

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 364

5 By: Senator Rapert  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 16 OF  
10 THE ARKANSAS CODE CONCERNING PRACTICE, PROCEDURE, AND  
11 THE COURTS; AND FOR OTHER PURPOSES.  
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13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 16  
16 OF THE ARKANSAS CODE CONCERNING PRACTICE,  
17 PROCEDURE, AND THE COURTS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 16-93-303(a)(1), concerning probation and  
23 sealing of the record for certain first time offenders, is amended to clarify  
24 its application and to read as follows:

25 (a)(1)(A)(i) When an accused enters a plea of guilty or nolo  
26 contendere prior to an adjudication of guilt, the circuit court or district  
27 court, in the case of a defendant who previously has not been convicted of a  
28 felony, without making a finding of guilt or entering a judgment of guilt and  
29 with the consent of the defendant, may defer further proceedings and place  
30 the defendant on probation for a period of not less than one (1) year, under  
31 such terms and conditions as may be set by the circuit court or district  
32 court.

33 (ii) A sentence of a fine not exceeding three  
34 thousand five hundred dollars (\$3,500) or an assessment of court costs  
35 against a defendant does not negate the benefits provided by this section or  
36 cause the probation placed on the defendant under this section to constitute



1 a conviction except under subsections (c)-(e) of this section.

2 ~~(iii) A serious felony involving violence or a~~  
 3 ~~felony involving violence as provided in § 5-4-501 is not eligible for~~  
 4 ~~sealing of the record under this subchapter.~~

5 (B) However, a person who is found guilty of or pleads  
 6 guilty or nolo contendere to one (1) or more of the following offenses is not  
 7 eligible for sealing of the record under this subchapter:

8 (i) An offense that requires the person to register  
 9 as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-  
 10 901 et seq.;

11 (ii) Public sexual indecency, § 5-14-111;

12 (iii) Indecent exposure, § 5-14-112;

13 (iv) Bestiality, § 5-14-122; ~~or~~

14 (v) Exposing another person to the human  
 15 immunodeficiency virus, § 5-14-123-~~r~~; or

16 (vi) A serious felony involving violence or a felony  
 17 involving violence as provided in § 5-4-501.

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 19 SECTION 2. Arkansas Code § 16-100-209(a), concerning costs and fees to  
 20 be paid by participants in the mental health specialty court program, is  
 21 amended to clarify a reference and to read as follows:

22 (a) The mental health specialty court may order the mental health  
 23 specialty court program participant to pay:

24 (1) Court costs as provided in § 16-10-305;

25 (2) Healthcare and treatment costs not otherwise covered by the  
 26 health insurance of the mental health specialty court program participant;

27 (3) Drug testing costs;

28 (4) A mental health specialty court program user fee;

29 (5) Necessary supervision fees, including any applicable  
 30 residential treatment fees;

31 (6) Any fees determined or authorized under § 12-27-  
 32 125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Department of  
 33 Community Correction;

34 (7) Global Positioning System monitoring costs; and

35 (8) Continual alcohol monitoring fees.

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1 SECTION 3. Arkansas Code § 16-123-330(c), concerning fair housing  
2 civil actions, is amended to clarify a reference and to read as follows:

3 (c) An aggrieved person may intervene in the civil action.  
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5 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

6 It is the intent of the General Assembly that:

7 (1) The enactment and adoption of this act shall not expressly  
8 or impliedly repeal an act passed during the regular session of the Ninety-  
9 Second General Assembly;

10 (2) To the extent that a conflict exists between an act of the  
11 regular session of the Ninety-Second General Assembly and this act:

12 (A) The act of the regular session of the Ninety-Second  
13 General Assembly shall be treated as a subsequent act passed by the General  
14 Assembly for the purpose of:

15 (i) Giving the act of the regular session of the  
16 Ninety-Second General Assembly its full force and effect; and

17 (ii) Amending or repealing the appropriate parts of  
18 the Arkansas Code of 1987; and

19 (B) Section 1-2-107 shall not apply; and

20 (3) This act shall make only technical, not substantive, changes  
21 to the Arkansas Code of 1987.  
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