

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1355

5 By: Representatives Gazaway, M. Shepherd  
6 By: Senators C. Tucker, J. Bryant  
7

## For An Act To Be Entitled

8  
9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 5 OF  
10 THE ARKANSAS CODE CONCERNING CRIMINAL OFFENSES; AND  
11 FOR OTHER PURPOSES.  
12  
13

## Subtitle

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15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 5  
16 OF THE ARKANSAS CODE CONCERNING CRIMINAL  
17 OFFENSES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-4-703(a)(8), concerning additional fines  
22 for offenses committed against or in the presence of a child, is amended to  
23 read as follows to remove a reference to an offense that does not exist:

24 (8) Sexual indecency with a child, § 5-14-110, if the offense is  
25 a felony ~~or Class A misdemeanor~~, indecent exposure, § 5-14-112, sexual  
26 assault in the third degree, § 5-14-126, or sexual assault in the fourth  
27 degree, § 5-14-127;  
28

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

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

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



1 auction;

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

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

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

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

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

14 (B) Within thirty (30) days of:

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

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

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

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

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

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

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

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

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

36 (A) A controlled substance that is not fentanyl,

1 methamphetamine, heroin, or cocaine; or

2 (B) A counterfeit substance; and

3 (2) The injection, ingestion, inhalation, or other introduction  
4 of the controlled substance or counterfeit substance, including any  
5 adulterants or diluents, is the cause of death of the other person.  
6

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

9 5-10-209. Factors considered when determining whether person possessed  
10 controlled substance for personal use.

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

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

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

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

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

23 (5) The person does not possess other controlled substances or  
24 counterfeit substances at the time of the delivery or conveyance.  
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26 SECTION 6. Arkansas Code § 5-10-210 is amended to read as follows to  
27 clarify a reference:

28 5-10-210. Accomplice liability.

29 An individual who is an accomplice under § 5-2-403 to the delivery or  
30 conveyance in aggravated death by delivery, § 5-10-202, death by delivery in  
31 the first degree, § 5-10-203, or death by delivery in the second degree, § 5-  
32 10-204, is an accomplice for the purposes of ~~this section~~ an offense under  
33 this subchapter.  
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35 SECTION 7. Arkansas Code § 5-29-202(3), concerning the definition of  
36 "caregiver" under the Vulnerable Person Protection Act, is amended to read as

1 follows to clarify a reference:

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

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

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

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21 SECTION 9. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

22 It is the intent of the General Assembly that:

23 (1) The enactment and adoption of this act shall not expressly  
24 or impliedly repeal an act passed during the regular session of the Ninety-  
25 Fifth General Assembly;

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

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

31 (i) Giving the act of the regular session of the  
32 Ninety-Fifth General Assembly its full force and effect; and

33 (ii) Amending or repealing the appropriate parts of  
34 the Arkansas Code of 1987; and

35 (B) Section 1-2-107 shall not apply; and

36 (3) This act shall make only technical, not substantive, changes

1 to the Arkansas Code of 1987.

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