Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	A D;11	
2	84th General Assembly	A Bill	Act 798 of 2003
3	Regular Session, 2003		HOUSE BILL 1729
4			
5	By: Representative Mahony		
6			
7			
8		For An Act To Be Entitled	
9		REPEAL OBSOLETE PROVISIONS OF T	
10	ARKANSAS CODE CONCERNING THE COMMUNIST PARTY; AND		
11	FOR OTHER	PURPOSES.	
12		Subtitle	
13			
14		TO REPEAL OBSOLETE PROVISIONS ()F.
15		KANSAS CODE CONCERNING THE	
16	COMMUN	IST PARTY.	
17			
18 19		NERAL ASSEMBLY OF THE STATE OF A	DIZANCAC.
20	DE II ENACIED DI INE GEN	VERAL ASSEMBLI OF THE STATE OF A	IKKANJAJ:
20	SECTION 1 Arkan	sas Code §§ 5-51-401 through 5-5	1 - 100 are repealed
22	5-51-401. Definit	-	i for all repeated.
23		ibchapter, unless the context ot	herwise requires.
24	"Communist Party" means:	•	morwide required,
25	•	mmunist Party of the United Stat	.es:
26		mmunist Political Association;	,
27		mmunist Party of any state of th	e United States, of
28		ny political or geographical sub	
29	foreign state;		·
30	(4) Any sec	ction, subsidiary, branch, affil	iate, or subdivision
31	of any such association	or party; or	
32	(5) Any or g	ganization which advocates or te	eaches the overthrow by
33	force or violence or oth	ner unconstitutional means of th	ne governments of the
34	United States or the Sta	ite of Arkansas.	
35			
36	5-51-402. Legisla	ative determination.	



1	The General Assembly of the State of Arkansas finds and determines
2	that:
3	(1) The Communist Party advocates, teaches, and encourages the
4	overthrow of the governments of the United States and of the State of
5	Arkansas by force and violence, the same being contrary to the Constitutions
6	of the United States and of the State of Arkansas; and
7	(2) The existence of the Communist Party and membership in such
8	party is an immediate and constant threat to the peace, safety, and security
9	of the State of Arkansas and of the people thereof.
10	
11	5-51-403. Prohibition on party operation and membership.
12	(a) It shall be unlawful for the Communist Party to operate in the
13	State of Arkansas, and it shall be unlawful for any person in the State of
14	Arkansas to knowingly be a member of or belong to the Communist Party.
15	Membership in the Communist Party shall be prima facie evidence that a person
16	advocates, teaches, and encourages the forceful and violent overthrow of the
17	government of the State of Arkansas.
18	(b) Any person violating the provisions of this section shall, upon
19	conviction, be imprisoned for a period of not less than one (1) year nor more
20	than twenty-one (21) years or shall be fined in an amount of not less than
21	one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000),
22	or be both so fined and imprisoned.
23	
24	5-51-404. Registration requirements.
25	(a) Any member of one (1) of the following organizations is required
26	to register with the Director of the Department of Arkansas State Police:
27	(1) The Communist Party of the United States;
28	(2) The Communist Political Association;
29	(3) The Communist Party of any state of the United States, of
30	any foreign state, or of any political or geographical subdivision of any
31	foreign state;
32	(4) Any section, subsidiary, branch, affiliate, or subdivision
33	of any such association or party;
34	(5) The direct predecessor or successors of any association or
35	party, regardless of what name such group or organization may have used, may
36	now bear, or may hereafter adopt;

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1	(6) Any organization which advocates or teaches the overthrow by
2	force or violence or other unconstitutional means of the governments of the
3	United States or the State of Arkansas;
4	(7) An individual who is not a member of one (1) of the above
5	organizations but who writes, publishes, or causes to be written or published
6	or who circulates, orally or otherwise, any information advocating or
7	teaching the overthrow by force or violence or other unconstitutional means
8	of the governments of the United States or the State of Arkansas.
9	(b) The Director of the Department of Arkansas State Police will
10	maintain registration in a file which shall be open to the public at all
11	times.
12	(c) Any person falling within the class enumerated in this section who
13	shall fail to so register commits a Class D felony.
14	
15	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
16	General Assembly that Arkansas Code §§ 5-51-401 through 5-51-404 have never
17	been enforced; that these sections of the Arkansas Code are of dubious
18	validity under the First Amendment to the United States Constitution; that
19	litigation is currently pending challenging the constitutionality of these
20	unenforced sections of the Arkansas Code; and this act is immediately
21	necessary because the state wishes to avoid any liability for attorneys' fees
22	or costs as a result of the litigation. Therefore, an emergency is declared
23	to exist and this act being immediately necessary for the preservation of the
24	public peace, health, and safety shall become effective on:
25	(1) The date of its approval by the Governor;
26	(2) If the bill is neither approved nor vetoed by the Governor, the
27	expiration of the period of time during which the Governor may veto the bill;
28	(3) If the bill is vetoed by the Governor and the veto is overridden,
29	the date the last house overrides the veto.
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32	APPROVED: 3/27/2003
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