

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 247

5 By: Senators Madison, D. Johnson
6 By: Representatives Williams, J. Edwards
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 5 OF THE
10 ARKANSAS CODE OF 1987 CONCERNING CRIMINAL OFFENSES;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO MAKE VARIOUS CORRECTIONS TO
16 TITLE 5 OF THE ARKANSAS CODE OF 1987
17 CONCERNING CRIMINAL OFFENSES.
18
19

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

22 SECTION 1. Arkansas Code § 5-4-104(c)(2)(A) is amended to read as
23 follows to remove obsolete language:

24 (A) Pay a fine as authorized by §§ 5-4-201 ~~—5-4-203,~~ and
25 5-4-202;
26

27 SECTION 2. Arkansas Code § 5-4-104(d)(3) is amended to read as follows
28 to remove obsolete language:

29 (3) Payment of a fine as authorized by §§ 5-4-201 ~~—5-4-203,~~ and
30 5-4-202;
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32 SECTION 3. Arkansas Code § 5-4-202(a) is amended to read as follows to
33 remove obsolete language:

34 ~~(a)-(1)~~(a) If the defendant is sentenced to pay a fine or costs, the
35 court shall not at the same time impose an alternative sentence or
36 imprisonment to be served if the fine or costs are not paid.



1 (i)(a) unlawfully Unlawfully obtained during a
 2 criminal episode.

3 ~~(B)(b)~~ As used in subdivision ~~(b)(3)(A)(ii)~~
 4 (b)(3)(B)(i)(a) of this section, “criminal episode” means a series of thefts
 5 committed by the same person on three (3) or more occasions within three (3)
 6 days; or

7 (ii) An electric power line, gas line, water line,
 8 wire or fiber insulator, electric motor, or other similar apparatus connected
 9 to a farm shop, on-farm grain drying and storage complex, heating and cooling
 10 system, environmental control system, animal production facility, irrigation
 11 system, or dwelling; or

12
 13 SECTION 9. Arkansas Code § 5-38-205(a)(3)(B) is amended to read as
 14 follows to correct a reference:

15 (B) Any other conduct that causes a substantial
 16 disruption, obstruction, or impediment to the operation of a vital public
 17 facility.

18
 19 SECTION 10. Arkansas Code § 5-38-206(b) is amended to read as follows
 20 to clarify a criminal offense and remove a theft offense that is being added
 21 to § 5-36-103 by this act:

22 (b) It is unlawful for a person to ~~injure or~~ knowingly damage,
 23 ~~destroy, steal, or remove, or alter in a way that could result in physical~~
 24 injury any electric power line, gas line, water line, wire or fiber
 25 ~~insulators~~ insulator, electric ~~motors~~ motor, or other similar apparatus
 26 connected to a farm shops shop, an on-farm grain drying and storage ~~complexes~~
 27 complex, a heating and cooling ~~systems and~~ system, an environmental control
 28 ~~systems~~ system, an animal production ~~facilities~~ facility, an irrigation
 29 ~~systems~~ system, ~~dwelling or a dwelling, or alterations that could result in~~
 30 physical injury.

31
 32 SECTION 11. Arkansas Code § 5-54-117(b) is amended to read as follows
 33 to clarify the name of a criminal offense:

34 (b)(1) ~~Furnishing~~ Assisting in or furnishing an implement for escape
 35 is a Class B felony if the implement for escape provided is a deadly weapon.

36 (2) Otherwise ~~furnishing~~ assisting in or furnishing an implement

1 for escape is a Class C felony.

2

3 SECTION 12. Arkansas Code § 5-62-102(21) is amended to read as follows
4 to clarify a definition:

5 (21) "Torture" means:

6 (A) The knowing commission of physical injury to a dog,
7 cat, or horse by the infliction of inhumane treatment or gross physical
8 abuse, causing the dog, cat, or horse intensive or prolonged pain, serious
9 physical injury, or thereby causing death; ~~and~~ or

10 (B) Mutilating, maiming, burning, poisoning, drowning, or
11 starving a dog, cat, or horse.

12

13 SECTION 13. Arkansas Code § 5-62-103(e)(3) is amended to read as
14 follows to clarify its application:

15 (3)(A) Both:

16 ~~(A)(i)~~ Ordered to receive a psychiatric or
17 psychological evaluation; and

18 ~~(B)(ii)~~ If determined appropriate, ordered to
19 receive psychiatric or psychological counseling or treatment for a length of
20 time prescribed by the court.

21 (B) The cost of any psychiatric or psychological
22 evaluation, counseling, or treatment may be ordered paid by the person up to
23 the jurisdictional limit of the court.

24

25 SECTION 14. Arkansas Code § 5-65-208(b)(1) is amended to read as
26 follows to clarify a reference:

27 (b)(1) The law enforcement agency that investigates ~~the collision~~ an
28 accident described in subsection (a) of this section, the physician in
29 attendance, or any other person designated by state law shall order the
30 chemical test as soon as practicable.

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32 SECTION 15. Arkansas Code § 5-73-108(h) is amended to read as follows
33 to clarify a definition:

34 (h) As used in this section, "alien" means a person who is not a
35 citizen or national of the United States.

36

1 SECTION 16. DO NOT CODIFY. The enactment and adoption of this act
2 shall not repeal, expressly or impliedly, the acts passed at the regular
3 session of the Eighty-Eighth General Assembly. All such acts shall have the
4 full force and effect and, so far as those acts intentionally vary from or
5 conflict with any provision contained in this act, those acts shall have the
6 effect of subsequent acts and as amending or repealing the appropriate parts
7 of the Arkansas Code of 1987.

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