)(1)~~  
9 ~~of this section by a governmental agency shall display the appearance of a~~  
10 ~~minor.~~

11                   ~~(3)(A) If questioned by a retailer or an agent or employee of a~~  
12 ~~retailer about his or her age, the minor shall state his or her actual age~~  
13 ~~and shall present a true and correct identification if verbally asked to~~  
14 ~~present it.~~

15                   ~~(B) If verbally asked for it, any failure on the part of~~  
16 ~~the minor to provide true and correct identification is a defense to any~~  
17 ~~action pursuant to this section or a civil action under § 26-57-257.~~

18                   ~~(4) No minor is subject to arrest or search by any law~~  
19 ~~enforcement officer merely on the ground that the minor has or may have~~  
20 ~~possession of tobacco or a cigarette paper.~~

21           ~~(d) No person shall engage or direct a minor to violate any provision~~  
22 ~~of this section for purposes of determining compliance with a provision of~~  
23 ~~this section unless the person has procured the written consent of a parent~~  
24 ~~or guardian of the minor to so engage or direct the minor and the person is:~~

25                   ~~(1) An officer having authority to enforce a provision of this~~  
26 ~~section;~~

27                   ~~(2) An employee of the Arkansas Tobacco Control Board or a~~  
28 ~~prosecuting attorney;~~

29                   ~~(3) An authorized representative of a business acting pursuant~~  
30 ~~to a self-compliance program designed to increase compliance with this~~  
31 ~~section;~~

32                   ~~(4) An employee or authorized representative of the Department~~  
33 ~~of Health; or~~

34                   ~~(5) An employee or authorized agent of a governmental agency~~  
35 ~~authorized to enforce or ensure compliance with a provision of this section.~~

36           ~~(e) Any person who sells tobacco in any form or a cigarette paper has~~



1 ~~the right to deny the sale of any tobacco in any form or a cigarette paper to~~  
2 ~~any person.~~

3 ~~(f) It is unlawful for any person who has been issued a permit or a~~  
4 ~~license under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et~~  
5 ~~seq., to fail to display in a conspicuous place or on each vending machine a~~  
6 ~~sign indicating that the sale of tobacco products to or purchase or~~  
7 ~~possession of tobacco products by a minor is prohibited by law.~~

8 ~~(g) It is unlawful for any manufacturer whose tobacco product is~~  
9 ~~distributed in this state and any person who has been issued a permit or~~  
10 ~~license under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et~~  
11 ~~seq., to distribute a free sample of any tobacco product or coupon that~~  
12 ~~entitles the holder of the coupon to any free sample of any tobacco product.~~

13 ~~(1) In or on any public street or sidewalk within five hundred~~  
14 ~~feet (500") of any playground, public school, or other facility when the~~  
15 ~~playground, public school, or other facility is being used primarily by~~  
16 ~~minors for recreational, educational, or other purposes; or~~

17 ~~(2) To any minor.~~

18 ~~(h)(1)(A) It is unlawful for any person that has been issued a permit~~  
19 ~~or license under the Arkansas Tobacco Products Act of 1977, § 26-57-201 et~~  
20 ~~seq., to sell or distribute a cigarette product through a self-service~~  
21 ~~display.~~

22 ~~(B) Subdivision (h)(1)(A) of this section does not apply~~  
23 ~~to a:~~

24 ~~(i) Vending machine that complies with subdivision~~  
25 ~~(i)(1)(A) of this section; or~~

26 ~~(ii) Retail tobacco store.~~

27 ~~(2) As used in subdivision (h)(1) of this section:~~

28 ~~(A) "Retail tobacco store" means a retail store utilized~~  
29 ~~primarily for the sale of tobacco products and accessories and in which the~~  
30 ~~sale of other products is merely incidental; and~~

31 ~~(B) "Self-service display" means a display:~~

32 ~~(i) That contains a cigarette product;~~

33 ~~(ii) That is located in an area where customers are~~  
34 ~~permitted; and~~

35 ~~(iii) In which the cigarette product is readily~~  
36 ~~accessible to a customer without the assistance of a salesperson.~~

1           ~~(i)(1)(A) Except as provided in subdivision (i)(2) of this section, it~~  
2 ~~is unlawful for any person who owns or leases a tobacco vending machine to~~  
3 ~~place a tobacco vending machine in a public place.~~

4                   ~~(B) As used in subdivision (i)(1)(A) of this section,~~  
5 ~~“public place” means a publicly or privately owned place to which the public~~  
6 ~~or a substantial number of people have access.~~

7           ~~(2) A tobacco vending machine may be placed in a:~~

8                   ~~(A) Restricted area within a factory, business, office, or~~  
9 ~~other structure to which a member of the general public is not given access;~~

10                   ~~(B) Permitted premises that has a permit for the sale or~~  
11 ~~dispensing of an alcoholic beverage for on-premises consumption that restrict~~  
12 ~~entry to a person twenty one (21) years of age or older; or~~

