

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 364

By: Senator Rapert
By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 16
OF THE ARKANSAS CODE CONCERNING PRACTICE,
PROCEDURE, AND THE COURTS.

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

SECTION 1. Arkansas Code § 16-93-303(a)(1), concerning probation and sealing of the record for certain first time offenders, is amended to clarify its application and to read as follows:

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

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



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

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

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

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

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

(iii) Indecent exposure, § 5-14-112;

(iv) Bestiality, § 5-14-122; ~~or~~

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

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

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

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

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

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

(3) Drug testing costs;

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

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

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

(7) Global Positioning System monitoring costs; and

(8) Continual alcohol monitoring fees.

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

(c) An aggrieved person may intervene in the civil action.

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