

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 24 1097

By: Representatives Willems, Collier, Wilkins, Stephens, Rice,  
Hankins, Givens, Dowd, Blair and Teague

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-51-207 WHICH  
PROVIDES FOR CRIMINAL PENALTIES FOR THE DESTRUCTION OR  
MUTILATION OF THE AMERICAN FLAG; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Annotated 5-51-207(a), as amended by Act 842 of 1989, is hereby amended to read as follows:

"(a) Anyone who intentionally destroys or intentionally and substantially mutilates a flag of the United States of America shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days or both.

(b) In any prosecution under this section, a communication made in connection with the alleged destruction or mutilation shall not be admissible in evidence against the accused other than to prove intentional conduct.

(c) It shall be an affirmative defense in any prosecution under this section that any destruction or mutilation was for the purpose of disposing of a worn flag."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.