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

State of Arkansas
96th General Assembly
Regular Session, 2027

A Bill

HOUSE BILL 1005

By: Representative Hudson

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "MENTALLY INCAPACITATED" AS IT RELATES TO SEXUAL OFFENSES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "MENTALLY INCAPACITATED" AS IT RELATES TO SEXUAL OFFENSES.

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

SECTION 1. Arkansas Code § 5-14-101(6), concerning the definition of "mentally incapacitated" as it relates to sexual offenses, is amended to read as follows:

(6) "Mentally incapacitated" means that a person is temporarily incapable of appreciating ~~or controlling~~ the nature or consequences of the person's conduct or communicating consent as a result of the influence of a controlled or intoxicating substance~~:~~

~~(A) Administered to the person without the person's consent; or~~

~~(B) That renders the person unaware a sexual act is occurring~~ regardless of whether the controlled or intoxicating substance was consumed voluntarily or involuntarily;