

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 479 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 376

5 By: Senator J. Taylor
6 By: Representative Davenport
7

For An Act To Be Entitled

10 AN ACT TO INCLUDE CELLULAR TELEPHONES OR OTHER
11 COMMUNICATIONS DEVICES AS ARTICLES INMATES AT THE
12 DEPARTMENT OF CORRECTION ARE PROHIBITED FROM
13 POSSESSING OR USING; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO INCLUDE CELLULAR TELEPHONES OR
16 OTHER COMMUNICATIONS DEVICES AS ARTICLES
17 INMATES AT THE DEPARTMENT OF CORRECTION
18 ARE PROHIBITED FROM POSSESSING OR USING.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-54-119 is amended to read as follows:
25 5-54-119. Furnishing, possessing, or using prohibited articles.

26 (a) A person commits the offense of furnishing a prohibited article if
27 he or she knowingly:

28 (1) Introduces a prohibited article into a correctional
29 facility, the Arkansas State Hospital, or a youth services program; or

30 (2) Provides a person confined in a correctional facility, the
31 Arkansas State Hospital, or a youth services program with a prohibited
32 article.

33 (b)(1)(A) Furnishing or providing a weapon, intoxicating beverage,
34 controlled substance, moneys, a cellular telephone or other communication
35 device, the components of a cellular telephone or other communication device,



1 or any other items that would facilitate an escape, engaging in a continuing
2 criminal enterprise, § 5-64-405, or violence within a facility is a Class B
3 felony.

4 (B) Otherwise, furnishing a prohibited article is a Class
5 C felony.

6 (2) This section does not apply to a religious official who
7 supplies sacramental wine labeled as sacramental wine to an inmate in the
8 Department of Correction for the sole purpose of an approved religious
9 service, pursuant to rules and regulations promulgated by the Board of
10 Corrections.

11 (c)(1) A person commits possessing a prohibited article if, being an
12 inmate of the Department of Correction, the person knowingly possesses a:

13 (A) Cellular telephone or other communication device; or

14 (B) Component of a cellular telephone or other
15 communication device.

16 (2) Possessing a prohibited article is a Class B felony.

17 (d)(1) A person commits using a prohibited article if, being an inmate
18 of the Department of Correction, the person knowingly used a cellular
19 telephone or other communication device to commit or to attempt, conspire, or
20 solicit to commit:

21 (A) An escape from the custody of the Department of
22 Correction;

23 (B) Engaging in a continuing criminal enterprise, § 5-64-
24 405; or

25 (C) A violent felony as defined at § 5-4-501(d)(2).

26 (2) Using a prohibited article is a Class A felony.

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28 **APPROVED: 3/19/2009**