13                   ~~(C) Place where the tobacco vending machine is under the~~  
14 ~~supervision of the owner or an employee of the owner.~~

15           ~~(j)(1) Any retail permit holder or license holder who violates any~~  
16 ~~provision in this section is deemed guilty of a violation and subject to the~~  
17 ~~following penalties:~~

18                   ~~(A) If the alleged violator has received a notice of an~~  
19 ~~alleged violation from the Arkansas Tobacco Control Board or other agency or~~  
20 ~~official with the authority to assess a penalty containing the information~~  
21 ~~specified in this subchapter, a fine not to exceed two hundred fifty dollars~~  
22 ~~(\$250) for a first violation within a forty-eight month period;~~

23                   ~~(B) For a second violation within a forty-eight month~~  
24 ~~period;~~

25                           ~~(i) A fine not to exceed five hundred dollars~~  
26 ~~(\$500); and~~

27                           ~~(ii) Suspension of the license or permit enumerated~~  
28 ~~in § 26-57-219 for a period not to exceed two (2) days;~~

29                   ~~(C) For a third violation within a forty-eight month~~  
30 ~~period;~~

31                           ~~(i) A fine not to exceed one thousand dollars~~  
32 ~~(\$1,000); and~~

33                           ~~(ii) Suspension of the license or permit enumerated~~  
34 ~~in § 26-57-219 for a period not to exceed seven (7) days;~~

35                   ~~(D) For a fourth or subsequent violation within a forty-~~  
36 ~~eight month period;~~

1                                   ~~(i) A fine not to exceed two thousand dollars~~  
2 ~~(\$2,000); and~~

3                                   ~~(ii) Suspension of the license or permit enumerated~~  
4 ~~in § 26-57-219 for a period not to exceed fourteen (14) days; and~~

5                                   ~~(E) For a fifth violation within a forty-eight month~~  
6 ~~period, the license or permit enumerated in § 26-57-219 may be revoked.~~

7                                   ~~(2) Upon any revocation or suspension of a permit or license~~  
8 ~~under a provision of subdivision~~

9                                   ~~(j)(1) of this section, the person shall not be issued any new permit~~  
10 ~~or license to distribute or sell a tobacco product during the period of~~  
11 ~~suspension or revocation.~~

12                                   ~~(k)(1) A notice of alleged violation of this section shall be given to~~  
13 ~~the holder of a retail permit or license within ten (10) days of the alleged~~  
14 ~~violation.~~

15                                   ~~(2)(A) The notice shall contain the date and time of the alleged~~  
16 ~~violation.~~

17                                   ~~(B)(i) The notice shall also include either the name of~~  
18 ~~the person making the alleged sale or information reasonably necessary to~~  
19 ~~determine the location in the store that allegedly made the sale.~~

20                                   ~~(ii) When appropriate, information under subdivision~~  
21 ~~(k)(2)(B)(i) of this section should include, but not be limited to, the:~~

22                                   ~~(a) Cash register number;~~

23                                   ~~(b) Physical location of the sale in the~~  
24 ~~store; and~~

25                                   ~~(c) If possible, the lane or aisle number.~~

26                                   ~~(l) Notwithstanding the provisions of subsection (j) of this section,~~  
27 ~~the court shall consider the following factors when reviewing a possible~~  
28 ~~violation:~~

29                                   ~~(1) The business has adopted and enforced a written policy~~  
30 ~~against selling cigarettes or tobacco products to minors;~~

31                                   ~~(2) The business has informed its employees of the applicable~~  
32 ~~laws regarding the sale of cigarettes and tobacco products to minors;~~

33                                   ~~(3) The business has required employees to verify the age of a~~  
34 ~~cigarette or tobacco product customer by way of photographic identification;~~

35                                   ~~(4) The business has established and imposed disciplinary~~  
36 ~~sanctions for noncompliance; and~~

1           ~~(5) That the appearance of the purchaser of the tobacco in any~~  
 2 ~~form or cigarette papers was such that an ordinary prudent person would~~  
 3 ~~believe him or her to be of legal age to make the purchase.~~

4           ~~(m) Any cigarette or tobacco product found in the possession of a~~  
 5 ~~minor may be confiscated.~~

6           ~~(n) An employee of a permit holder who violates § 5-27-227 is subject~~  
 7 ~~to a fine not to exceed one hundred dollars (\$100) per violation.~~

8           ~~(o) A person convicted of violating any provision of this section~~  
 9 ~~whose permit or license to distribute or sell a tobacco product is suspended~~  
 10 ~~or revoked upon conviction shall surrender to the court any permit or license~~  
 11 ~~to distribute or sell a tobacco product and the court shall transmit the~~  
 12 ~~permit or license to distribute or sell a tobacco product to the Director of~~  
 13 ~~the Department of Finance and Administration and instruct the Director of the~~  
 14 ~~Arkansas Tobacco Control Board.~~

