



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1015 Sponsored by Representative Rye

**Subtitle** CONCERNING THE DAMAGE TO OR DESTRUCTION OF A PUBLIC MONUMENT OR OBJECT OF PUBLIC RESPECT; AND CONCERNING MONUMENTS AND OBJECTS OF PUBLIC RESPECT ON THE GROUNDS OF THE STATE CAPITOL.

#### Impact Summary<sup>1</sup>

Minimal, affecting fewer than ten offenders per year. While the offense creates a new course of conduct for which the likely number of occurrences cannot be determined, the low number of convictions for the offense as currently written makes it unlikely that the proposed bill will have a meaningful impact on the correctional resources of the state.

**Change from Current Law<sup>2</sup>** Amends Arkansas Code Annotated § 5-71-215, Defacing an object of public respect, by adding a new course of conduct by which a person commits the offense of defacing an object of public respect. Under the proposed bill, a person commits the offense of defacing an object of public respect if he or she purposely: (1) defaces, mars, *vandalizes, destroys*, or otherwise damages any public monument; (2) defaces, mars, *vandalizes, destroys*, or otherwise damages a work of art on display in any public place; (3) defaces, mars, desecrates, *vandalizes, destroys*, 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. [New conduct is indicated by *italics*.]

The proposed bill also amends A.C.A. § 5-71-101 to define “public monument” as an object on public land that commemorates a person or persons or an event that has become relevant to a social group as a part of the social group’s remembrance of historic times or is part of the social group’s cultural heritage due to the object’s artistic, historic, social, political, technical, or architectural importance.

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<sup>1</sup> This impact assessment was prepared 1/13/2021 3:37 PM 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 Corrections 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 A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500

As currently written, Defacing an object of public respect has varying penalties, depending on the type of object defaced and the value of repairing or replacing the damaged object. The table below details the penalty levels:

Penalty	Conduct
Class A misdemeanor	<ul style="list-style-type: none"> <li>Value of repairing or replacing the damaged object does not exceed \$500.</li> </ul>
Class D felony	<ul style="list-style-type: none"> <li>Value of repairing or replacing the damaged object does not exceed \$500 and the object damaged is a cemetery or burial monument.</li> <li>Value of repairing or replacing the damaged object exceeds \$500, but does not exceed \$2,500.</li> </ul>
Class C felony	<ul style="list-style-type: none"> <li>Value of repairing or replacing the damaged object exceeds \$500 but does not exceed \$2,500 and the object damaged is a cemetery or burial monument.</li> <li>Value of repairing or replacing the damaged object exceeds \$2,500.</li> </ul>
Class B felony	<ul style="list-style-type: none"> <li>Value of repairing or replacing the damaged object exceeds \$2,500 and the object damaged is a cemetery or burial monument.</li> </ul>

The proposed bill also designates the Arkansas State Police as having sole jurisdiction for an arrest of a person for committing the offense of Defacing an object of public respect if the offense is committed on the grounds of the State Capitol.

### Impact Information

While *vandalize* and *destroy* technically constitute new conduct for committing the offense, the code currently contains language that prohibits “otherwise damaging” any public monument. The scope of newly included conduct is limited. Due to the low number of convictions for the offense as it currently exists, the proposed bill is projected to have a minimal impact on correctional resources.

The Arkansas Division of Correction reports no inmates currently serving a term of incarceration for a violation of A.C.A. § 5-71-215, Defacing an object of public respect, as currently written.

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2017 and ending December 31, 2019, there were a total of thirteen (13) felony convictions, spanning all felony classes, for a violation of A.C.A. § 5-71-215, Defacing an object of public respect, as currently written.