

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 1145 OF 1991
HOUSE BILL 2089

4 **By: Representative Hutchinson**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 5, CHAPTER
9 64 TO MAKE IT UNLAWFUL FOR ANY PERSON TO USE ANY
10 COMMUNICATION FACILITY IN COMMITTING OR IN CAUSING OR
11 FACILITATING THE COMMISSION OF ANY ACT OR ACTS
12 CONSTITUTING A FELONY UNDER THE UNIFORM CONTROLLED
13 SUBSTANCES ACT; AND FOR OTHER PURPOSES."

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

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17 SECTION 1. Arkansas Code Annotated Title 5, Chapter 64 is amended by
18 adding a new subsection to read as follows:

19 "5-64-415. (a) For purposes of this act, the term 'communication
20 facility' means any and all public and private instrumentalities used or
21 useful in transmission of writing, signs, signals, pictures, or sounds of all
22 kinds and includes mail, telephone, wire, radio, and all other means of
23 communication.

24 (b) A person commits the offense of use of a communication facility if
25 he knowingly or intentionally uses any communication facility in committing or
26 in causing or facilitating the commission of any act or acts constituting a
27 felony under any provision of subchapters 1 through 6 of Chapter 64 of Title 5
28 of the Arkansas Code, the same being the Uniform Controlled Substances Act, or
29 any act or acts constituting a felony inchoate offense under Chapter 3 of
30 Title 5 of the Arkansas Code of subchapters 1 through 6 of Chapter 64 of Title
31 5 of the Arkansas Code.

32 (c) Each separate use of a communication facility shall be a separate
33 offense under this act.

34 (d) Any person who violates this act shall be guilty of a Class C
35 felony."

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1 SECTION 2. Legislative Intent. This section is based on 21 United
2 States Code Section 843(b), Use of Communication Facility.

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4 SECTION 3. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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APPROVED: 4/9/91

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