

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Todd**

# A Bill

**ACT 906 OF 1995**  
**SENATE BILL 640**

## For An Act To Be Entitled

"AN ACT TO BE KNOWN AS THE \_ARKANSAS LIBRARY MATERIALS  
SECURITY LAW\_; AND FOR OTHER PURPOSES."

### Subtitle

"AN ACT TO BE KNOWN AS THE \_ARKANSAS  
LIBRARY MATERIALS SECURITY LAW\_.

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

#### SECTION 1. Short Title.

This act shall be known and may be cited as the "Arkansas Library  
Materials Security Law".

#### SECTION 2. Definitions.

For the purposes of this act:

(1) "Without authorization" means contrary to rules which set forth  
policies governing access to library materials and include eligibility for  
library patronage and lending procedures.

(2) "Library materials" means books, manuscripts, letters, newspapers,  
court records, films, microfilms, tape recordings, phonograph records,  
lithographs, prints, photographs or any other written or printed document,  
graphic material of any nature and other personal property which is the  
property or in the custody of or entrusted to a public or private library,  
museum, archives or other depository.

(3) "Mutilate" means, in addition to its commonly accepted definition,  
the wilful removal or separation of constituent parts of an item of library  
materials causing library materials to be exposed to damage.

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2 SECTION 3. Unauthorized removal or wilful mutilation of library  
3 materials.

4 (a) (1) It shall be unlawful for any person to remove library materials,  
5 without authorization, from the premises wherein such materials are maintained  
6 or to retain possession of library materials without authorization.

7 (2) It shall be unlawful for any person to wilfully mutilate  
8 library materials.

9 (b) (1) *A violation of this section is a Class B felony if the value of*  
10 *the property is two thousand five hundred dollars (\$2,500) or more.*

11 (2) *A violation of this section is Class C felony if the value of*  
12 *the property is less than two thousand five hundred dollars (\$2,500) but more*  
13 *than five hundred dollars (\$500).*

14 (3) *A violation of this section is a Class A misdemeanor if the*  
15 *value of the property is five hundred dollars (\$500) or less.*

16 (c) *However, before a charge of retaining possession of library*  
17 *materials without authorization shall be filed against any person, the library*  
18 *shall send written notice, by ordinary mail, addressed to the last known*  
19 *address of the person who checked out or otherwise removed the books or*  
20 *materials from the library, notifying them that if the books or materials are*  
21 *not returned to the library within thirty (30) days from the date of the*  
22 *notice, charges will be filed against them under the provisions of this*  
23 *section and upon conviction, such person may be fined in an amount as provided*  
24 *in this section.*

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26 SECTION 4. Applicability.

27 This act shall apply to all libraries, museums, archives and other  
28 depositories operated by an agency, board, commission, department or officer  
29 of the State of Arkansas, by private persons, societies or organizations, or  
30 by agencies or officers of municipalities, counties, schools and institutions  
31 of higher learning or of any other political subdivisions of the State of  
32 Arkansas.

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34 SECTION 5. Relation with other criminal or civil proceedings.

35 The provisions of this act are supplemental to other criminal statutes.

1 An acquittal or conviction obtained under this act shall not be a bar to  
2 civil proceedings or actions arising from the same incident.

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4 SECTION 6. Reasonable detention and questioning to determine whether  
5 offense was committed.

6 If a person employed by a library or a person charged with the  
7 supervision thereof with reason to believe that a person has committed or has  
8 attempted to commit any offense under this act or that the person has  
9 concealed any library material upon his person or within his belongings, then  
10 the person may be detained and questioned in a reasonable manner for the  
11 purpose of ascertaining whether or not an offense has been committed. The  
12 detention and questioning shall not render such employee civilly liable for  
13 slander, false arrest, false imprisonment, malicious prosecution, unlawful  
14 detention or otherwise, if the library employee or person charged with the  
15 supervision of the library acts in good faith and in a reasonable manner.

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17 SECTION 7. All provisions of this act of a general and permanent  
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
19 Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 8. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

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27 SECTION 9. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

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30 /s/Todd

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32 APPROVED: 4-5-95

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***As Engrossed: 3/13/95 3/29/95***

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