

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1887

5 By: Representative Gazaway
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
9 THE ARKANSAS CODE; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
12 OF THE ARKANSAS CODE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 12-9-117 is amended to remove duplicative
20 language to read as follows:

21 12-9-117. Award of pistol upon retirement or death of a certified law
22 enforcement officer employed by the commission.

23 ~~(a)~~ When a certified law enforcement officer employed by the Arkansas
24 Commission on Law Enforcement Standards and Training retires from service or
25 dies while still employed with the commission, in recognition of and
26 appreciation for the service of the retiring or deceased certified law
27 enforcement officer, the commission may award the pistol carried by the
28 certified law enforcement officer at the time of his or her death or
29 retirement from service to:

30 (1) The certified law enforcement officer; or

31 (2) The certified law enforcement officer's spouse if the spouse
32 is eligible under applicable state and federal laws to possess a firearm.

33 ~~(b)(1) A certified law enforcement officer employed by the commission~~
34 ~~may retain his or her pistol he or she carried at the time of his or her~~
35 ~~retirement from service.~~

36 ~~(2) If the certified law enforcement officer dies while he or she is~~



1 ~~employed by the commission, his or her spouse may receive or retain the~~
 2 ~~pistol carried by the certified law enforcement officer at the time of his or~~
 3 ~~her death, if the spouse is eligible under applicable state and federal laws~~
 4 ~~to possess a firearm.~~

5
 6 SECTION 2. Arkansas Code § 12-12-212 is amended to make stylistic
 7 changes and to read as follows:

8 12-12-212. Release or disclosure to unauthorized person – Penalty.

9 (a) A person is guilty of a Class A misdemeanor upon conviction if the
 10 person knowingly:

11 (1) ~~Knowingly accesses~~ Accesses information or ~~willfully~~ obtains
 12 information collected and maintained under this subchapter for a purpose not
 13 specified by this subchapter; or

14 (2) ~~Knowingly releases~~ Releases or discloses information
 15 maintained under this subchapter to another person who lacks authority to
 16 receive the information.

17 (b) A person is guilty of a Class D felony upon conviction if the
 18 person violates subsection (a) of this section for the purpose of:

19 (1) Furthering the commission of a misdemeanor offense or felony
 20 offense by the person or another person;

21 (2) Enhancing or assisting a person’s position in a legal
 22 proceeding in this state or influencing the outcome of a legal proceeding in
 23 this state for the benefit of the person or a member of the person’s family;

24 (3) Causing a pecuniary or professional gain for the person or a
 25 member of the person’s family; or

26 (4) Political purposes for the person or a member of the
 27 person’s family.

28
 29 SECTION 3. Arkansas Code § 12-12-402(e), concerning procedures
 30 governing medical treatment in sexual assault cases, is amended to clarify
 31 its application, to correct references, and to read as follows:

32 (e) ~~The victim shall not be transferred~~ A medical facility or licensed
 33 healthcare provider shall not transfer the victim to another medical facility
 34 unless:

35 (1)~~(A)~~ The victim or a parent or guardian of a victim under
 36 eighteen (18) years of age requests the transfer, or

1 ~~(B)~~—A a physician, or other qualified medical personnel
 2 when a physician is not available, has signed a certification that the
 3 benefits to the ~~patient's~~ victim's health would outweigh the risks to the
 4 ~~patient's~~ victim's health as a result of the transfer; and

5 (2) The transferring medical facility or licensed ~~health-care~~
 6 healthcare provider provides all necessary medical records and ensures that
 7 appropriate transportation is available.

8
 9 SECTION 4. Arkansas Code § 12-12-1002 is amended to conform to the
 10 mental state required for a criminal offense with § 5-2-202, to make
 11 stylistic changes, and to read as follows:

12 12-12-1002. Penalties.

13 (a) Upon conviction, any criminal justice agency or official subject
 14 to fingerprinting or reporting requirements under this subchapter that
 15 knowingly fails to comply with ~~such~~ the fingerprinting or reporting
 16 requirements is guilty of a Class B misdemeanor.

17 (b) A person is guilty of a Class A misdemeanor upon conviction if the
 18 person knowingly:

19 (1) ~~Knowingly accesses~~ Accesses information or ~~willfully~~
 20 information collected and maintained under this subchapter for a purpose not
 21 specified by this subchapter; or

22 (2) ~~Knowingly releases~~ Releases or discloses information
 23 maintained under this subchapter to another person who lacks authority to
 24 receive the information.

25 (c) A person is guilty of a Class D felony upon conviction if the
 26 person violates subsection (a) of this section for the purpose of:

27 (1) Furthering the commission of a misdemeanor offense or felony
 28 offense by the person or another person;

29 (2) Enhancing or assisting a person's position in a legal
 30 proceeding in this state or influencing the outcome of a legal proceeding in
 31 this state for the benefit of the person or a member of the person's family;

32 (3) Causing a pecuniary or professional gain for the person or a
 33 member of the person's family; or

34 (4) Political purposes for the person or a member of the
 35 person's family.

36 (d) A person convicted of violating subsection (c) of this section is

1 subject to an additional fine of not more than five hundred thousand dollars
2 (\$500,000).

3
4 SECTION 5. Arkansas Code § 12-42-102 is amended to clarify a criminal
5 offense and to read as follows:

6 12-42-102. Penalties.

7 ~~(a) Any A person, firm, or corporation, and any county judge or mayor~~
8 ~~of any city or incorporated town who works any who uses the work of a~~
9 prisoner or enters into a contract to lease and use the work of any a
10 prisoner convicted of a misdemeanor, ~~when the punishment is fixed by fine or~~
11 ~~imprisonment in any county or city jail in violation of the provisions of~~
12 ~~this section or §§ 12-42-104 - 12-42-107, shall be guilty of a misdemeanor.~~
13 upon conviction is guilty of an unclassified misdemeanor punishable

14 (b) ~~Upon conviction, he or she shall be punished~~ by a fine of not less
15 than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000)
16 and may be imprisoned not exceeding ninety (90) days.

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18 SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

19 It is the intent of the General Assembly that:

20 (1) The enactment and adoption of this act shall not expressly
21 or impliedly repeal an act passed during the regular session of the Ninety-
22 First General Assembly;

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

25 (A) The act of the regular session of the Ninety-First
26 General Assembly shall be treated as a subsequent act passed by the General
27 Assembly for the purpose of:

28 (i) Giving the act of the regular session of the
29 Ninety-First General Assembly its full force and effect; and

30 (ii) Amending or repealing the appropriate parts of
31 the Arkansas Code of 1987; and

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

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