

Stricken language would be deleted from and underlined language would be added to present law.
Act 1120 of the Regular Session

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/28/11 H3/30/11

A Bill

SENATE BILL 247

5 By: Senators Madison, D. Johnson
6 By: Representatives Williams, J. Edwards
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 5 OF THE
10 ARKANSAS CODE OF 1987 CONCERNING CRIMINAL OFFENSES;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO MAKE VARIOUS CORRECTIONS TO
16 TITLE 5 OF THE ARKANSAS CODE OF 1987
17 CONCERNING CRIMINAL OFFENSES.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-4-104(c)(2)(A) is amended to read as
23 follows to remove obsolete language:

24 (A) Pay a fine as authorized by §§ 5-4-201 ~~—5-4-203,~~ and
25 5-4-202;
26

27 SECTION 2. Arkansas Code § 5-4-104(d)(3) is amended to read as follows
28 to remove obsolete language:

29 (3) Payment of a fine as authorized by §§ 5-4-201 ~~—5-4-203,~~ and
30 5-4-202;
31

32 SECTION 3. Arkansas Code § 5-4-202(a) is amended to read as follows to
33 remove obsolete language:

34 ~~(a)(1)~~(a) If the defendant is sentenced to pay a fine or costs, the
35 court shall not at the same time impose an alternative sentence or
36 imprisonment to be served if the fine or costs are not paid.



1 ~~(2) In accordance with § 5-4-203, the consequences of nonpayment~~
2 ~~shall be determined only after the fine or costs have not been paid.~~

3
4 SECTION 4. Arkansas Code § 5-4-402(a) is amended to read as follows to
5 remove obsolete language:

6 (a) Except as provided in §§ ~~5-4-203~~, 5-4-304, and 16-93-708, a
7 defendant convicted of a felony and sentenced to imprisonment shall be
8 committed to the custody of the Department of Correction for the term of his
9 or her sentence or until released in accordance with law.

10
11 SECTION 5. Arkansas Code § 5-4-701(2) is amended to read as follows to
12 clarify a definition:

13 (2) "In the presence of a child" means in the physical presence
14 of a child or knowing or having reason to know that a child is present and
15 may see or hear an act ~~of assault, battery, domestic battering, aggravated~~
16 ~~eruelty to a dog, cat, or horse, or assault on a family member or household~~
17 ~~member.~~

18
19 SECTION 6. Arkansas Code § 5-13-202(a)(4)(A)(i) is amended to read as
20 follows to add clarifying language:

21 (A)(i) A law enforcement officer, firefighter, code
22 enforcement officer, or employee of a correctional facility while the law
23 enforcement officer, firefighter, code enforcement officer, or employee of a
24 correctional facility is acting in the line of duty.

25
26 SECTION 7. Arkansas Code § 5-26-303(a)(5)(A) is amended to read as
27 follows to clarify a criminal offense:

28 (A) Commits any act of domestic battering as defined in
29 ~~subdivisions (a)(1)-(4) of this section~~, § 5-26-304, or § 5-26-305; and

30
31 SECTION 8. Arkansas Code § 5-36-103(b)(3) is amended to read as
32 follows to add a theft offense being removed from § 5-38-206 by this act:

33 ~~(3)(A)~~ Class D felony if:
34 ~~(i)(A)~~ The value of the property ~~is~~ was five hundred
35 dollars (\$500) or less; and

36 ~~(ii)(B)~~ The property was either:

1 (i)(a) unlawfully Unlawfully obtained during a
2 criminal episode.

3 ~~(B)(b)~~ As used in subdivision ~~(b)(3)(A)(ii)~~
4 (b)(3)(B)(i)(a) of this section, “criminal episode” means a series of thefts
5 committed by the same person on three (3) or more occasions within three (3)
6 days; or

7 (ii) An electric power line, gas line, water line,
8 wire or fiber insulator, electric motor, or other similar apparatus connected
9 to a farm shop, on-farm grain drying and storage complex, heating and cooling
10 system, environmental control system, animal production facility, irrigation
11 system, or dwelling; or

12
13 SECTION 9. Arkansas Code § 5-38-205(a)(3)(B) is amended to read as
14 follows to correct a reference:

15 (B) Any other conduct that causes a substantial
16 disruption, obstruction, or impediment to the operation of a vital public
17 facility.

18
19 SECTION 10. Arkansas Code § 5-38-206(b) is amended to read as follows
20 to clarify a criminal offense and remove a theft offense that is being added
21 to § 5-36-103 by this act:

22 (b) It is unlawful for a person to ~~injure or~~ knowingly damage,
23 destroy, steal, or remove, or alter in a way that could result in physical
24 injury any electric power line, gas line, water line, wire or fiber
25 ~~insulators~~ insulator, electric ~~motors~~ motor, or other similar apparatus
26 connected to a farm shops shop, an on-farm grain drying and storage ~~complexes~~
27 complex, a heating and cooling ~~systems and~~ system, an environmental control
28 ~~systems~~ system, an animal production ~~facilities~~ facility, an irrigation
29 ~~systems~~ system, dwellings or a dwelling, or alterations that could result in
30 physical injury.

31
32 SECTION 11. Arkansas Code § 5-54-117(b) is amended to read as follows
33 to clarify the name of a criminal offense:

34 (b)(1) ~~Furnishing~~ Assisting in or furnishing an implement for escape
35 is a Class B felony if the implement for escape provided is a deadly weapon.

36 (2) Otherwise ~~furnishing~~ assisting in or furnishing an implement

1 for escape is a Class C felony.

2

3 SECTION 12. Arkansas Code § 5-62-103(e)(3) is amended to read as
4 follows to clarify its application:

5 (3)(A) Both:

6 ~~(A)(i)~~ Ordered to receive a psychiatric or
7 psychological evaluation; and

8 ~~(B)(ii)~~ If determined appropriate, ordered to
9 receive psychiatric or psychological counseling or treatment for a length of
10 time prescribed by the court.

11 (B) The cost of any psychiatric or psychological
12 evaluation, counseling, or treatment may be ordered paid by the person up to
13 the jurisdictional limit of the court.

14

15 SECTION 13. Arkansas Code § 5-65-208(b)(1) is amended to read as
16 follows to clarify a reference:

17 (b)(1) The law enforcement agency that investigates ~~the collision~~ an
18 accident described in subsection (a) of this section, the physician in
19 attendance, or any other person designated by state law shall order the
20 chemical test as soon as practicable.

21

22 SECTION 14. Arkansas Code § 5-73-108(h) is amended to read as follows
23 to clarify a definition:

24 (h) As used in this section, "alien" means a person who is not a
25 citizen or national of the United States.

26

27 SECTION 15. Arkansas Code § 5-36-104(c)(4), amended by Act 570 of
28 2011, regarding the Class A misdemeanor amount for theft of services, is
29 amended to read as follows:

30 (4) Class A misdemeanor if the theft of services:

31 (A) involves ~~involves~~ Involves a theft of a utility service that results
32 in the destruction or damage to a line, pipe, waterline, meter, or any other
33 property of the utility; or

34 (B) Is otherwise committed.

35

36 SECTION 16. DO NOT CODIFY. The enactment and adoption of this act

1 shall not repeal, expressly or impliedly, the acts passed at the regular
2 session of the Eighty-Eighth General Assembly. All such acts shall have the
3 full force and effect and, so far as those acts intentionally vary from or
4 conflict with any provision contained in this act, those acts shall have the
5 effect of subsequent acts and as amending or repealing the appropriate parts
6 of the Arkansas Code of 1987.

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8 */s/Madison*

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11 **APPROVED: 04/04/2011**
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