

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1279

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 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 § 5-1-109(f), concerning when a prosecution is commenced, is amended to read as follows to delete obsolete language:

(f) A prosecution is commenced when an arrest warrant is issued by a judge based on probable cause or an indictment, information, or other charging instrument if the arrest warrant ~~or other process~~ is sought to be executed without unreasonable delay.

SECTION 2. Arkansas Code § 5-54-209(a), concerning the offense of use of a hoax substance, is amended to read as follows to clarify a reference:

(a) A person commits the offense of use of a hoax substance or hoax bomb if the person knowingly delivers or causes the delivery of a hoax substance or hoax bomb to a governmental facility, school, business, hospital, office building, or similar facility open to the public, or to a person's home, business, or place of work, with the purpose of causing anxiety, unrest, fear, personal discomfort, or the evacuation of the ~~facility~~



governmental facility, school, business, hospital, office building, or similar facility open to the public or the person's home, business, or place of work.

SECTION 3. Arkansas Code § 5-65-204(a)(1), concerning the definition of "alcohol concentration" under the Omnibus DWI or BWI Act, is amended to read as follows to delete obsolete language:

(a)(1) As used in this chapter, § 5-10-105, and § 5-75-101 et seq., ~~and § 5-76-101 et seq. [repealed]~~, "alcohol concentration" means either:

(A) Grams of alcohol per one hundred milliliters (100 ml) or one hundred cubic centimeters (100 cc) of blood; or

(B) Grams of alcohol per two hundred ten liters (210 l) of breath.

SECTION 4. Arkansas Code § 5-73-120(c)(2), concerning the permissibility of carrying a weapon, is amended to read as follows to correct the omission of a comma by Acts 2005, No. 1994, § 293:

(2) The person is a law enforcement officer, correctional officer, or member of the armed forces, acting in the course and scope of his or her official duties;

SECTION 5. 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-Fourth General Assembly;

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

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