

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.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 184

4  
5 By: Senators R. Thompson, Broadway  
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7

## For An Act To Be Entitled

8  
9 AN ACT TO REQUIRE A COPY OF CERTAIN ORDERS  
10 REGARDING COMMITMENT TO BE SUBMITTED TO THE  
11 ARKANSAS CRIME INFORMATION CENTER; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14  
15 TO REQUIRE A COPY OF CERTAIN ORDERS  
16 REGARDING COMMITMENT TO BE SUBMITTED TO  
17 THE ARKANSAS CRIME INFORMATION CENTER.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-2-310(a), pertaining to commitment of a  
23 defendant after a court determines that the defendant lacks fitness to  
24 proceed, is amended to read as follows:

25 (a)(1)(A) If the court determines that a defendant lacks fitness to  
26 proceed, the proceeding against him or her shall be suspended and the court  
27 may commit the defendant to the custody of the Director of the Department of  
28 Health and Human Services for detention, care, and treatment until  
29 restoration of fitness to proceed.

30 (B) However, if the court is satisfied that the defendant  
31 may be released without danger to himself or herself or to the person or  
32 property of another, the court may order the defendant's release and the  
33 release shall continue at the discretion of the court on conditions the court  
34 determines necessary.

35 (2) A copy of the report filed pursuant to § 5-2-305 shall be  
36 attached to the order of commitment or order of conditional release.



1           (3) Upon filing of an order of commitment issued under  
 2 subdivision (a)(1)(A) of this section with a circuit clerk or a probate  
 3 clerk, the circuit clerk or probate clerk shall submit a copy of the order of  
 4 commitment to the Arkansas Crime Information Center.

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 6           SECTION 2. Arkansas Code § 12-12-209 is amended to read as follows:  
 7           12-12-209. Duty to furnish data.

8           (a)(1) It shall be the duty of all sheriffs, chiefs of police, city  
 9 marshals, correction officials, prosecuting attorneys, court clerks, and  
 10 other state, county, and local officials and agencies so directed to furnish  
 11 the Arkansas Crime Information Center all data required by this subchapter.

12           (2) Upon filing of an order of commitment entered pursuant to §§  
 13 5-2-310(a), 20-47-214, 20-47-215, 20-64-821, or 20-64-824 with a circuit  
 14 clerk or a probate clerk, the circuit clerk or probate clerk shall submit a  
 15 copy of the order of commitment to the Arkansas Crime Information Center.

16           (b) The data shall be furnished the center in a manner prescribed by  
 17 the Supervisory Board for the Arkansas Crime Information Center.

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

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 25           SECTION 3. Arkansas Code § 20-47-214, pertaining to the hearing and  
 26 procedure for a forty-five-day involuntary admission, is amended to add an  
 27 additional subsection to read as follows:

28           (e) Upon filing of an order of commitment issued under subdivision  
 29 (b)(3) of this section with a circuit clerk or a probate clerk, the circuit  
 30 clerk or probate clerk shall submit a copy of the order of commitment to the  
 31 Arkansas Crime Information Center.

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 33           SECTION 4. Arkansas Code § 20-47-215, pertaining to the hearing and  
 34 procedure for an additional eighty-day involuntary admission, is amended to  
 35 add an additional subsection to read as follows:

36           (e) Upon filing of an order of commitment issued under this section

1 with a circuit clerk or a probate clerk, the circuit clerk or probate clerk  
2 shall submit a copy of the order of commitment to the Arkansas Crime  
3 Information Center.

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5 SECTION 5. Arkansas Code § 20-64-821(e), pertaining to the court order  
6 committing a person after a hearing on a petition for involuntary commitment  
7 in probate court, is amended to add an additional subdivision to read as  
8 follows:

9 (e)(1) A copy of the court order committing the person to the  
10 designated receiving facility for treatment shall be forwarded to the  
11 designated receiving facility within five (5) working days.

12 (2) Upon filing of an order of commitment described in  
13 subdivision (e)(1) of this section with a circuit clerk or a probate clerk,  
14 the circuit clerk or probate clerk shall submit a copy of the order of  
15 commitment to the Arkansas Crime Information Center.

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17 SECTION 6. Arkansas Code § 20-64-824, pertaining to the request for an  
18 additional forty-five-day commitment order for a person that remains  
19 suicidal, homicidal, or gravely disabled, is amended to add an additional  
20 subsection to read as follows:

21 (f) Upon filing of an order of commitment issued under this section  
22 with a circuit clerk or a probate clerk, the circuit clerk or probate clerk  
23 shall submit a copy of the order of commitment to the Arkansas Crime  
24 Information Center.

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26 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that federal law prohibits the sale  
28 of firearms to persons who have been committed to a mental institution; that  
29 it is the intent of this act to require the submission of information to  
30 create a confidential database that may only be used for firearm sales or  
31 transactions; and that this act is necessary because possession of a firearm  
32 by a person that is suicidal, homicidal, or gravely disabled poses an  
33 critical threat of harm to the citizens of this state. Therefore, an  
34 emergency is declared to exist and this act being necessary for the  
35 preservation of the public peace, health, and safety shall become effective  
36 on July 1, 2007.