

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 2121

5 By: Representative Womack
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For An Act To Be Entitled

8 AN ACT CONCERNING A CITIZEN'S RIGHT TO OBSERVE AND
9 RECORD PUBLIC EVENTS; AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING A CITIZEN'S RIGHT TO OBSERVE
13 AND RECORD PUBLIC EVENTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 21-1-106(c), concerning public officers'
20 and employees' waiver of sovereign immunity for violation of an individual's
21 right to record public events, is amended to read as follows:

22 (c)(1) A violation of this section constitutes a waiving of the
23 sovereign immunity of the state.

24 (2) A public officer or employee who violates this section ~~may~~
25 ~~only be~~ and is sued in his or her ~~official~~ personal capacity shall be
26 defended by the state, and the state shall bear any liability.

27 (3) A court construing this section shall do so consistently
28 with ~~official-capacity~~ claims under the First Amendment to the United States
29 Constitution filed through 42 U.S.C. § 1983 and the Arkansas Civil Rights Act
30 of 1993, § 16-123-101 et seq.

31 (4) Punitive damages are not provided under this section.

32 (5) When a party sues for relief under this section or any other
33 applicable law, the party shall only receive a single remedy for a single
34 injury.
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