15           ~~(1) To suspend or revoke the person's permit or license to~~  
 16 ~~distribute or sell a tobacco product and to not renew the permit or license;~~  
 17 ~~and~~

18           ~~(2) Not to issue any new permit or license to that person for~~  
 19 ~~the period of time determined by the court in accordance with this section.~~

21           SECTION 18. Arkansas Code § 5-27-305 is amended to read as follows to  
 22 conform the culpable mental state element of a criminal offense to a culpable  
 23 mental state defined in the Arkansas Criminal Code and to clarify the  
 24 criminal offense:

25           5-27-305. Transportation of minors for prohibited sexual conduct.

26           ~~Any person is guilty of a Class A felony who~~ (a) A person commits the  
 27 offense of transportation of a minor for prohibited sexual conduct if the  
 28 person transports, finances in whole or part the transportation of, or  
 29 otherwise causes or facilitates the movement of any minor, ~~if~~ and the actor:

30           (1) Knows or has reason to know that prostitution or sexually  
 31 explicit conduct involving the minor will be commercially exploited by any  
 32 person; and

33           (2) ~~Intends~~ Acts with the purpose that the minor will engage in:

34           (A) Prostitution; or

35           (B) Sexually explicit conduct.

36           (b) Transportation of a minor for prohibited sexual conduct is a Class

1 A felony.

2  
3 SECTION 19. Arkansas Code Title 5, Chapter 27, is amended to add a new  
4 subchapter to read as follows to reflect the former provisions of § 5-27-227  
5 repealed by this act:

6 Subchapter 7 – Protection of minors from tobacco products

7 5-27-701. Definitions.

8 As used in this subchapter:

9 (1) “Public place” means a publicly or privately owned place to  
10 which the public or a substantial number of people have access;

11 (2) “Retail tobacco store” means a retail store used primarily  
12 for the sale of tobacco products and accessories and in which the sale of  
13 other products is merely incidental; and

14 (3) “Self-service display” means a display:

15 (A) That contains a cigarette product;

16 (B) That is located in an area where customers are  
17 permitted; and

18 (C) In which the cigarette product is readily accessible  
19 to a customer without the assistance of a salesperson.

20  
21 5-27-702. Transfer of tobacco to minor prohibited – Use, possession,  
22 or purchase of tobacco by minor prohibited.

23 (a) It is unlawful for a person to give, barter, or sell to a minor:

24 (1) Tobacco in any form; or

25 (2) A cigarette paper.

26 (b) It is unlawful for a minor:

27 (1) Unless acting as an agent of the minor’s employer within the  
28 scope of employment, to use or possess:

29 (A) Tobacco in any form; or

30 (B) A cigarette paper;

31 (2) To purchase or attempt to purchase:

32 (A) Tobacco in any form; or

33 (B) A cigarette paper; or

34 (3) For the purpose of obtaining or attempting to obtain tobacco  
35 in any form or a cigarette paper, to use any:

36 (A) Falsified identification; or

1                   (B) Identification other than his or her own.

2           (c)(1) It is not an offense under subdivision (b)(1) or subdivision  
3 (b)(2) of this section if a minor was acting at the direction of an employee  
4 or authorized agent of a governmental agency authorized to enforce or ensure  
5 compliance with a law relating to the prohibition of the sale of tobacco in  
6 any form or a cigarette paper to a minor.

7           (2) A minor used in the manner described in subdivision (c)(1)  
8 of this section by a governmental agency shall display the appearance of a  
9 minor.

10           (3)(A) If questioned by a retailer or an agent or employee of a  
11 retailer about his or her age, the minor shall state his or her actual age  
12 and shall present a true and correct identification if verbally asked to  
13 present true and correct identification.

14           (B) If verbally asked to present true and correct  
15 identification, a failure on the part of the minor to provide true and  
16 correct identification is a defense to an action under this subchapter or a  
17 civil action under § 26-57-257.

18  
19           5-27-703. Failure to display sign regarding purchase or possession of  
20 tobacco by minor prohibited.

21           It is unlawful for a person who has been issued a permit or a license  
22 under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., to  
23 fail to display in a conspicuous place or on each vending machine a sign  
24 indicating that the sale of tobacco products to or purchase or possession of  
25 tobacco products by a minor is prohibited by law.

26  
27           5-27-704. Distribution of free samples of tobacco in certain  
28 circumstances prohibited.

29           It is unlawful for a manufacturer whose tobacco product is distributed  
30 in this state and a person who has been issued a permit or license under the  
31 Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., to distribute  
32 a free sample of a tobacco product or coupon that entitles the holder of the  
33 coupon to a free sample of a tobacco product:

34           (1) In or on a public street or sidewalk within five hundred  
35 feet (500') of a playground, public school, or other facility when the  
36 playground, public school, or other facility is being used primarily by

1 minors for recreational, educational, or other purposes; or

2 (2) To a minor.

