

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/1/05 S2/8/05 S2/15/05

A Bill

HOUSE BILL 1028

5 By: Representative Thompson
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE OF OTHER
10 *CRIMES IN SEXUAL ASSAULT CASES; AND FOR OTHER*
11 *PURPOSES.*
12

Subtitle

14 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE
15 *OF OTHER CRIMES IN SEXUAL ASSAULT CASES.*
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 16, Chapter 42, Subchapter 1 is amended
21 to add an additional section to read as follows:

22 16-42-103. Admissibility of evidence of similar crimes in sexual
23 assault cases.

24 (a) In a criminal case where the defendant is accused of a sexual
25 assault, evidence of the defendant's commission of another sexual assault is
26 admissible and may be considered for its bearing on any matter to which it is
27 relevant, subject to the circuit court's consideration of the admissibility
28 of any such evidence under Rule 403 of the Arkansas Rules of Evidence.

29 (b) In a case where the prosecuting attorney intends to offer evidence
30 under this section, the prosecuting attorney shall disclose the evidence to
31 the defendant or the defendant's attorney if an attorney is representing the
32 defendant, including statements of witnesses or a summary of the substance of
33 any testimony at least forty-five (45) days before the scheduled date of
34 trial or at such later time as the court may allow for good cause.

35 (c) This section shall not be construed to limit the admission or
36 consideration of evidence under any rule of the Arkansas Rules of Evidence,



1 the Arkansas Rules of Criminal Procedure, or any law.

2 (d) For purposes of this section, the term "sexual assault" includes
3 the following offenses:

4 (1) Rape, § 5-14-103;

5 (2) Sexual assault in the first degree, § 5-14-124; and

6 (3) Sexual assault in the second degree, § 5-14-125.

7
8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that there is no rule or statute
10 that allows the introduction of evidence of a defendant's commission of
11 another sexual assault in a criminal case; and that such a rule or statute is
12 necessary to assist in the prosecution of sexual assaults. Therefore, an
13 emergency is declared to exist and this act being immediately necessary for
14 the preservation of the public peace, health, and safety shall become
15 effective on:

16 (1) The date of its approval by the Governor;

17 (2) If the bill is neither approved nor vetoed by the Governor,
18 the expiration of the period of time during which the Governor may veto the
19 bill; or

20 (3) If the bill is vetoed by the Governor and the veto is
21 overridden, the date the last house overrides the veto.

22
23 /s/ Thompson
24
25
26
27
28
29
30
31
32
33
34
35
36