

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1754

By: Representative Gazaway

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF FURNISHING,
POSSESSING, OR USING PROHIBITED ARTICLES; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF FURNISHING,
POSSESSING, OR USING PROHIBITED ARTICLES.

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

SECTION 1. Arkansas Code § 5-54-119 is amended to read as follows:

5-54-119. Furnishing, possessing, or using prohibited articles =
Delivering a prohibited article.

(a) A person commits the offense of furnishing a prohibited article if he or she knowingly:

(1) Introduces a prohibited article into a correctional facility, the Arkansas State Hospital, or a youth services program; or

(2) Provides a person confined in a correctional facility, the Arkansas State Hospital, or a youth services program with a prohibited article.

(b)(1)(A) Furnishing or providing a weapon, intoxicating beverage, controlled substance, moneys, a cellular telephone or other communication device, the components of a cellular telephone or other communication device, or any other items that would facilitate an escape, engaging in a continuing criminal enterprise, § 5-64-405, or violence within a facility is a Class B felony.

(B) Otherwise, furnishing a prohibited article is a Class



C felony.

(2) This section does not apply to a religious official who supplies sacramental wine labeled as sacramental wine to an inmate in the Department of Correction for the sole purpose of an approved religious service, pursuant to rules and regulations promulgated by the Board of Corrections.

(c)(1) A person commits possessing a prohibited article if, being an inmate of a correctional facility or in the custody of a correctional facility, the person knowingly possesses a:

(A) Cellular telephone or other communication device; ~~or~~

(B) Component of a cellular telephone or other communication device; or

(C) Controlled substance.

(2) Possessing a prohibited article is a Class B felony.

(d)(1) A person commits using a prohibited article if, being an inmate of a correctional facility or in the custody of a correctional facility, the person knowingly uses a cellular telephone or other communication device to commit or to attempt, conspire, or solicit to commit:

(A) An escape from the custody of the correctional facility;

(B) Engaging in a continuing criminal enterprise, § 5-64-405; or

(C) A violent felony as defined at § 5-4-501(d)(2).

(2) Using a prohibited article is a Class A felony.

(e)(1) A person commits the offense of delivering a prohibited article if, being an inmate of a correctional facility or in the custody of a correctional facility, the person knowingly delivers a controlled substance to another person.

(2)(A) Delivering a prohibited article is a Class A felony if the controlled substance through its use causes the death of or serious bodily injury to another person.

(B) Otherwise, delivering a prohibited article is a Class B felony.

(f) A person may not be convicted of furnishing, possessing, or delivering a prohibited article if the prohibited article is a controlled substance and the person has been charged with, tried for, or convicted of a

possession or delivery offense under the Uniform Controlled Substances Act, § 5-64-401 et seq., that arises out of the same set of facts.