

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
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 765

4
5 By: Senator Steele
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE FOR THE GENERAL PUBLIC HEALTH,
10 WELFARE, AND SAFETY; TO PROVIDE RESTORATIVE
11 MEASURES FOR CERTAIN CRIMINAL OFFENDERS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

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15 TO PROVIDE FOR THE GENERAL PUBLIC
16 HEALTH, WELFARE, AND SAFETY; TO PROVIDE
17 RESTORATIVE MEASURES FOR CERTAIN
18 CRIMINAL OFFENDERS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. (a) This act is a response to the social problem of the
24 commission of criminal acts against certain groups or individuals based on
25 actual or perceived characteristics of the groups or individuals.

26 (b) This act is not intended to infringe upon a person's right to
27 freedom of speech guaranteed by the First Amendment to the Constitution of
28 the United States.
29

30 SECTION 2. For purposes of this act:

31 (1) "Because of" means that:

32 (A) Bias was a cause in fact of a criminal offense,
33 regardless of whether other causes also existed; and

34 (B) If multiple concurrent motives existed, the bias was a
35 substantial factor in the commission of the criminal offense;

36 (2)(A) "Disability" means a physical or mental impairment that



1 substantially limits a major life function.

2 (B) “Disability” does not mean:

3 (i) Compulsive gambling;

4 (ii) Kleptomania;

5 (iii) Pyromania;

6 (iv) Use of illegal drugs or psychoactive substance
 7 use disorders resulting from illegal use of drugs; or

8 (v) Alcoholism;

9 (3) “Hate crime” means a crime against a person who was
 10 purposely selected as the victim based on bias;

11 (4) “Major life function” means a function such as caring for
 12 oneself, performing manual tasks, walking, seeing, hearing, speaking,
 13 breathing, learning, and working;

14 (5)(A) “Purposely selected as the victim based on bias” means
 15 that the victim was chosen because of the victim’s actual or perceived:

16 (i) Race;

17 (ii) Color;

18 (iii) Religion;

19 (iv) Ethnicity;

20 (v) Ancestry;

21 (vi) National origin;

22 (vii) Sexual orientation;

23 (viii) Gender; or

24 (ix) Disability.

25 (B) “Purposely selected as the victim based on bias” does
 26 not mean that a defendant’s abstract beliefs were hostile or contrary to the
 27 victim’s traits enumerated in subdivision (5)(A) of this section, or that a
 28 defendant is or was associated with a group opposed to the victim’s traits
 29 enumerated in subdivision (5)(A) of this section, unless the crime was
 30 committed because of the belief, expression, or association; and

31 (6) “Restorative measures” include:

32 (A) Community service;

33 (B) Counseling;

34 (C) Educational classes;

35 (D) Restitution; and

36 (E) Entry on the Registry of Violent Hate Crime Offenders

1 created by this act.

2
3 SECTION 3. (a) In addition to all other penalties provided by law, if
4 a person pleads guilty or nolo contendere to, or is found guilty of a hate
5 crime, the court shall order one or more restorative measures if the
6 prosecuting attorney filed written notice in the information or indictment
7 indicating that the person, upon a finding of guilt or plea of guilty or nolo
8 contendere, would be subject to the restorative measures.

9 (b) If the court orders entry on the Registry of Violent Hate Crime
10 Offenders, the clerk of the court shall transmit the appropriate information
11 to the Arkansas Crime Information Center.

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13 SECTION 4. (a) The Arkansas Crime Information Center shall maintain a
14 Registry of Violent Hate Crime Offenders.

15 (b) The Arkansas Crime Information Center may promulgate regulations
16 necessary to implement this act.