

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Givens**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-3-401 TO
9 INCLUDE IN THE DEFINITION OF CONSPIRACY THE PARTICIPATING
10 IN GANGS WHICH ENGAGE IN A PATTERN OF CRIMINAL ACTIVITY;
11 AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated §5-3-401 is amended to read as
16 follows:

17 "5-3-401. Conduct constituting conspiracy.

18 A person conspires to commit an offense if with the purpose of promoting
19 or facilitating the commission of any criminal offense:

20 (1) He agrees with another person or other persons:

21 (A) That one (1) or more of them will engage in conduct that
22 constitutes that offense; or

23 (B) That he will aid in the planning or commission of that
24 criminal offense; and

25 (C) He or another person with whom he conspires does any overt
26 act in pursuance of the conspiracy; or

27 (2) He actively participates in any gang with knowledge that its
28 members engage in a pattern of criminal activity, and who purposely promotes,
29 furthers, or assists in any criminal conduct by members of that gang. As used
30 in this section, 'gang' shall mean any ongoing organization, association, or
31 group of three (3) or more persons, whether formal or informal, having as one
32 of its primary activities the commission of criminal acts, and whose members
33 individually or collectively engage in or have engaged in a pattern of
34 criminal activity."

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

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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