

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Beebe  
6

As Engrossed: S3/6/97

## A Bill

SENATE BILL 192

### For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-2-301 TO DEFINE THE TERM  
9 PRESCRIBED REGIMEN OF MEDICAL, PSYCHIATRIC, OR  
10 PSYCHOLOGICAL CARE OR TREATMENT ; TO ESTABLISH A PROCEDURE  
11 FOR PROVIDING SUBSTANCE ABUSE TREATMENT TO CRIMINAL  
12 DEFENDANTS COMMITTED TO THE STATE HOSPITAL BY A CIRCUIT  
13 COURT; AND FOR OTHER PURPOSES."

### Subtitle

14  
15  
16 "DEFINE THE TERM PRESCRIBED REGIMEN OF  
17 MEDICAL, PSYCHIATRIC, OR PSYCHOLOGICAL  
18 CARE OR TREATMENT AND ESTABLISH  
19 PROCEDURE FOR PROVIDING SUBSTANCE ABUSE  
20 TREATMENT TO CRIMINAL DEFENDANTS  
21 COMMITTED TO THE STATE HOSPITAL BY A  
22 CIRCUIT COURT."  
23

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

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26 SECTION 1. Arkansas Code 5-2-301 is amended by inserting an additional  
27 paragraph at the end thereof to read as follows:

28 "(7) Prescribed regimen of medical, psychiatric, or psychological care  
29 of treatment refers to care or treatment for a mental illness as defined in  
30 Arkansas Code 20-47-202(j)."  
31

32 SECTION 2. Arkansas Code 5-2-315(a)(1) is amended to read as follows:

33 "(a)(1) When the Director of the Department of Human Services or his  
34 designee determines that the acquittee has recovered from his mental disease  
35 or defect to such an extent that his release or his conditional release under  
36 a prescribed regimen of medical, psychiatric, or psychological care or

1 treatment would no longer create a substantial risk of bodily injury to  
2 another person or serious damage to the property of another, he shall promptly  
3 file an application for discharge or conditional release of the acquittee with  
4 the probate court that ordered the commitment and he may, if the acquittee has  
5 an impairment due to alcohol or substance abuse, petition the probate court  
6 for involuntary commitment under Arkansas Code 20-64-815. The director shall  
7 send a copy of the application to the acquittees counsel and to the attorney  
8 for the state."

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10 SECTION 3. Arkansas Code Annotated § 5-2-316(b) is amended to read as  
11 follows:

12 (b) If, within five (5) years after the order pursuant to § 5-2-314 or  
13 § 5-2-315 granting conditional release, the court shall determine, after  
14 notice to the conditionally released person and a hearing, that such person  
15 has violated the conditions of release or that for the safety of such person  
16 or for the safety of the person or property of others his conditional release  
17 should be revoked, the court may modify the conditions of release or order the  
18 person to be committed to the custody of the Director of the State Hospital or  
19 other appropriate facility subject to discharge or release only in accordance  
20 with the procedure prescribed in § 5-2-315.

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22 SECTION 4. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

25

26 SECTION 5. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 6. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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35 /s/Beebe