

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 938 OF 1995
SENATE BILL 443

4 **By: Senators Malone and Harriman**

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For An Act To Be Entitled

8 "AN ACT TO AMEND 5-53-101 TO CLARIFY THE DEFINITION OF
9 OFFICIAL PROCEEDINGS SO THAT IT APPLIES TO VOTER
10 REGISTRATION APPLICATIONS; AND FOR OTHER PURPOSES."

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Subtitle

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

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19 SECTION 1. Arkansas Code 5-53-101 is amended to read as follows:

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"5-53-101. Definitions.

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(a) As used in this chapter, unless the context otherwise requires:

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(1) Juror means a member of any jury, including grand, petit,
coroner's, justice of the peace, or chancery court juries, and further
includes any person who has been drawn or summoned as a prospective juror;

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(2) False material statement means any false statement,
regardless of its admissibility under the rules of evidence, which affects or
could affect the course or outcome of an official proceeding or the action or
decision of a public servant in the performance of any governmental function.
Whether a false statement is material in a given factual situation is a
question of law;

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(3) Oath means swearing, affirming, and every other mode
authorized by law of attesting to the truth of that which is stated. Written
statements shall be treated as if made under oath if:

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(A) The statement was made on or pursuant to a form bearing
notice, authorized by law, to the effect that a false statement made pursuant
thereto is punishable; or

1 (B) The statement recites that it was made under oath, and
2 the declarant was aware of such recitation at the time he signed the statement
3 and intended that the statement should be considered a sworn statement; or

4 (C) The statement is made, used, or offered with the
5 purpose that it be accepted as compliance with a statute, rule, or regulation
6 which requires a statement under oath or other like form of attestation to the
7 truth of the matter contained in the statement;

8 (4) Official proceeding means a proceeding heard before any
9 legislative, judicial, administrative, or other government agency or official
10 authorized to hear evidence under oath, including any referee, hearing
11 examiner, commissioner, notary, or other person taking testimony or
12 depositions in any such proceedings. An official proceeding shall also
13 include the signing or marking, under oath, of a voter registration
14 application, application for absentee ballot or precinct voter registration
15 list;

16 (5) Testimony includes oral or written statements, documents,
17 or any other material that is or could be offered by a witness in an official
18 proceeding;

19 (6) Threat means a menace, however communicated, to:
20 (A) Use physical force against any person; or
21 (B) Harm substantially any person with respect to his
22 property, health, safety, business, calling, career, financial condition,
23 reputation, or a personal relationship;

24 (7) Witness means:

25 (A) Any person for whose attendance to give testimony at an
26 official proceeding any process has issued; or

27 (B) Any person who is holding or plans to hold himself
28 available to give testimony at an official proceeding.

29 (b) A person is a witness for the purpose of this code if testimony
30 is sought or offered by personal attendance at the official proceedings or by
31 deposition or affidavit."
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33 SECTION 2. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 4-5-95

