

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Fairchild**
5
6

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-54-102 TO
9 PROVIDE THAT CIVIL PROCESS SERVERS PERFORM A GOVERNMENTAL
10 OPERATION FOR PURPOSES OF THE CRIMINAL OFFENSE OF
11 OBSTRUCTING GOVERNMENTAL OPERATIONS; AND FOR OTHER
12 PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code Annotated §5-54-102 is amended to read as
17 follows:

18 "5-54-102. Obstructing governmental operations.

19 (a) (1) A person commits the offense of obstructing governmental
20 operations if he knowingly obstructs, impairs, or hinders the performance of
21 any governmental function.

22 (2) Any duly authorized person attempting to serve civil process
23 shall be deemed to be performing a governmental operation.

24 (3) Any person, employer, corporation, municipality or state
25 agency shall provide information to any duly authorized server of civil
26 process without delay and shall provide access to the person or persons being
27 served civil process.

28 (b) Obstructing governmental operations by using or threatening to use
29 physical force is a Class A misdemeanor. Otherwise, obstructing governmental
30 operations is a Class C misdemeanor.

31 (c) Any person, employer, corporation, state agency, or others
32 obstructing civil process shall be reported to the prosecuting attorney of the
33 judicial district from which the civil process originates.

34 (d) This section shall not apply to:

35 (1) Unlawful flight by a person charged with an offense; or

1 (2) Refusal to submit to arrest; or

2 (3) Any means of avoiding compliance with the law not involving
3 affirmative interference with governmental functions; or

4 (4) The obstruction, impairment, or hindrance of unlawful action
5 by a public servant."

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

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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