

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 357

By: Senator Rapert  
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 5 OF  
THE ARKANSAS CODE CONCERNING CRIMINAL OFFENSES AND  
THE ARKANSAS CRIMINAL CODE; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 5  
OF THE ARKANSAS CODE CONCERNING CRIMINAL  
OFFENSES AND THE ARKANSAS CRIMINAL CODE.

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

SECTION 1. Arkansas Code § 5-65-309(c), concerning implied consent under the Underage Driving or Boating Under the Influence Law, is amended to conform usage with a defined term to read as follows:

(c) A test of a ~~person's~~ an underage person's blood under this section to determine the ~~person's~~ underage person's alcohol concentration, controlled substance content, or other intoxicating substance content in his or her blood requires a warrant based on probable cause that the underage person was operating or in actual physical control of a motorboat on the waters of this state or a motor vehicle while intoxicated.

SECTION 2. Arkansas Code § 5-71-213(a) and (b), concerning the offense of loitering, are amended to clarify references to read as follows:

(a) A person commits the offense of loitering if he or she:  
(1) Lingers, remains, or prowls in a public place or the premises of another person without apparent reason and under circumstances



that warrant alarm or concern for the safety of persons or property in the vicinity and, upon inquiry by a law enforcement officer, refuses to identify himself or herself and give a reasonably credible account of his or her presence and purpose;

(2) Lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student and not having written permission from anyone authorized to grant permission;

(3) Lingers or remains on a sidewalk, roadway, or public right-of-way, in a public parking lot or public transportation vehicle or facility, or on private property, for the purpose of asking for anything as charity or a gift:

(A) In a harassing or threatening manner;

(B) In a way likely to cause alarm to ~~the other~~ another person; or

(C) Under circumstances that create a traffic hazard or impediment;

(4) Lingers or remains in a public place for the purpose of unlawful gambling;

(5) Lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity;

(6) Lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance;

(7) Lingers or remains in a public place for the purpose of unlawfully buying, distributing, or consuming an alcoholic beverage;

(8) Lingers or remains on or about the premises of another person for the purpose of spying upon or invading the privacy of another person; or

(9) Lingers or remains on or about the premises of any off-site customer-bank communication terminal without any legitimate purpose.

(b) Among the circumstances that may be considered in determining whether a person is loitering are that the person:

(1) Takes flight upon the appearance of a law enforcement officer;

(2) Refuses to identify himself or herself;

(3) Manifestly endeavors to conceal himself or herself or any object; or

(4) Has acted in a harassing or threatening manner or in a way likely to cause alarm to ~~the other~~ another person after sunset or before sunrise.

SECTION 3. Arkansas Code § 5-77-201(e), concerning definitions under the offense of unlawful possession, purchase, sale, or transfer of a blue light or blue lens cap, is amended to repeal a defined term that is not used in the section to read as follows:

(e) As used in this section:

(1) "Auxiliary law enforcement officer" means the same as defined in § 12-9-301;

(2) "Blue lens cap" means a lens cap designed to produce a blue color of light when light from a device designed for an emergency vehicle passes through the lens cap; and

(3) "Blue light" means any operable device that:

(A) Emits a blue color of light;

(B) Is designed for use by an emergency vehicle or is similar in appearance to a device designed for use by an emergency vehicle; and

(C) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery; ~~and~~

~~(4) "Illegitimately" includes violating a state or federal law.~~

SECTION 4. 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-Second General Assembly;

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

(A) The act of the regular session of the Ninety-Second 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-Second 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: 3/8/19**