3  
4 5-27-705. Distribution of cigarette product through a self-service  
5 display prohibited.

6 (a) It is unlawful for a person that has been issued a permit or  
7 license under the Arkansas Tobacco Products Act of 1977, § 26-57-201 et seq.,  
8 to sell or distribute a cigarette product through a self-service display.

9 (b) Subsection (a) of this section does not apply to a:

10 (1) Vending machine that complies with § 5-27-706; or

11 (2) Retail tobacco store.

12  
13 5-27-706. Placement of tobacco vending machine in a public place  
14 prohibited.

15 (a) Except as provided in subsection (b) of this section, it is  
16 unlawful for a person who owns or leases a tobacco vending machine to place a  
17 tobacco vending machine in a public place.

18 (b) A tobacco vending machine may be placed in a:

19 (1) Restricted area within a factory, business, office, or other  
20 structure to which a member of the general public is not given access;

21 (2) Permitted premises that has a permit for the sale or  
22 dispensing of an alcoholic beverage for on-premises consumption and that  
23 restricts entry to a person twenty-one (21) years of age or older; or

24 (3) Place where the tobacco vending machine is under the  
25 supervision of the owner or an employee of the owner.

26  
27 5-27-707. Arrest or search of minor - Confiscation of tobacco.

28 (a) A minor is not subject to arrest or search by a law enforcement  
29 officer merely on the ground that the minor has or may have possession of  
30 tobacco or a cigarette paper.

31 (b) A cigarette or tobacco product found in the possession of a minor  
32 may be confiscated.

33  
34 5-27-708. Consent of parent or guardian to use of minor for  
35 enforcement.

36 A person shall not engage or direct a minor to violate this subchapter

1 for purposes of determining compliance with this subchapter unless the person  
2 has procured the written consent of a parent or guardian of the minor to so  
3 engage or direct the minor and the person is:

4 (1) An officer having authority to enforce a provision of this  
5 section;

6 (2) An employee of the Arkansas Tobacco Control Board or a  
7 prosecuting attorney;

8 (3) An authorized representative of a business acting under a  
9 self-compliance program designed to increase compliance with this section;

10 (4) An employee or authorized representative of the Department  
11 of Health; or

12 (5) An employee or authorized agent of a governmental agency  
13 authorized to enforce or ensure compliance with this subchapter.

14  
15 5-27-709. Right to refuse sale of tobacco or cigarette paper.

16 A person who sells tobacco in any form or a cigarette paper may deny  
17 the sale of tobacco in any form or a cigarette paper to any person.

18  
19 5-27-710. Penalties for violation of subchapter.

20 (a) Upon conviction, a retail permit holder or license holder who  
21 violates this subchapter is guilty of a violation and subject to the  
22 following penalties:

23 (1) If the alleged violator has received a notice of an alleged  
24 violation from the Arkansas Tobacco Control Board or other agency or official  
25 with the authority to assess a penalty containing the information specified  
26 in this subchapter, a fine not to exceed two hundred fifty dollars (\$250) for  
27 a first violation within a forty-eight-month period;

28 (2) For a second violation within a forty-eight-month period:

29 (A) A fine not to exceed five hundred dollars (\$500); and

30 (B) Suspension of the license or permit enumerated in §  
31 26-57-219 for a period not to exceed two (2) days;

32 (3) For a third violation within a forty-eight month period:

33 (A) A fine not to exceed one thousand dollars (\$1,000);

34 and

35 (B) Suspension of the license or permit enumerated in §  
36 26-57-219 for a period not to exceed seven (7) days;



1           (4) For a fourth or subsequent violation within a forty-eight-  
2 month period:

3                   (A) A fine not to exceed two thousand dollars (\$2,000);  
4 and

5                   (B) Suspension of the license or permit enumerated in §  
6 26-57-219 for a period not to exceed fourteen (14) days; and

7           (5) For a fifth violation within a forty-eight-month period, the  
8 license or permit enumerated in § 26-57-219 may be revoked.

9           (b) Upon a revocation or suspension of a permit or license under  
10 subsection (a) of this section, the person shall not be issued a new permit  
11 or license to distribute or sell a tobacco product during the period of  
12 suspension or revocation.

13           (c)(1) A notice of alleged violation of this subchapter shall be given  
14 to the holder of a retail permit or license within ten (10) days of the  
15 alleged violation.

16                   (2)(A) The notice shall contain the date and time of the alleged  
17 violation.

18                   (B)(i) The notice shall also include either the name of  
19 the person making the alleged sale or information reasonably necessary to  
20 determine the location in the store that allegedly made the sale.

21                           (ii) When appropriate, information under subdivision  
22 (c)(2)(B)(i) of this section shall include without limitation the:

23                                   (a) Cash register number;

24                                   (b) Physical location of the sale in the  
25 store; and

26                                   (c) If possible, the lane or aisle number.

