

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1941

By: Representative Foster

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 5-2-305 BY ADDING (b) (5)
REGARDING PERSONS UNDER COMMITMENT AND SUPERVISION OF THE
ARKANSAS DEPARTMENT OF CORRECTION."

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

SECTION 1. Arkansas Code 5-2-305(b) is hereby amended by inserting an additional subsection to read as follows:

"(5) Those persons under commitment and supervision of the Arkansas Department of Correction who are defendants charged in Circuit Court, shall not undergo examination and/or observation conducted by psychiatrists or other Mental Health personnel of the Department of Correction to determine the mental condition of the defendant."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency Clause. The Mental Health Staff of the Department of Correction is dedicated to treatment of those under the care and custody of the Department once commitment occurs, after determination of sanity. Determination of sanity is an area of expertise provided by other areas of the community, including but not limited to the State Hospital. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.