

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 424

5 By: Senator B. Ballinger
6 By: Representative Gazaway
7

For An Act To Be Entitled

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

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 5
16 OF THE ARKANSAS CODE CONCERNING THE
17 CRIMINAL CODE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-14-132(c)(6), concerning registered sex
23 offenders prohibited from entering upon a school campus, is amended to read
24 as follows to correct a reference to conform with a defined term:

25 (6) Has been committed to the Division of Youth Services and
26 attends a public school operated by the Division of Youth Services.
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28 SECTION 2. Arkansas Code § 5-16-102(a)(1), concerning the criminal
29 offense of voyeurism, is amended to read as follows to correct a grammatical
30 error:

31 (1) "Nude or partially nude" means a state of undress of a
32 person who has less than a fully opaque covering over the genitals, pubic
33 area, buttocks, or breast of a female;
34

35 SECTION 3. Arkansas Code § 5-16-102(c), concerning the criminal
36 offense of voyeurism, is amended to read as follows to make a stylistic



1 change:

2 (c) ~~A person who violates this section upon conviction is guilty of~~
 3 Voyeurism is a:

4 (1) Class D felony if:

5 (A) A victim is under seventeen (17) years of age and the
 6 person who commits the offense holds a position of trust or authority over
 7 the victim; or

8 (B) The person has previously been convicted of an offense
 9 under this section or § 5-16-101; or

10 (2) Class A misdemeanor if otherwise committed.

11
 12 SECTION 4. Arkansas Code § 5-55-107(a), concerning restitution for
 13 Medicaid fraud, is amended to read as follows to correct a grammatical error,
 14 clarify references, and make a stylistic change:

15 (a) In addition to any other fine that may be levied, any person found
 16 guilty of or who pleads guilty or nolo contendere to Medicaid fraud as
 17 described in this subchapter ~~is required to~~ shall make full restitution and
 18 payment of costs and expenses as follows:

19 (1)(A) ~~The~~ Restitution to the Department of Human Services, with
 20 the restitution to be deposited into the Arkansas Medicaid Program Trust Fund
 21 for the loss to the Arkansas Medicaid Program or its fiscal agents.

22 (B) When permitted by contract or rules, the department
 23 may return all or a portion of the restitution to a managed care organization
 24 or any similar organization that suffered a loss due to the Medicaid fraud;
 25 and

26 (2) The office of the Attorney General or prosecuting attorney
 27 may recover reasonable and necessary costs and expenses incurred during
 28 investigation and prosecution of Medicaid fraud.

29
 30 SECTION 5. Arkansas Code § 5-71-212(b), concerning the penalty for
 31 public intoxication, is amended to read as follows to correct grammatical
 32 errors and clarify its application:

33 (b)(1) Public intoxication is a Class C misdemeanor.

34 (2)(A) ~~Public~~ However, public intoxication is an unclassified
 35 misdemeanor if the person has been convicted of public intoxication two (2)
 36 or more times within five (5) years of the date of the current offense.

1 (B) ~~If convicted of the unclassified misdemeanor of public~~
 2 ~~intoxication for a third or subsequent offense of public intoxication~~
 3 ~~occurring within a five year period, in addition to a fine of no more than~~
 4 ~~five hundred dollars (\$500), the person may be sentenced to:~~

5 ~~(i) Probation not to exceed one (1) year, with a~~
 6 ~~condition that the defendant enroll in a program of treatment or counseling~~
 7 ~~for alcohol abuse or alcohol dependency;~~

8 ~~(ii) A term not to exceed thirty (30) days in a~~
 9 ~~county jail, with an additional probationary period to include as a condition~~
 10 ~~of probation that the defendant enroll in a program of treatment or~~
 11 ~~counseling for alcohol abuse or alcohol dependency, with the total time of~~
 12 ~~jail and probation not to exceed one (1) year; and~~

13 ~~(iii) Provided that with regard to any revocation of~~
 14 ~~probation under subdivision (b)(2)(B)(i) or subdivision (b)(2)(B)(ii) of this~~
 15 ~~section, that any jail sentence imposed for revocation of probation not~~
 16 ~~exceed thirty (30) days in the county jail In addition to a maximum fine of~~
 17 ~~five hundred dollars (\$500), a person convicted of public intoxication under~~
 18 ~~subdivision (b)(2)(A) of this section may be sentenced to:~~

19 (i) Probation not to exceed one (1) year, with a
 20 condition that the defendant enroll in a program of treatment or counseling
 21 for alcohol abuse or alcohol dependency. A term of imprisonment imposed for a
 22 revocation of probation under this subdivision (b)(2)(B)(i) shall not exceed
 23 thirty (30) days; and

24 (ii) A term of imprisonment not to exceed thirty
 25 (30) days, with an additional probationary period that includes as a
 26 condition of probation that the defendant enroll in a program of treatment or
 27 counseling for alcohol abuse or alcohol dependency, with the total time of
 28 imprisonment and probation not to exceed one (1) year. A term of imprisonment
 29 imposed for a revocation of probation under this subdivision (b)(2)(B)(ii)
 30 shall not exceed thirty (30) days.

31
 32 SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

33 It is the intent of the General Assembly that:

34 (1) The enactment and adoption of this act shall not expressly
 35 or impliedly repeal an act passed during the regular session of the Ninety-
 36 Third General Assembly;

1 (2) To the extent that a conflict exists between an act of the
2 regular session of the Ninety-Third General Assembly and this act:

3 (A) The act of the regular session of the Ninety-Third
4 General Assembly shall be treated as a subsequent act passed by the General
5 Assembly for the purposes of:

6 (i) Giving the act of the regular session of the
7 Ninety-Third General Assembly its full force and effect; and

8 (ii) Amending or repealing the appropriate parts of
9 the Arkansas Code of 1987; and

10 (B) Section 1-2-107 shall not apply; and

11 (3) This act shall make only technical, not substantive, changes
12 to the Arkansas Code of 1987.

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15 **APPROVED: 3/25/21**
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