27           (d) A court shall consider the following factors when reviewing a  
28 possible violation:

29                   (1) The business has adopted and enforced a written policy  
30 against selling cigarettes or tobacco products to minors;

31                   (2) The business has informed its employees of the applicable  
32 laws regarding the sale of cigarettes and tobacco products to minors;

33                   (3) The business has required employees to verify the age of a  
34 cigarette or tobacco product customer by photographic identification;

35                   (4) The business has established and imposed disciplinary  
36 sanctions for noncompliance; and

1           (5) That the appearance of the purchaser of the tobacco in any  
 2 form or cigarette papers was such that an ordinary prudent person would  
 3 believe him or her to be of legal age to make the purchase.

4           (e) An employee of a permit holder who violates this subchapter is  
 5 subject to a fine not to exceed one hundred dollars (\$100) per violation.

6           (f) Upon conviction, a person convicted of violating this subchapter  
 7 whose permit or license to distribute or sell a tobacco product is suspended  
 8 or revoked shall surrender to the court any permit or license to distribute  
 9 or sell a tobacco product, and the court shall transmit the permit or license  
 10 to distribute or sell a tobacco product to the Director of the Department of  
 11 Finance and Administration and instruct the Director of the Arkansas Tobacco  
 12 Control Board:

13           (1) To suspend or revoke the person's permit or license to  
 14 distribute or sell a tobacco product and to not renew the permit or license;  
 15 and

16           (2) Not to issue a new permit or license to that person for the  
 17 period of time determined by the court under this subchapter.

18  
 19           SECTION 20. The introductory language of Arkansas Code § 5-37-227(a)  
 20 is amended to read as follows to conform the culpable mental state element of  
 21 a criminal offense to a culpable mental state defined in the Arkansas  
 22 Criminal Code:

23           (a) A person commits financial identity fraud if, with the ~~intent~~  
 24 purpose to:

25  
 26           SECTION 21. Arkansas Code § 5-37-301 is amended to read as follows to  
 27 clarify the scope of the Arkansas Hot Check Law:

28           5-37-301. Title  
 29 ~~For convenience, this section and §§ 5-37-301—5-37-306 may be~~  
 30 ~~referred to and cited as "The Arkansas Hot Check Law"~~ This subchapter shall  
 31 be known and may be cited as the "Arkansas Hot Check Law".

32  
 33           SECTION 22. Arkansas Code § 5-37-305(b)(2)(B) is amended to read as  
 34 follows to correct an inconsistency with § 5-37-305(b)(2)(A):

35           (B) More than one (1) instrument or transaction has been  
 36 drawn within a ninety-day period, each instrument or transaction is in an

1 amount less than ~~two hundred dollars (\$200)~~ five hundred dollars (\$500), and  
 2 the total amount of all such instruments or transactions is less than two  
 3 thousand five hundred dollars (\$2,500) but more than five hundred dollars  
 4 (\$500).

5  
 6 SECTION 23. Arkansas Code § 5-38-310 is amended to read as follows to  
 7 clarify a criminal offense:

8 5-38-310. Unlawful burning — ~~Miscellaneous misdemeanors.~~

9 (a) ~~The following acts are Class A misdemeanors~~ A person commits the  
 10 offense of unlawful burning if the person:

11 (1) ~~Setting~~ Sets on fire or ~~causing or procuring~~ causes or  
 12 procures to be set on fire any forest, brush, or other inflammable vegetation  
 13 on another person's land;

14 (2) ~~Allowing fire to escape from the control of the person~~  
 15 ~~building the fire or having charge of the fire or to spread to any person's~~  
 16 ~~land other than the builder of the fire~~ Allows a fire that he or she built or  
 17 has charge of to escape from his or her control or to spread to a person's  
 18 land other than that of the builder of the fire;

19 (3)(A) ~~Burning~~ Burns any brush, stumps, logs, rubbish, fallen  
 20 timber, grass, stubble, or debris of any sort, whether on the person's own  
 21 land or another person's land, without taking necessary precaution both  
 22 before lighting the fire and at any time after lighting the fire to prevent  
 23 the escape of the fire.

