

State of Arkansas

77th General Assembly                      A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM

1044

By: Representatives Kerr, Hutchinson, Ruller, Newman,  
Glover, Forgey and Arrington

For An Act To Be Entitled

"AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO USE ANY  
COMMUNICATION FACILITY IN COMMITTING OR IN CAUSING OR  
FACILITATING THE COMMISSION OF ANY ACT OR ACTS  
CONSTITUTING A FELONY UNDER THE UNIFORM CONTROLLED  
SUBSTANCES ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) For purposes of this Act, the term "communication facility" means any and all public and private instrumentalities used or useful in transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communication.

(b) It shall be unlawful for any person to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of subchapters 1 through 6 of Chapter 64 of Title 5 of the Arkansas Code, the same being the Uniform Controlled Substances Act.

(c) Each separate use of a communication facility shall be a separate offense under this Act.

(d) Any person who violates this Act shall be guilty of a Class C felony.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. 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 4. Emergency. It is hereby found and determined by the General Assembly that communication facilities are commonly used to facilitate the violation of the Uniform Controlled Substances Act; that such activity should be a crime under the laws of this State; that this Act provides that such conduct constitutes a Class C felony; and that this Act should be given effect immediately in order to add to the prosecuting attorneys' arsenal for attacking the drug problem in this State. 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.