

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

\*\*\*\*\*

**Subtitle of Senate Bill No. 70**

"AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 12 OF THE ARKANSAS CODE  
OF 1987 ANNOTATED."

\*\*\*\*\*

**Amendment No. 1 to Senate Bill No. 70.**

Amend Senate Bill No. 70 as originally introduced:

By deleting Section 2 and substituting the following:

"SECTION 2. Arkansas Code § 12-12-209(c) is amended to read as follows to conform the culpable mental state element of a criminal offense to a culpable mental state defined in the Arkansas Criminal Code and to correctly classify the criminal offense:

(c) ~~Any~~ A sheriff, chief of police, city marshal, correction official, prosecuting attorney, court clerk, or other state, county, ~~and or~~ local official who ~~shall willfully fail~~ knowingly fails to comply with ~~the provisions of~~ this subchapter or any ~~regulation~~ rule issued by the board carrying out ~~the provisions of~~ this subchapter ~~shall be found upon conviction~~ is guilty of a misdemeanor and upon conviction violation and shall be punished by a fine not exceeding five hundred dollars (\$500).

AND

By deleting Section 5 and substituting the following:

"SECTION 5. Arkansas Code § 12-12-504(a)-(c) is amended to read as follows to clarify the culpable mental state required to commit the criminal offenses, clarify the criminal offenses, and make stylistic changes:

(a)(1) ~~Any~~ A person or an official negligently ~~or willfully~~ failing to make notification when required by this subchapter ~~shall be upon conviction~~ is guilty of a Class C misdemeanor.

(2) ~~Any~~ A person or an official ~~willfully knowingly~~ making false notification ~~pursuant to under~~ this subchapter, ~~knowing such allegations to be false, shall be upon conviction~~ is guilty of a Class A misdemeanor.

(3) ~~Any~~ A person or an official ~~willfully knowingly~~ making false notification ~~pursuant to under~~ this subchapter, ~~knowing such allegations to be false,~~ and who has been previously convicted of ~~making willful false allegations shall be violating subdivision (a)(2) of this section upon conviction~~ is guilty of a Class D felony.

(b) ~~Any~~ A person, an official, or an institution required by this subchapter to make notification of suspected child maltreatment who willfully



fails to do so ~~shall be~~ is civilly liable for damages proximately caused by that failure.

(c) ~~Any A person who willfully permits, and any other person who encourages, knowingly permitting or encouraging~~ the release of data or information contained in the central registry to ~~persons~~ a person to whom disclosure is not permitted by this subchapter ~~shall be~~ upon conviction is guilty of a Class A misdemeanor."

AND

Delete Section 11, and substitute the following:

"SECTION 11. Arkansas Code § 12-12-1717(e) is amended to read as follows to conform the culpable mental state element of a criminal offense to a culpable mental state defined in the Arkansas Criminal Code and make stylistic changes:

(e) ~~Any A person who willfully~~ knowingly permits ~~and any other person who or~~ encourages the release of data or information contained in the adult and long-term care facility resident maltreatment central registry to a person not permitted by this subchapter to receive the data or information upon conviction is guilty of a Class A misdemeanor."

AND

Delete Section 12 , and substitute the following:

"SECTION 12. Arkansas Code § 12-12-1720 is amended to read as follows to conform the culpable mental state element of criminal offenses to a culpable mental state defined in the Arkansas Criminal Code, clarify criminal offenses, and make stylistic changes:

12-12-1720. Penalties.

(a) ~~Any A person or caregiver required by this subchapter to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so~~ shall be upon conviction is guilty of a Class B misdemeanor.

(b) ~~Any A person or caregiver required by this subchapter to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so~~ shall be is civilly liable for damages proximately caused by the failure.

(c) ~~Any A person, an official, or an institution willfully knowingly making false notification under this subchapter knowing the allegations to be false shall be~~ upon conviction is guilty of a Class A misdemeanor.

(d) ~~Any A person, an official, or an institution willfully knowingly making false notification under this subchapter knowing the allegations to be false and who has been previously convicted of making false allegations shall be violating subsection (c) of this section upon conviction is~~ is guilty of a Class D felony.

(e) ~~Any A person who willfully knowingly permits and any other person who or~~ encourages the release of data or information contained in the adult and long-term care facility resident maltreatment central registry to a person to whom disclosure is not permitted under this subchapter ~~shall be~~ upon conviction is guilty of a Class A misdemeanor.

(f) ~~Any A person required to report a death as the result of suspected adult maltreatment or long-term care facility resident maltreatment who~~

knowingly fails to make the report in the manner and time provided in this subchapter ~~shall be~~ upon conviction is guilty of a Class C misdemeanor.

(g) ~~Any~~ A person required to report suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make the report in the manner and time provided in this subchapter ~~shall be~~ upon conviction is guilty of a Class C misdemeanor.

AND

Page 7, delete lines 34 through 36

AND

Page 8, delete line 1 and substitute the following:

"(c)(1) All drug crime special assessments collected shall ~~be paid to the treasurer of the applicable city or county and transmitted to the Department of Finance and Administration~~ be remitted by the county official, city official, agency, or department designated in § 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts, district courts, or city courts on or before the fifteenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, for deposit into the State Drug Crime Enforcement and Prosecution Grant Fund, as established by § 12-17-102.

(2) A form provided by the section identifying the amount of the special assessments shall be transmitted with the collected special assessments."

AND

Page 10, line 22, delete the word "preparedness" and substitute the word "management"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Madison  
PBB/RMW - 01-28-2009 08:06  
PBB074

\_\_\_\_\_  
Secretary