

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 376

5 By: Senator J. Taylor
6 By: Representative Davenport
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For An Act To Be Entitled

9
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.
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Subtitle

15
16 AN ACT TO INCLUDE CELLULAR TELEPHONES OR
17 OTHER COMMUNICATIONS DEVICES AS ARTICLES
18 INMATES AT THE DEPARTMENT OF CORRECTION
19 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,
36 or any other items that would facilitate an escape, engaging in a continuing



1 criminal enterprise, § 5-64-405, or violence within a facility is a Class B
2 felony.

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

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

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

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

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

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

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

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

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

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

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

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