

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1355

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. Arkansas Code § 5-4-703(a)(8), concerning additional fines for offenses committed against or in the presence of a child, is amended to read as follows to remove a reference to an offense that does not exist:

(8) Sexual indecency with a child, § 5-14-110, if the offense is a felony ~~or Class A misdemeanor~~, indecent exposure, § 5-14-112, sexual assault in the third degree, § 5-14-126, or sexual assault in the fourth degree, § 5-14-127;

SECTION 2. Arkansas Code § 5-5-101(i), concerning disposition of contraband and seized property, is amended to read as follows to clarify references:

(i)(1) A law enforcement agency disposing of contraband or seized property under this section shall maintain a written report that includes without limitation:

(A) A list and description, including without limitation a serial number, of all property disposed, traded for credit, or sold at



auction;

(B) The dollar amount of any credit obtained by the law enforcement agency and the contact information for the federally licensed firearms dealer with which the credit is held;

(C) The dollar amount of any funds received at auction and where the funds were deposited; and

(D) An explanation for any credit used, including without limitation a description of items purchased with the credit and the dollar amount of the purchase.

(2) The written report required under subdivision (i)(1) of this section shall be provided:

(A) To the elected body that oversees the finances and operations of the law enforcement agency; and

(B) Within thirty (30) days of:

(i) The date a firearm or item of contraband is traded to a federally licensed firearms dealer by a law enforcement agency; and

(ii) The date a credit with a federally licensed firearms dealer is used by the law enforcement agency.

SECTION 3. Arkansas Code § 5-10-203(a), concerning death by delivery in the first degree, is amended to read as follows to clarify a reference:

(a) A person commits the offense of death by delivery in the first degree if:

(1) He or she knowingly delivers or conveys methamphetamine, heroin, or cocaine to another person; and

(2) The injection, ingestion, inhalation, or other introduction of the methamphetamine, heroin, or cocaine, including any adulterants or diluents, is the cause of death of the other person.

SECTION 4. Arkansas Code § 5-10-204(a), concerning death by delivery in the second degree, is amended to read as follows to clarify a reference:

(a) A person commits the offense of death by delivery in the second degree if:

(1) He or she knowingly delivers or conveys to another person:

(A) A controlled substance that is not fentanyl,

methamphetamine, heroin, or cocaine; or

(B) A counterfeit substance; and

(2) The injection, ingestion, inhalation, or other introduction of the controlled substance or counterfeit substance, including any adulterants or diluents, is the cause of death of the other person.

SECTION 5. Arkansas Code § 5-10-209 is amended to read as follows to clarify a reference:

5-10-209. Factors considered when determining whether person possessed controlled substance for personal use.

For purposes of this subchapter, possession of a controlled substance or counterfeit substance for personal use may be demonstrated through the consideration of certain factors, including without limitation:

(1) The person does not possess the means to weigh, separate, or package the controlled substance or counterfeit substance

(2) The person does not possess a record indicating a drug-related transaction;

(3) The controlled substance or counterfeit substance is not separated or packaged in a manner to facilitate delivery or conveyance;

(4) The person does not possess a firearm that is in the immediate physical control of the person at the time of the delivery or conveyance of the controlled substance or counterfeit substance; and

(5) The person does not possess other controlled substances or counterfeit substances at the time of the delivery or conveyance.

SECTION 6. Arkansas Code § 5-10-210 is amended to read as follows to clarify a reference:

5-10-210. Accomplice liability.

An individual who is an accomplice under § 5-2-403 to the delivery or conveyance in aggravated death by delivery, § 5-10-202, death by delivery in the first degree, § 5-10-203, or death by delivery in the second degree, § 5-10-204, is an accomplice for the purposes of ~~this section~~ an offense under this subchapter.

SECTION 7. Arkansas Code § 5-29-202(3), concerning the definition of “caregiver” under the Vulnerable Person Protection Act, is amended to read as

follows to clarify a reference:

(3) "Caregiver" means a person who is not a healthcare provider but has assumed the responsibility for the protection, care, or custody of a vulnerable person including without limitation a non-healthcare employee of a healthcare provider, a volunteer, a person with a power of attorney for the vulnerable person, or a guardian;

SECTION 8. Arkansas Code § 5-74-109(j)(3)(A)(i), concerning civil remedies for premises and real property used by criminal gangs, organizations, or enterprises, or used by anyone in committing a continuing series of violations, is amended to read as follows to clarify the recipient of damages under a court order:

(3)(A)(i) If the court finds that a vacancy resulting from closure of the building or place may create a nuisance or that closure is otherwise harmful to the community, in lieu of ordering the building or place closed, the court may order the person who is seeking to keep the premises open to pay damages in an amount equal to the fair market rental value of the building or place, for a period of time as determined appropriate by the court, to the city attorney, prosecuting attorney, or the Attorney General.

SECTION 9. 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-Fifth General Assembly;

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

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

(i) Giving the act of the regular session of the Ninety-Fifth 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: 2/25/25