



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for HB1029  
Sponsored by Representative Rye**

**Subtitle** AN ACT TO CREATE THE ARKANSAS HERITAGE PROTECTION ACT.

**Impact Summary**<sup>1</sup> Minimal, affecting fewer than ten offenders per year.

**Change from current law**<sup>2</sup> Amends Arkansas Code Title 22, Chapter 3 to create an additional Subchapter 21, the Arkansas Heritage Protection Act. This subchapter defines monument, person, and public property, and creates a requirement that monuments be preserved.

The proposed bill creates Arkansas Code Annotated § 22-3-2105, Penalty. Under the proposed bill, a person who knowingly violates the Arkansas Heritage Protection Act, upon conviction, is guilty of a Class D felony if he or she relocates, removes, alters, renames, rededicates or otherwise disturbs a monument without a written waiver from the Arkansas History Commission. The proposed bill creates an exception for a governmental entity having responsibility for maintaining a monument, sets out a procedure for requesting a waiver from the Arkansas History Commission, and specifies exhibits and entities to which the subchapter does not apply.

**Impact Information**

Because this proposed bill creates a new course of conduct for committing a criminal offense, data is unavailable as to the likely number of convictions per year. However, due to the small number of offenders convicted for similar conduct, the projected impact of this proposed bill is minimal.

The following numbers are provided for informational purposes only. The Arkansas Department of Correction reports that there are currently two (2) inmates serving a sentence for A.C.A § 5-71-215, Defacing objects of public respect. Both of these inmates are serving longer controlling sentences for more serious crimes. The Administrative Office of the Courts reports for the time period beginning January 1, 2015 and ending December 31, 2017, there was one (1) conviction for A.C.A § 5-71-215, Defacing objects of public respect. See attached for a reprint of this code provision.

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<sup>1</sup> This impact assessment was prepared (1/15/2019, 10:53 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

**A.C.A. § 5-71-215. Defacing objects of public respect.**

(a) A person commits the offense of defacing objects of public respect if he or she purposely:

- (1) Defaces, mars, or otherwise damages any public monument;
- (2) Defaces, mars, or otherwise damages a work of art on display in any public place;
- (3) Defaces, mars, desecrates, or otherwise damages any place of worship, cemetery, or burial monument; or
- (4) Removes a broken or unbroken, commercial or rock, grave marker for any reason except for cleaning or repair by a family member, caretaker, or preservation organization.

(b) (1) (A) Except as provided in subdivision (b)(1)(B) of this section, defacing objects of public respect is a Class A misdemeanor if the value of repairing or replacing the damaged object does not exceed five hundred dollars (\$500).

(B) Defacing objects of public respect is a Class D felony if the value of repairing or replacing the damaged object does not exceed five hundred dollars (\$500) and if the object that is defaced, marred, desecrated, or otherwise damaged is a cemetery or burial monument.

(2)

(A) Except as provided in subdivision (b)(2)(B) of this section, defacing objects of public respect is a Class D felony if the value of repairing or replacing the damaged object exceeds five hundred dollars (\$500), but does not exceed two thousand five hundred dollars (\$2,500).

(B) Defacing objects of public respect is a Class C felony if the value of repairing or replacing the damaged object exceeds five hundred dollars (\$500) but does not exceed two thousand five hundred dollars (\$2,500) and if the object that is defaced, marred, desecrated, or otherwise damaged is a cemetery or burial monument.

(3)

(A) Except as provided in subdivision (b)(3)(B) of this section, defacing objects of public respect is a Class C felony if the value of repairing or replacing the damaged object exceeds two thousand five hundred dollars (\$2,500).

(B) Defacing objects of public respect is a Class B felony if the value of repairing or replacing the damaged object exceeds two thousand five hundred dollars (\$2,500) and if the object that is defaced, marred, desecrated, or otherwise damaged is a cemetery or burial monument.

**History:** Acts 1975, No. 280, § 2916; A.S.A. 1947, § 41-2916; Acts 1993, No. 169, § 1; 2005, No. 2232, § 4; 2007, No. 266, § 1.