24 (B) The escape of fire to adjoining timber, brush, or  
 25 grassland is prima facie evidence that a necessary precaution was not taken;

26 (4) Builds a camp fire on another person's land, without  
 27 ~~cleaning~~ clearing the ground immediately around it ~~free from~~ of material that  
 28 will carry fire; ~~or~~

29 (5) ~~leaving~~ Leaves on another person's land a camp fire to  
 30 spread on that ~~other~~ person's land; ~~or~~

31 (6) Starts a fire in forest material not the person's own by  
 32 throwing away a lighted cigar, match, or cigarette or by the use of a firearm  
 33 or in any other manner ~~starting a fire in forest material not the person's~~  
 34 ~~own~~ and ~~leaving~~ leaves the fire unextinguished;

35 (5) ~~Defacing or destroying~~ (7) Defaces or destroys a fire  
 36 warning notice;

1           ~~(6) Except as provided in subsection (e) of this section,~~  
 2 ~~failure by any~~ (8) Is an employee of the Arkansas Forestry Commission or ~~any~~  
 3 an officer charged with a duty of enforcing a criminal law and fails to  
 4 attempt to secure the arrest and conviction of ~~any a~~ person against whom he  
 5 or she has evidence or can secure evidence of violating a fire law; ~~and or~~

6           ~~(7) Setting~~ (9) Sets on fire or ~~causing or procuring~~ causes or  
 7 procures to be set on fire any forest, brush, or other flammable material in  
 8 violation of a burn ban on outdoor burning declared under § 12-75-108, ~~unless~~  
 9 ~~the defendant was acting pursuant to a permit issued by the chief executive~~  
 10 ~~of the political subdivision issuing the burn ban.~~

11           (b) Unlawful burning is a Class A misdemeanor.

12           ~~(c) No bond for costs shall~~ A bond for costs shall not be required in  
 13 ~~any a~~ court of this state for prosecution for violation of ~~a provision of~~  
 14 this section.

15           ~~(e) Failure of the commission to enforce subdivision (a)(7) of this~~  
 16 ~~section is not a Class A misdemeanor~~           (d) It is not a violation of:

17           (1) Subdivision (a)(8) of this section for an employee of the  
 18 commission to fail to enforce subdivision (a)(9) of this section; or

19           (2) Subdivision (a)(9) of this section if the person was acting  
 20 under a permit issued by the chief executive of the political subdivision  
 21 issuing the burn ban.

22  
 23           SECTION 24. Arkansas Code § 5-39-401(b) is amended to read as follows  
 24 to clarify a criminal offense:

25           (b) Destruction or removal of a cemetery marker or grave marker is a  
 26 Class C felony.

27  
 28           SECTION 25. Arkansas Code § 5-54-102(b)(2) is amended to read as  
 29 follows to make a stylistic change:

30           (2) ~~For a~~ A second or subsequent offense of obstructing  
 31 governmental operations under subdivision (a)(4) of this section, ~~a person is~~  
 32 ~~guilty of~~ a Class A misdemeanor.

33  
 34           SECTION 26. Arkansas Code § 5-64-401(a)(4)(D)(i) is amended to read as  
 35 follows to clarify the phrase "and/or":

36           (D)(i) Imprisoned for no less than ten (10) years nor more

1 than forty (40) years ~~and/or~~ or fined no more than two hundred fifty thousand  
2 dollars (\$250,000), or both, if the quantity of the controlled substance is  
3 five hundred pounds (500 lbs.) or more.

4  
5 SECTION 27. The introductory language of Arkansas Code § 5-64-403(a)  
6 is amended to read as follows to clarify the culpable mental state required  
7 for a criminal offense:

8 (a) Fraud. It is unlawful for ~~any~~ a person knowingly ~~or intentionally~~  
9 to:

10  
11 SECTION 28. Arkansas Code § 5-65-115(e) is amended to read as follows  
12 to clarify references:

13 (e) Each alcohol education program or alcoholism treatment program  
14 shall remit the fees imposed under this section to the Office of Alcohol and  
15 Drug Abuse Prevention.

16  
17 SECTION 29. Arkansas Code § 5-65-120(a)(2)(D) is amended to read as  
18 follows to clarify references:

19 (D) To and from ~~the~~ an alcohol education program ~~and or~~  
20 alcoholism treatment ~~programs for drunk drivers~~ program; or

21  
22 SECTION 30. Arkansas Code § 5-65-205(c) is repealed because it is now  
23 obsolete:

24 ~~(c) For any arrest or offense occurring before July 30, 1999, but that~~  
25 ~~has not reached a final disposition as to judgment in court:~~

26 ~~(1) The offense shall be decided under the law in effect at the~~  
27 ~~time the offense occurred; and~~

28 ~~(2) Any defendant is subject to the penalty provisions in effect~~  
29 ~~at that time and not under the provisions of this section.~~

30  
31 SECTION 31. Arkansas Code § 5-65-206(d)(1)(B) is amended to read as  
32 follows:

33 (B) ~~These documents are~~ A document described in  
34 subdivision (d)(1)(A) of this section is self-authenticating.

35  
36 SECTION 32. Arkansas Code § 5-65-402(g) is repealed because it is now

1 obsolete:

2 ~~(g) For any arrest or offense occurring before July 30, 1999, but that~~  
 3 ~~has not reached a final disposition as to judgment in court, the offense~~  
 4 ~~shall be decided under the law in effect at the time the offense occurred,~~  
 5 ~~and any defendant is subject to the penalty provisions in effect at that time~~  
 6 ~~and not under the provisions of this section.~~

7

8 SECTION 33. Arkansas Code § 5-66-104 is amended to read as follows to  
 9 clarify the criminal offense, classify the criminal offense, and make  
 10 stylistic changes:

11 5-66-104. Gaming devices – Prohibition.

