

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1887

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
THE ARKANSAS CODE; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
OF THE ARKANSAS CODE.

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

SECTION 1. Arkansas Code § 12-9-117 is amended to remove duplicative language to read as follows:

12-9-117. Award of pistol upon retirement or death of a certified law enforcement officer employed by the commission.

~~(a)~~ When a certified law enforcement officer employed by the Arkansas Commission on Law Enforcement Standards and Training retires from service or dies while still employed with the commission, in recognition of and appreciation for the service of the retiring or deceased certified law enforcement officer, the commission may award the pistol carried by the certified law enforcement officer at the time of his or her death or retirement from service to:

(1) The certified law enforcement officer; or

(2) The certified law enforcement officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

~~(b)(1) A certified law enforcement officer employed by the commission may retain his or her pistol he or she carried at the time of his or her retirement from service.~~

~~(2) If the certified law enforcement officer dies while he or she is~~



~~employed by the commission, his or her spouse may receive or retain the pistol carried by the certified law enforcement officer at the time of his or her death, if the spouse is eligible under applicable state and federal laws to possess a firearm.~~

SECTION 2. Arkansas Code § 12-12-212 is amended to make stylistic changes and to read as follows:

12-12-212. Release or disclosure to unauthorized person – Penalty.

(a) A person is guilty of a Class A misdemeanor upon conviction if the person knowingly:

(1) ~~Knowingly accesses~~ Accesses information or ~~willfully~~ obtains information collected and maintained under this subchapter for a purpose not specified by this subchapter; or

(2) ~~Knowingly releases~~ Releases or discloses information maintained under this subchapter to another person who lacks authority to receive the information.

(b) A person is guilty of a Class D felony upon conviction if the person violates subsection (a) of this section for the purpose of:

(1) Furthering the commission of a misdemeanor offense or felony offense by the person or another person;

(2) Enhancing or assisting a person's position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the person or a member of the person's family;

(3) Causing a pecuniary or professional gain for the person or a member of the person's family; or

(4) Political purposes for the person or a member of the person's family.

SECTION 3. Arkansas Code § 12-12-402(e), concerning procedures governing medical treatment in sexual assault cases, is amended to clarify its application, to correct references, and to read as follows:

(e) ~~The victim shall not be transferred~~ A medical facility or licensed healthcare provider shall not transfer the victim to another medical facility unless:

(1)~~(A)~~ The victim or a parent or guardian of a victim under eighteen (18) years of age requests the transfer, or

~~(B)~~—A a physician, or other qualified medical personnel when a physician is not available, has signed a certification that the benefits to the ~~patient's~~ victim's health would outweigh the risks to the ~~patient's~~ victim's health as a result of the transfer; and

(2) The transferring medical facility or licensed ~~health-care~~ healthcare provider provides all necessary medical records and ensures that appropriate transportation is available.

SECTION 4. Arkansas Code § 12-12-1002 is amended to conform to the mental state required for a criminal offense with § 5-2-202, to make stylistic changes, and to read as follows:

12-12-1002. Penalties.

(a) Upon conviction, any criminal justice agency or official subject to fingerprinting or reporting requirements under this subchapter that knowingly fails to comply with ~~such~~ the fingerprinting or reporting requirements is guilty of a Class B misdemeanor.

(b) A person is guilty of a Class A misdemeanor upon conviction if the person knowingly:

(1) ~~Knowingly accesses~~ Accesses information or ~~willfully~~ obtains information collected and maintained under this subchapter for a purpose not specified by this subchapter; or

(2) ~~Knowingly releases~~ Releases or discloses information maintained under this subchapter to another person who lacks authority to receive the information.

(c) A person is guilty of a Class D felony upon conviction if the person violates subsection (a) of this section for the purpose of:

(1) Furthering the commission of a misdemeanor offense or felony offense by the person or another person;

(2) Enhancing or assisting a person's position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the person or a member of the person's family;

(3) Causing a pecuniary or professional gain for the person or a member of the person's family; or

(4) Political purposes for the person or a member of the person's family.

(d) A person convicted of violating subsection (c) of this section is

subject to an additional fine of not more than five hundred thousand dollars (\$500,000).

SECTION 5. Arkansas Code § 12-42-102 is amended to clarify a criminal offense and to read as follows:

12-42-102. Penalties.

~~(a) Any A person, firm, or corporation, and any county judge or mayor of any city or incorporated town who works any~~ who uses the work of a prisoner or enters into a contract to lease and use the work of a prisoner convicted of a misdemeanor, when the punishment is fixed by fine or imprisonment in any county or city jail in violation of the provisions of this section or §§ 12-42-104 - 12-42-107, shall be guilty of a misdemeanor, upon conviction is guilty of an unclassified misdemeanor punishable

~~(b) Upon conviction, he or she shall be punished~~ by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) and may be imprisoned not exceeding ninety (90) days.

SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

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

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

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

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

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

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

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

APPROVED: 04/03/2017