

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

As Engrossed: H3/10/17

A Bill

HOUSE BILL 1756

5 By: Representative Collins
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF LOITERING; AND FOR
9 OTHER PURPOSES.

Subtitle

12 CONCERNING THE OFFENSE OF LOITERING.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 5-71-213 is amended to read as follows:
19 5-71-213. Loitering.

20 (a) A person commits the offense of loitering if he or she:

21 (1) Lingers, remains, or prowls in a public place or the
22 premises of another without apparent reason and under circumstances that
23 warrant alarm or concern for the safety of persons or property in the
24 vicinity and, upon inquiry by a law enforcement officer, refuses to identify
25 himself or herself and give a reasonably credible account of his or her
26 presence and purpose;

27 (2) Lingers, remains, or prowls in or near a school building,
28 not having any reason or relationship involving custody of or responsibility
29 for a student and not having written permission from anyone authorized to
30 grant permission;

31 (3) Lingers or remains ~~in a public place~~ on a sidewalk, roadway,
32 or public right-of-way, in a public parking lot or public transportation
33 vehicle or facility, or on ~~the premises of another private property~~, for the
34 purpose of ~~begging~~ asking for anything as charity or a gift:

35 (A) In a harassing or threatening manner;

36 (B) In a way likely to cause alarm to the other person; or



1 (C) Under circumstances that create a traffic hazard or
2 impediment;

3 (4) Lingers or remains in a public place for the purpose of
4 unlawful gambling;

5 (5) Lingers or remains in a public place for the purpose of
6 engaging or soliciting another person to engage in prostitution or deviate
7 sexual activity;

8 (6) Lingers or remains in a public place for the purpose of
9 unlawfully buying, distributing, or using a controlled substance;

10 (7) Lingers or remains in a public place for the purpose of
11 unlawfully buying, distributing, or consuming an alcoholic beverage;

12 (8) Lingers or remains on or about the premises of another for
13 the purpose of spying upon or invading the privacy of another; or

14 (9) Lingers or remains on or about the premises of any off-site
15 customer-bank communication terminal without any legitimate purpose.

16 (b) *Among the circumstances that may be considered in determining*
17 *whether a person is loitering are that the person:*

18 (1) *Takes flight upon the appearance of a law enforcement*
19 *officer;*

20 (2) *Refuses to identify himself or herself; ~~or~~*

21 (3) *Manifestly endeavors to conceal himself or herself or any*
22 *object~~s~~; or*

23 (4) *Has acted in a harassing or threatening manner or in a way*
24 *likely to cause alarm to the other person after sunset or before sunrise.*

25 (c) Unless flight by the actor or another circumstance makes it
26 impracticable, prior to an arrest for an offense under subdivision (a)(1) of
27 this section a law enforcement officer shall afford the actor an opportunity
28 to dispel any alarm that would otherwise be warranted by requesting the actor
29 to identify himself or herself and explain his or her presence and conduct.

30 (d) It is a defense to a prosecution under subdivision (a)(1) of this
31 section if:

32 (1) The law enforcement officer did not afford the defendant an
33 opportunity to identify himself or herself and explain his or her presence
34 and conduct; or

35 (2) It appears at trial that an explanation given by the
36 defendant to the law enforcement officer was true and, if believed by the law

1 enforcement officer at that time, would have dispelled the alarm.

2 (e) Loitering is a Class C misdemeanor.

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/s/Collins

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APPROVED: 04/03/2017

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