12 (a) It is unlawful for a person to set up, keep, or exhibit ~~Any person~~  
 13 ~~who sets up, keeps, or exhibits~~ any gaming table or gambling device, commonly  
 14 called "A. B. C.", "E. O.", roulette, or rouge et noir, ~~or~~ any faro bank, or  
 15 any other gaming table or gambling device, or bank of the like or similar  
 16 kind, or of any other description although not named in this section, ~~be~~  
 17 regardless of the name or denomination ~~what it may,~~ either:

18 (1) Adapted ~~adapted~~, devised, or designed for the purpose of  
 19 playing any game of chance; or

20 (2) At ~~at~~ which any money or property may be won or lost;.

21 (b) Upon conviction, a person who violates this section ~~is deemed~~  
 22 ~~guilty of a~~ an unclassified misdemeanor and ~~on conviction~~ shall be fined in  
 23 any sum not less than one hundred dollars (\$100) and may be imprisoned any  
 24 length of time not less than thirty (30) days nor more than one (1) year.

25

26 SECTION 34. Arkansas Code § 5-66-110(a) is amended to read as follows  
 27 to correctly classify a criminal offense, remove obsolete language, and make  
 28 stylistic changes:

29 ~~(a)(1)~~ If ~~any~~ a person sets up or exhibits, ~~or~~ causes to be set up or  
 30 exhibited, or aids or assists in setting up or exhibiting in ~~any county,~~  
 31 ~~city, or town in~~ the state, any gaming device commonly known and designated  
 32 as "keno" or any similar device, by any other name or without a name, ~~any~~  
 33 upon conviction the person ~~so setting up or exhibiting the gaming device, or~~  
 34 ~~aiding or assisting in exhibiting or setting up the gaming device,~~ is guilty  
 35 of a ~~misdemeanor.~~ violation and

36 ~~(2) On indictment and conviction before the circuit court or on~~

1 ~~conviction before a justice of the peace, the person~~ shall be fined in any  
 2 sum not less than two hundred dollars (\$200) for benefit of the common school  
 3 fund.

4  
 5 SECTION 35. Arkansas Code § 5-66-112 is amended to read as follows to  
 6 classify a criminal offense and make a stylistic change:

7 5-66-112. Card games – Betting.

8 If ~~any a person is guilty of betting~~ bets any money or any valuable  
 9 thing on any game of brag, bluff, poker, seven-up, three-up, twenty-one,  
 10 vingt-et-un, thirteen cards, the odd trick, forty-five, whist, or at any  
 11 other game of cards, known by any name now known to the law, or with any  
 12 other or new name or without any name, upon conviction he or she is guilty of  
 13 a violation and shall be fined in any sum not less than ten dollars (\$10.00)  
 14 nor more than twenty-five dollars (\$25.00).

15  
 16 SECTION 36. Arkansas Code § 5-66-113(a) is amended to read as follows  
 17 to classify a criminal offense and make a stylistic change:

18 (a) If ~~any a person is guilty of betting~~ bets any money or any  
 19 valuable thing on any game of hazard or skill, upon conviction he or she is  
 20 guilty of a violation and shall be fined in any sum not less than ten dollars  
 21 (\$10.00) nor more than twenty-five dollars (\$25.00).

22  
 23 SECTION 37. Arkansas Code § 5-66-116(b)(1) is amended to read as  
 24 follows to correctly classify criminal offenses, remove obsolete language,  
 25 and make stylistic changes:

26 (b)(1) ~~Any~~ Upon conviction, a person who violates subsection (a) of  
 27 this section is ~~deemed guilty of a misdemeanor and:~~

28 (A) ~~For Violation~~ A violation for the first offense, ~~upon~~  
 29 ~~conviction and~~ shall be fined in any sum not less than ten dollars (\$10.00)  
 30 nor more than twenty-five dollars (\$25.00);

31 (B) ~~For Violation~~ A violation for the second offense, ~~upon~~  
 32 ~~conviction and~~ shall be fined in any sum not less than twenty-five dollars  
 33 (\$25.00) nor more than one hundred ~~dollar~~ dollars (\$100); and

34 (C) ~~For~~ An unclassified misdemeanor for all offenses after  
 35 the second ~~offense, on conviction and~~ shall be fined in any sum not more than  
 36 five hundred dollars (\$500) and imprisoned ~~in the county jail~~ for a term of

1 not less than thirty (30) days nor more than six (6) months.

