

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

A Bill

HOUSE BILL 1028

4
5 By: Representative Thompson
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7

For An Act To Be Entitled

8
9 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE OF OTHER
10 CRIMES IN SEX OFFENSE CASES; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO ALLOW INTRODUCTION OF EVIDENCE
15 OF OTHER CRIMES IN SEX OFFENSE CASES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 sex offense
23 cases.

24 (a) In a criminal case where the defendant is accused of a sex
25 offense, evidence of the defendant's commission of another sex offense is
26 admissible and may be considered for its bearing on any matter to which it is
27 relevant.

28 (b) In a case where the prosecuting attorney intends to offer evidence
29 under this section, the prosecuting attorney shall disclose the evidence to
30 the defendant or the defendant's attorney if an attorney is representing the
31 defendant, including statements of witnesses or a summary of the substance of
32 any testimony at least ten (10) days before the scheduled date of trial or at
33 such later time as the court may allow for good cause.

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



1 (d) For purposes of this section, the term "sex offense" includes the
 2 following offenses:

- 3 (1) Rape, § 5-14-103;
- 4 (2) Sexual indecency with a child, § 5-14-110;
- 5 (3) Sexual assault in the first degree, § 5-14-124;
- 6 (4) Sexual assault in the second degree, § 5-14-125;
- 7 (5) Sexual assault in the third degree, § 5-14-126;
- 8 (6) Sexual assault in the fourth degree, § 5-14-127;
- 9 (7) Incest, § 5-26-202;
- 10 (8) Engaging children in sexually explicit conduct for use in
 11 visual or print medium, § 5-27-303;
- 12 (9) Transportation of minors for prohibited sexual conduct, § 5-
 13 27-305;
- 14 (10) Employing or consenting to use of a child in sexual
 15 performance, § 5-27-402;
- 16 (11) Pandering or possessing visual or print medium depicting
 17 sexually explicit conduct involving a child, § 5-27-304;
- 18 (12) Producing, directing, or promoting sexual performance, § 5-
 19 27-403;
- 20 (13) Promoting prostitution in the first degree, § 5-70-104;
- 21 (14) Stalking when ordered by the sentencing court to register
 22 as a sex offender, § 5-71-229;
- 23 (15) Indecent exposure, § 5-14-112, if a felony level offense;
- 24 (16) Exposing another person to human immunodeficiency virus
 25 when ordered by the sentencing court to register as a sex offender, § 5-14-
 26 123;
- 27 (17) Kidnapping pursuant to § 5-11-102(a) when the victim is a
 28 minor and the offender is not the parent of the victim;
- 29 (18) False imprisonment in the first degree and false
 30 imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the victim
 31 is a minor and the offender is not the parent of the victim;
- 32 (19) Permitting abuse of a child pursuant to § 5-27-221;
- 33 (20) Computer child pornography, § 5-27-603;
- 34 (21) Computer exploitation of a child in the first degree, § 5-
 35 27-605(a);
- 36 (22) Permanent detention or restraint when the offender is not

1 the parent of the victim, § 5-11-106;

2 (23) Distributing, possessing, or viewing matter depicting
3 sexually explicit conduct involving a child, § 5-27-602;

4 (24) Computer child pornography, § 5-27-603; and

5 (25) Computer exploitation of a child, § 5-27-605.

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

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

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

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

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