

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H1/30/97 H1/31/97

## A Bill

HOUSE BILL 1309

4  
5 By: Representative Ferrell  
6  
7

### For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 16-90-703(2)  
10 AND 16-90-703(5) TO INCLUDE RESIDENTS OF THIS STATE WHO ARE  
11 INJURED OR KILLED BY AN ACT OF TERRORISM IN THE DEFINITION  
12 OF \_VICTIM\_ FOR PURPOSES OF THE ARKANSAS CRIME VICTIMS  
13 REPARATIONS ACT; AND FOR OTHER PURPOSES."  
14

### Subtitle

15  
16 "TO INCLUDE RESIDENTS OF THIS STATE WHO  
17 ARE INJURED OR KILLED BY AN ACT OF  
18 TERRORISM IN THE DEFINITION OF \_VICTIM\_  
19 FOR PURPOSES OF THE ARKANSAS CRIME  
20 VICTIMS REPARATIONS ACT"  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Annotated § 16-90-703(2) is amended to read as  
25 follows:

26 "(2) \_Victim\_ means a person who suffers personal injury or death as a  
27 result of criminally injurious conduct committed either within the State of  
28 Arkansas or against any Arkansas resident who suffers personal injury as the  
29 result of criminally injurious conduct which occurs in states presently not  
30 having crime victims reparations programs for which the victim is eligible and  
31 further includes any Arkansas resident who is injured or killed by an act of  
32 terrorism committed outside of the United States as defined in § 2331, Title  
33 18, United States Code;"  
34

35 SECTION 2. Arkansas Code Annotated § 16-90-703(5) is amended to read as  
36 follows:

1           "(5) 'Criminally injurious conduct' means an act which occurs or is  
2 attempted in this state that results in personal injury or death to a victim,  
3 which act is punishable by fine, imprisonment, or death. This term shall  
4 include acts of terrorism committed outside of the United States as defined in  
5 § 2331, Title 18, United States Code against any Arkansas resident. This term  
6 shall not include acts arising out of the operation of motor vehicles, boats,  
7 or aircraft unless the acts were committed with the intent to inflict injury  
8 or death or unless the acts committed were in violation of the Omnibus DWI  
9 Act, § 5-65-101 et seq. For the purposes of this subchapter, a person shall be  
10 deemed to have committed criminally injurious conduct notwithstanding that by  
11 reason of age, insanity, drunkenness, or other reason, he was legally  
12 incapable of committing a crime;"

13

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

17

18           SECTION 4. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23

24           SECTION 5. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26

27           SECTION 6. EMERGENCY. It is found and determined by the General  
28 Assembly of the State of Arkansas that in order to compensate and assist  
29 victims of criminal acts who suffer personal injury or death, the Crime  
30 Victims Reparations Fund must be adequately funded and in order to maintain  
31 eligibility for certain federal monies presently available to the Crime  
32 Victims Reparations Fund and to make certain Arkansas residents who are  
33 injured or killed by acts of terrorism committed outside the United States are  
34 eligible to receive this help, this act is necessary. Therefore an emergency  
35 is declared to exist and this act being immediately necessary for the  
36 preservation of the public peace, health and safety shall become effective on

1 the date of its approval by the Governor. If the bill is neither approved nor  
2 vetoed by the Governor, it shall become effective on the expiration of the  
3 period of time during which the Governor may veto the bill. If the bill is  
4 vetoed by the Governor and the veto is overridden, it shall become effective  
5 on the date the last house overrides the veto.

6 /s/Rep. Ferrell

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35