

INTERIM STUDY PROPOSAL 2019-149

State of Arkansas
92nd General Assembly
Second Extraordinary Session, 2020

A Bill

BPG/BPG
HOUSE BILL

By: Representative Love

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT PROHIBITING EXCESSIVE BAIL FOR MINOR OFFENSES
COMMITTED WHILE A PERSON IS ENGAGED IN CIVIL
DISOBEDIENCE; AND FOR OTHER PURPOSES.

Subtitle

PROHIBITING EXCESSIVE BAIL FOR MINOR
OFFENSES COMMITTED WHILE A PERSON IS
ENGAGED IN CIVIL DISOBEDIENCE.

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

SECTION 1. Arkansas Code § 5-71-101, concerning definitions, is amended to add a new definition to read as follows:

(13) "Civil disobedience" means an act or omission committed by a person in furtherance of:

(A) The exercise of his or her rights under the United States Constitution, the Arkansas Constitution, or clearly established federal or state law;

(B) A peaceful political or nonpolitical protest; or

(C) The refusal to comply with laws or local ordinances as a peaceful form of political protest.

SECTION 2. Arkansas Code Title 5, Chapter 71, Subchapter 2, is amended to add an additional section to read as follows:

1 5-71-219. Civil disobedience offenses – Excessive bail or appearance
2 bond prohibited.

3 (a) Bail or an appearance bond shall not be more than fifty dollars
4 (\$50.00) if a person arrested for committing one (1) or more of the following
5 offenses is at the time of his or her arrest engaging in an act of civil
6 disobedience:

- 7 (1) Unlawful assembly, § 5-71-205;
- 8 (2) Failure to disperse, § 5-71-206;
- 9 (3) Disorderly conduct, § 5-71-207;
- 10 (4) Obstructing a highway or other public passage, § 5-71-214;

11 or

12 (5) Any offense or violation established by local ordinance that
13 prohibits an act or omission listed under subdivisions (a)(1)-(4) of this
14 section.

15 (b) Bail or an appearance bond under this section is not required in
16 lieu of the issuance of a citation or a release on the person's recognizance
17 if the person at the time of his or her arrest:

- 18 (1) Did not pose a threat to the community; and
- 19 (2) Did not deface or destroy public or private property.

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22 Referred by Representative Love

23 Prepared by: BPG/BPG
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