

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 536 of the Regular Session

As Engrossed: S2/1/05 S2/8/05 S2/23/05

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

A Bill

HOUSE BILL 1028

4  
5 By: Representative Thompson  
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7

8 **For An Act To Be Entitled**

9 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE OF OTHER  
10 *CRIMES IN SEXUAL ASSAULT CASES; AND FOR OTHER*  
11 *PURPOSES.*

12  
13 **Subtitle**

14 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE  
15 *OF OTHER CRIMES IN SEXUAL ASSAULT CASES.*  
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 16, Chapter 42, Subchapter 1 is amended  
21 to add an additional section to read as follows:

22 16-42-103. Admissibility of evidence of similar crimes in sexual  
23 assault cases.

24 (a) In a criminal case where the defendant is accused of a sexual  
25 assault, evidence of the defendant's commission of another sexual assault is  
26 admissible and may be considered for its bearing on any matter to which it is  
27 relevant, subject to the circuit court's consideration of the admissibility  
28 of any such evidence under Rule 403 of the Arkansas Rules of Evidence.

29 (b) In a case where the prosecuting attorney intends to offer evidence  
30 under this section, the prosecuting attorney shall disclose the evidence to  
31 the defendant or the defendant's attorney if an attorney is representing the  
32 defendant, including statements of witnesses or a summary of the substance of  
33 any testimony at least forty-five (45) days before the scheduled date of  
34 trial or at such later time as the court may allow for good cause.

35 (c) This section shall not be construed to limit the admission or



1 consideration of evidence under any rule of the Arkansas Rules of Evidence,  
2 the Arkansas Rules of Criminal Procedure, or any law.

3 (d) For purposes of this section, the term "sexual assault" includes  
4 the following offenses:

5 (1) Rape, § 5-14-103;

6 (2) Sexual assault in the first degree, § 5-14-124; and

7 (3) Sexual assault in the second degree, § 5-14-125.

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9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that there is no rule or statute  
11 that allows the introduction of evidence of a defendant's commission of  
12 another sexual assault in a criminal case; and that such a rule or statute is  
13 necessary to assist in the prosecution of sexual assaults. Therefore, an  
14 emergency is declared to exist and this act being immediately necessary for  
15 the preservation of the public peace, health, and safety shall become  
16 effective on:

17 (1) The date of its approval by the Governor;

18 (2) If the bill is neither approved nor vetoed by the Governor,  
19 the expiration of the period of time during which the Governor may veto the  
20 bill; or

21 (3) If the bill is vetoed by the Governor and the veto is  
22 overridden, the date the last house overrides the veto.

23  
24 /s/ Thompson

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27 APPROVED: 3/03/2005

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