

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1028

"AN ACT TO ALLOW INTRODUCTION OF EVIDENCE OF OTHER CRIMES IN SEXUAL
ASSAULT CASES."

Amendment No. 4 to House Bill No. 1028.

Amend House Bill No. 1028 as engrossed, S2/08/05 (version: 02-08-2005 13:51):

Page 1, delete line 10, and substitute the following:

"CRIMES IN SEXUAL ASSAULT CASES; AND FOR OTHER"

AND

Page 1, delete line 15, and substitute the following:

"OF OTHER CRIMES IN SEXUAL ASSAULT CASES."

AND

Page 1, delete line 22, and substitute the following:

"16-42-103. Admissibility of evidence of similar crimes in sexual assault"

AND

Page 1, delete lines 24 and 25, and substitute the following:

"(a) In a criminal case where the defendant is accused of a sexual assault, evidence of the defendant's commission of another sexual assault is"

AND

Page 2, delete lines 2 through 23, and substitute the following:

"(d) For purposes of this section, the term "sexual assault" includes the following offenses:

- (1) Rape, § 5-14-103;
- (2) Sexual assault in the first degree, § 5-14-124; and
- (3) Sexual assault in the second degree, § 5-14-125."

AND

Delete Section 2 of the bill and substitute the following:



“SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is no rule or statute that allows the introduction of evidence of a defendant’s commission of another sexual assault in a criminal case; and that such a rule or statute is necessary to assist in the prosecution of sexual assaults. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

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

By: Senator Wooldridge

JDF/CDS - 02-23-2005 11:04

JDF194

Secretary