

2 State of Arkansas

3 92nd General Assembly

4 Second Extraordinary Session, 2020

# A Bill

BPG/BPG

HOUSE BILL

5  
6 By: Representative Love

7 Filed with: Arkansas Legislative Council

8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT PROHIBITING EXCESSIVE BAIL FOR MINOR OFFENSES

11 COMMITTED WHILE A PERSON IS ENGAGED IN CIVIL

12 DISOBEDIENCE; AND FOR OTHER PURPOSES.

## 13 14 15 Subtitle

16 PROHIBITING EXCESSIVE BAIL FOR MINOR

17 OFFENSES COMMITTED WHILE A PERSON IS

18 ENGAGED IN CIVIL DISOBEDIENCE.

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

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

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

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

30 (B) A peaceful political or nonpolitical protest; or

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

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34 SECTION 2. Arkansas Code Title 5, Chapter 71, Subchapter 2, is amended  
35 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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