

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 934 OF 1993**  
**HOUSE BILL 1371**

4 **By: Reps. Pollan, Owens, Riable, Molinaro, Smith**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 16-42-101 (b) CONCERNING

9 THE RAPE SHIELD LAW; AND FOR OTHER PURPOSES."

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## **Subtitle**

12 "AN ACT CONCERNING THE RAPE SHIELD LAW."

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

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16 SECTION 1. Arkansas Code 16-42-101 (b) is amended to read as follows:

17 "(b) In any criminal prosecution under §§ 5-14-103 - 5-14-110, or for  
18 criminal attempt to commit, criminal solicitation to commit, or criminal  
19 conspiracy to commit an offense defined in any of those sections, opinion  
20 evidence, reputation evidence, or evidence of specific instances of the  
21 victim's prior sexual conduct with the defendant or any other person, evidence  
22 of a victim's prior allegations of sexual conduct with the defendant or any  
23 other person which allegations the victim asserts to be true, or evidence  
24 offered by the defendant concerning prior allegations of sexual conduct by the  
25 victim with the defendant or any other person if the victim denies making the  
26 allegations is not admissible by the defendant, either through direct  
27 examination of any defense witness or through cross-examination of the victim  
28 or other prosecution witness, to attack the credibility of the victim, to  
29 prove consent or any other defense, or for any other purpose."

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31 SECTION 2. Arkansas Code 16-42-101(c)(1) is amended to read as follows:

32 "(c)(1) A written motion shall be filed by the defendant with the court  
33 at any time prior to the time the defense rests stating that the defendant has  
34 an offer of relevant evidence prohibited by subsection (b) of this section and  
35 the purpose for which the evidence is believed relevant."

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1 SECTION 3. Arkansas Code 16-42-101(d) is amended to read as follows:

2 "(d) In the event the defendant has not filed a written motion or a  
3 written motion has been filed and the court has determined that the offered  
4 proof is not relevant to a fact in issue, any willful attempt by counsel or a  
5 defendant to make any reference to the evidence prohibited by subsection (b)  
6 of this section in the presence of the jury may subject counsel or a defendant  
7 to appropriate sanctions by the court."  
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9 SECTION 4. All provisions of this act of a general and permanent nature  
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
11 Revision Commission shall incorporate the same in the Code.  
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13 SECTION 5. If any provision of this act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 act are declared to be severable.  
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19 SECTION 6. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

21 /s/Rep. Pollan, et al  
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23 APPROVED: 4/7/93  
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