

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/23/07

A Bill

SENATE BILL 184

5 By: Senators R. Thompson, Broadway
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE A COPY OF CERTAIN ORDERS
10 REGARDING COMMITMENT TO BE SUBMITTED TO THE
11 ARKANSAS CRIME INFORMATION CENTER; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO REQUIRE A COPY OF CERTAIN ORDERS
15 REGARDING COMMITMENT TO BE SUBMITTED TO
16 THE ARKANSAS CRIME INFORMATION CENTER.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code § 5-2-310(b), concerning the procedures*
23 *required within a reasonable period of time after the commitment of a*
24 *defendant pursuant to the determination of a court that the defendant lacks*
25 *fitness to proceed, is amended to read as follows:*

26 *(b)(1) Within a reasonable period of time, but in any case within ten*
27 *(10) months of a commitment pursuant to subsection (a) of this section, the*
28 *director or his or her designee shall file with the committing court a*
29 *written report indicating whether the defendant is fit to proceed, or, if*
30 *not, whether:*

31 *(A) The defendant's mental disease or defect is of a*
32 *nature precluding restoration of fitness to proceed; and*

33 *(B) The defendant presents a danger to himself or herself*
34 *or to the person or property of another.*

35 *(2)(A) The court shall make a determination within one (1) year*
36 *of a commitment pursuant to subsection (a) of this section.*



1 (B) Pursuant to the report of the director or his or her
2 designee or as a result of a hearing on the report, if the court determines
3 that the defendant is fit to proceed, prosecution in ordinary course may
4 commence.

5 (C) If the defendant lacks fitness to proceed but does not
6 present a danger to himself or herself or to the person or property of
7 another, the court may release the defendant on conditions the court
8 determines to be proper.

9 (D) If the defendant lacks fitness to proceed and presents
10 a danger to himself or herself or the person or property of another, the
11 court shall order the director to petition for an involuntary admission.

12 (E) Upon filing of an order finding that the defendant
13 lacks fitness to proceed issued under subdivision (b)(2)(A) of this section
14 with a circuit clerk or a probate clerk, the circuit clerk or the probate
15 clerk shall submit a copy of the order to the Arkansas Crime Information
16 Center.

17
18 SECTION 2. Arkansas Code § 5-2-314(b), concerning on acquittal on the
19 grounds of mental disease or defect, is amended to read as follows:

20 (b)(1) If the circuit court enters a determination based on
21 subdivision (a)(1) or (3) of this section, the circuit court shall order the
22 defendant committed to the custody of the Director of the Department of
23 Health and Human Services for an examination by a psychiatrist or a licensed
24 psychologist.

25 (2) Upon filing of an order of commitment under subdivision
26 (b)(1) of this section with a circuit clerk, the circuit clerk shall submit a
27 copy of the order to the Arkansas Crime Information Center.

28
29 SECTION 3. Arkansas Code § 12-12-209 is amended to read as follows:

30 12-12-209. Duty to furnish data.

31 (a)(1) It shall be the duty of all sheriffs, chiefs of police, city
32 marshals, correction officials, prosecuting attorneys, court clerks, and
33 other state, county, and local officials and agencies so directed to furnish
34 the Arkansas Crime Information Center all data required by this subchapter.

35 (2) Upon filing of an order under § 5-2-310(b) or an order of
36 commitment entered pursuant to §§ 5-2-314(b), 20-47-214, or 20-47-215 with a

1 circuit clerk or a probate clerk, the circuit clerk or probate clerk shall
2 submit a copy of the order of commitment to the Arkansas Crime Information
3 Center.

4 (b) The data shall be furnished the center in a manner prescribed by
5 the Supervisory Board for the Arkansas Crime Information Center.

6 (c) Any sheriff, chief of police, city marshal, correction official,
7 prosecuting attorney, court clerk, or other state, county, and local official
8 who shall willfully fail to comply with the provisions of this subchapter or
9 any regulation issued by the board carrying out the provisions of this
10 subchapter shall be found guilty of a misdemeanor and upon conviction shall
11 be punished by a fine not exceeding five hundred dollars (\$500).

12
13 *SECTION 4.* Arkansas Code § 20-47-214, pertaining to the hearing and
14 procedure for a forty-five-day involuntary admission, is amended to add an
15 additional subsection to read as follows:

16 (e) Upon filing of an order of commitment issued under subdivision
17 (b)(3) of this section with a circuit clerk or a probate clerk, the circuit
18 clerk or probate clerk shall submit a copy of the order of commitment to the
19 Arkansas Crime Information Center.

20
21 *SECTION 5.* Arkansas Code § 20-47-215, pertaining to the hearing and
22 procedure for an additional eighty-day involuntary admission, is amended to
23 add an additional subsection to read as follows:

24 (e) Upon filing of an order of commitment issued under this section
25 with a circuit clerk or a probate clerk, the circuit clerk or probate clerk
26 shall submit a copy of the order of commitment to the Arkansas Crime
27 Information Center.

28 (2) Upon filing of an order under § 5-2-310(b) or an order of commitment
29 entered pursuant to §§ 5-2-314(b), 20-47-214, or 20-47-215 with a circuit

30
31 *SECTION 6. EMERGENCY CLAUSE.* It is found and determined by the
32 General Assembly of the State of Arkansas that federal law prohibits the sale
33 of firearms to persons who have been committed to a mental institution; that
34 it is the intent of this act to require the submission of information to
35 create a confidential database that may only be used for firearm sales or
36 transactions; and that this act is necessary because possession of a firearm

1 by a person that is suicidal, homicidal, or gravely disabled poses an
2 critical threat of harm to the citizens of this state. Therefore, an
3 emergency is declared to exist and this act being necessary for the
4 preservation of the public peace, health, and safety shall become effective
5 on July 1, 2007.

6 */s/ R. Thompson*

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
36