

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bookout**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §12-64-817 BY
9 ADDING A NEW SUBPARAGRAPH TO DEFINE LAWFUL ORDERS AND
10 REGULATIONS, TO EXEMPT LAWFUL ORDERS AND REGULATIONS FROM
11 THE REQUIREMENTS OF THE ARKANSAS ADMINISTRATIVE PROCEDURES
12 ACT; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO DEFINE LAWFUL ORDERS AND REGULATIONS."

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

19 SECTION 1. Arkansas Code Annotated §12-64-817 is amended by adding a
20 new subparagraph as follows:

21 "§12-64-817. Failure to obey order or regulation.

22 Any person subject to this code shall be punished as a court-martial may
23 direct if he:

24 (1) Violates or fails to obey any lawful order or regulation;

25 (2) Having knowledge of any other lawful order issued by a member of
26 the organized militia, which it is his duty to obey, fails to obey the order;

27 (3) Is derelict in the performance of his duties; or

28 (4) (A) Definition. A lawful order or regulation is a written,
29 electronic, nonverbal or oral communication by a member of the armed forces
30 acting within the scope of official military duties regarding instruction,
31 decision, rule, judgement, directive, procedure, statement or command, and
32 which primarily affects the action, organization, training, good order,
33 discipline, property, welfare, administration, operation and procedure of the
34 armed forces.

35 (B) Lawful orders and regulations shall not be subject to the

1 requirements of the Arkansas Administrative Procedure Act, Arkansas Code
2 Annotated 25-15-201 et seq.."

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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