2

3 SECTION 38. Arkansas Code § 5-66-118(a) is amended to read as follows  
4 to clarify the criminal offense:

5 (a) Except as authorized under the Charitable Bingo and Raffles  
6 Enabling Act, § 23-114-101 et seq., it is unlawful for ~~any~~ a person to:

7 (1) Keep an office, room, or place for the sale or disposition  
8 of a lottery ticket or slip, policy ticket or slip, ~~and~~ gift concert ticket  
9 or slip, or like device;

10 (2) Vend, sell, or otherwise dispose of any lottery ticket or  
11 slip, policy ticket or slip, ~~or~~ gift concert ~~ticket, slip,~~ ticket or slip, or  
12 like device;

13 (3) Possess any lottery ticket or slip, policy ticket or slip,  
14 or gift concert ~~ticket, slip~~ ticket or slip, or like device, except a lottery  
15 ticket issued in another state where a lottery is legal; or

16 (4) Be interested, either directly or indirectly, in the sale or  
17 disposition of any lottery ticket or slip, policy ticket or slip, or gift  
18 concert ~~ticket, slip~~ ticket or slip, or like device.

19

20 SECTION 39. Arkansas Code § 5-66-118(d)(1) is amended to read as  
21 follows to correctly classify the criminal offense and make stylistic  
22 changes:

23 (d)(1) ~~Any~~ Upon conviction, any person who violates ~~any provision of~~  
24 this section is guilty of ~~an unclassified misdemeanor~~ a violation and ~~upon~~  
25 ~~conviction~~ shall be fined an amount not to exceed ten thousand dollars  
26 (\$10,000).

27

28 SECTION 40. Arkansas Code § 5-73-127(c) is amended to read as follows  
29 to classify the criminal offense:

30 (c) ~~Any~~ A person who is found guilty or who pleads guilty or nolo  
31 contendere to violating this section is guilty of a violation and shall be  
32 fined no less than twenty-five dollars (\$25.00) nor more than five hundred  
33 dollars (\$500).

34

35 SECTION 41. Arkansas Code § 5-73-208(d) is amended to read as follows  
36 to classify the criminal offense and correct the omission of a minimum dollar



1 amount for a fine:

2 (d) A violation of ~~any provision of~~ this section is a violation  
3 punishable by a fine of not less than ~~-----~~ one hundred dollars (\$100).

4  
5 SECTION 42. Arkansas Code § 5-73-311(b)(2)(B)(ii) is amended to read  
6 as follows to clarify a duty:

7 (ii) The reporting under subdivision (b)(2)(B)(i) of  
8 this section shall be made within thirty (30) days after the date the notice  
9 of the application was sent by the department.

10  
11 SECTION 43. Arkansas Code Title 5, Chapter 73, Subchapter 3, is  
12 amended to add the following new section containing the provisions of § 5-73-  
13 402 which is repealed by this act:

14 5-73-321. Recognition of other states' licenses.

15 (a) A person in possession of a valid license to carry a concealed  
16 handgun issued to the person by another state is entitled to the privileges  
17 and subject to the restrictions prescribed by this subchapter if the state  
18 that issued the license to carry a concealed handgun recognizes a license to  
19 carry a concealed handgun issued under this subchapter.

20 (b) The Director of the Department of Arkansas State Police shall:

21 (1) Make a determination as to which states' licenses to carry  
22 concealed handguns will be recognized in Arkansas and provide that list to  
23 every law enforcement agency within the state; and

24 (2) Revise the list from time to time and provide the revised  
25 list to every law enforcement agency in this state.

26  
27 SECTION 44. Arkansas Code § 5-73-402 is repealed because its  
28 provisions are being enacted as a new § 5-73-321 by this act:

29 ~~5-73-402. Recognition of other states' permits.~~

30 ~~(a) Any person in possession of a valid license issued by another~~  
31 ~~state to carry a concealed handgun shall be entitled to the privileges and~~  
32 ~~subject to the restrictions prescribed by Arkansas concealed handgun law, §~~  
33 ~~5-73-301 et seq., provided that the state that issued the license recognizes~~  
34 ~~concealed handgun licenses issued under § 5-73-301 et seq.~~

35 ~~(b) The Director of the Department of Arkansas State Police shall:~~

36 ~~(1) Make a determination as to which states' permits will be~~

1 ~~recognized in Arkansas and provide that list to every law enforcement agency~~  
2 ~~within the state; and~~

3 ~~(2) Revise the list from time to time and provide the revised~~  
4 ~~list to every law enforcement agency in this state.~~

5  
6 SECTION 45. The enactment and adoption of this act shall not repeal,  
7 expressly or impliedly, the acts passed at the regular session of the 87th  
8 General Assembly. All such acts shall have full effect and, so far as those  
9 acts intentionally vary from or conflict with any provision contained in this  
10 act, those acts shall have the effect of subsequent acts and as amending or  
11 repealing the appropriate parts of the Arkansas Code of 1987.

12 */s/ Madison*

13  
14 **APPROVED: 4/1/2009**