

State of Arkansas

76th General Assembly

Fourth Extraordinary Session, 1988

HOUSE BILL 1017

By: Representative Willems

Representative Schexnayder

"AN ACT TO AMEND ARKANSAS CODE OF 1987 ANNOTATED TITLE 5, CHAPTER 54, SECTION 101(10), TO PROVIDE FOR THE USE OF COMMUNION WINE FOR RELIGIOUS SERVICES HELD IN THE ARKANSAS DEPARTMENT OF CORRECTION; TO AMEND ARKANSAS CODE OF 1987 ANNOTATED TITLE 5, CHAPTER 54, SECTION 119, TO ALLOW FOR THE FURNISHING OF COMMUNION WINE IN THE ARKANSAS DEPARTMENT OF CORRECTION; TO AMEND ARKANSAS CODE OF 1987, 12-29-109(a), ANNOTATED, TO ALLOW FOR THE FURNISHING OF COMMUNION WINE TO INMATES IN THE ARKANSAS DEPARTMENT OF CORRECTION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code of 1987 Annotated 5-54-101(10) is hereby amended to read as follows:

"(10). 'Prohibited article' means:

(A) An intoxicating beverage other than wine supplied by a religious official who supplies wine to an inmate in the Arkansas Department of Correction for the sole purpose of approved religious services, pursuant to rules and regulations promulgated by the Board of Correction;

(B) A controlled substance, as defined by subchapters 1-6 of Chapter 64 of this title as amended, not prescribed by a physician for the benefit of the person to whom it is delivered;

(C) A weapon, including a firearm or anything manifestly designed, made, adapted, or capable of being adapted to inflict physical injury, and anything that in the manner of its use or intended use is capable of causing physical injury; or

(D) Anything furnished an inmate in a correctional facility, the Arkansas State Hospital, or juvenile training school without authorization of a person charged with the duty of maintaining the safety or security of such

institution or any person confined there."

SECTION 2. Arkansas Code of 1987 Annotated 5-54-119 is hereby amended to read as follows:

"(a) A person commits the offense of furnishing a prohibited article if he knowingly:

(1) Introduces a prohibited article into a correctional facility, the Arkansas State Hospital, or a juvenile training school; or

(2) Provides a person confined in a correctional facility, the Arkansas State Hospital, or a juvenile training school with a prohibited article.

(b) Furnishing or providing a weapon, intoxicating beverage, controlled substance, moneys, or any other items that would facilitate an escape or violence within a facility is a Class B felony. Otherwise furnishing a prohibited article is a Class C felony. Provided this section shall not apply to a religious official who supplies wine to an inmate in the Arkansas Department of Correction for the sole purpose of approved religious services, pursuant to rules and regulations promulgated by the Board of Correction."

SECTION 3. Arkansas Code of 1987 Annotated 12-29-109(a) is hereby amended to read as follows:

"(a) If any person shall furnish any inmate any wine, spirituous or intoxicating liquors, narcotics, or controlled substances, unless by order of a physician, which would facilitate an escape or violence within a facility, he shall be guilty of a Class B felony; otherwise, furnishing a prohibited article is a Class C felony. Provided this section shall not apply to a religious official who supplies wine for the sole purpose of approved religious services, pursuant to rules and regulations promulgated by the Board of Correction."

SECTION 4. It is hereby found and determined by the General Assembly that the present provisions do not allow persons incarcerated in the Department of Correction to properly exercise their religious beliefs. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and

approval.