

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1954

4
5 By: Representative Hawkins
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE CRIMINAL OFFENSE OF
10 OBSTRUCTING A HIGHWAY OR OTHER PUBLIC PASSAGE;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND THE CRIMINAL OFFENSE OF
15 OBSTRUCTING A HIGHWAY OR OTHER PUBLIC
16 PASSAGE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-71-214 is amended to read as follows:

22 5-71-214. Obstructing or tampering with a highway or other public
23 passage.

24 (a) A person commits the offense of obstructing or tampering with a
25 highway or other public passage if, having no legal privilege or
26 authorization to do so and acting alone or with another person, he or she:

27 (1) renders ~~Renders~~ any highway or other public passage
28 impassable to pedestrian or vehicular traffic;

29 (2) Places or erects a physical obstruction on, over, or across
30 a highway or other public passage; or

31 (3) Tampers with a highway or other public passage.

32 (b) It is a defense to a prosecution under this section that:

33 (1) The highway or other public passage was rendered impassable
34 solely because of a gathering of persons to hear the defendant speak or
35 otherwise communicate;

36 (2) The defendant was a member of a gathering contemplated by



1 subdivision (b)(1) of this section; or

2 (3) The highway or public passage obstructed has not been
3 established as a city street, county road, or state or federal highway under
4 the laws of this state and no civil court has established a right of passage
5 by prescription for the highway or public passage.

6 (c) Obstructing or tampering with a highway or other public passage is
7 a Class C misdemeanor.

8 (d) As used in this section:

9 (1) "Physical obstruction" includes without limitation a gate,
10 fence, or barricade;

11 (2) "Public passage" includes without limitation a public road,
12 county road, or city street; and

13 (3) "Tamper" means to dig up, trench, cut, paint, deface, place
14 material on, or disturb a roadway.

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