

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 424

By: Senator B. Ballinger  
By: Representative Gazaway

## For An Act To Be Entitled

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

## Subtitle

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

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

SECTION 1. Arkansas Code § 5-14-132(c)(6), concerning registered sex offenders prohibited from entering upon a school campus, is amended to read as follows to correct a reference to conform with a defined term:

(6) Has been committed to the Division of Youth Services and attends a public school operated by the Division of Youth Services.

SECTION 2. Arkansas Code § 5-16-102(a)(1), concerning the criminal offense of voyeurism, is amended to read as follows to correct a grammatical error:

(1) "Nude or partially nude" means a state of undress of a person who has less than a fully opaque covering over the genitals, pubic area, buttocks, or breast of a female;

SECTION 3. Arkansas Code § 5-16-102(c), concerning the criminal offense of voyeurism, is amended to read as follows to make a stylistic



change:

(c) ~~A person who violates this section upon conviction is guilty of Voyeurism is~~ a:

(1) Class D felony if:

(A) A victim is under seventeen (17) years of age and the person who commits the offense holds a position of trust or authority over the victim; or

(B) The person has previously been convicted of an offense under this section or § 5-16-101; or

(2) Class A misdemeanor if otherwise committed.

SECTION 4. Arkansas Code § 5-55-107(a), concerning restitution for Medicaid fraud, is amended to read as follows to correct a grammatical error, clarify references, and make a stylistic change:

(a) In addition to any other fine that may be levied, any person found guilty of or who pleads guilty or nolo contendere to Medicaid fraud as described in this subchapter ~~is required to~~ shall make full restitution and payment of costs and expenses as follows:

(1)(A) ~~The~~ Restitution to the Department of Human Services, with the restitution to be deposited into the Arkansas Medicaid Program Trust Fund for the loss to the Arkansas Medicaid Program or its fiscal agents.

(B) When permitted by contract or rules, the department may return all or a portion of the restitution to a managed care organization or any similar organization that suffered a loss due to the Medicaid fraud; and

(2) The office of the Attorney General or prosecuting attorney may recover reasonable and necessary costs and expenses incurred during investigation and prosecution of Medicaid fraud.

SECTION 5. Arkansas Code § 5-71-212(b), concerning the penalty for public intoxication, is amended to read as follows to correct grammatical errors and clarify its application:

(b)(1) Public intoxication is a Class C misdemeanor.

(2)(A) ~~Public~~ However, public intoxication is an unclassified misdemeanor if the person has been convicted of public intoxication two (2) or more times within five (5) years of the date of the current offense.

~~(B) If convicted of the unclassified misdemeanor of public intoxication for a third or subsequent offense of public intoxication occurring within a five year period, in addition to a fine of no more than five hundred dollars (\$500), the person may be sentenced to:~~

~~(i) Probation not to exceed one (1) year, with a condition that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency;~~

~~(ii) A term not to exceed thirty (30) days in a county jail, with an additional probationary period to include as a condition of probation that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency, with the total time of jail and probation not to exceed one (1) year; and~~

~~(iii) Provided that with regard to any revocation of probation under subdivision (b)(2)(B)(i) or subdivision (b)(2)(B)(ii) of this section, that any jail sentence imposed for revocation of probation not exceed thirty (30) days in the county jail In addition to a maximum fine of five hundred dollars (\$500), a person convicted of public intoxication under subdivision (b)(2)(A) of this section may be sentenced to:~~

~~(i) Probation not to exceed one (1) year, with a condition that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency. A term of imprisonment imposed for a revocation of probation under this subdivision (b)(2)(B)(i) shall not exceed thirty (30) days; and~~

~~(ii) A term of imprisonment not to exceed thirty (30) days, with an additional probationary period that includes as a condition of probation that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency, with the total time of imprisonment and probation not to exceed one (1) year. A term of imprisonment imposed for a revocation of probation under this subdivision (b)(2)(B)(ii) shall not exceed thirty (30) 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-Third General Assembly;

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

(A) The act of the regular session of the Ninety-Third 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-Third 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.