

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Dawson

A Bill

HOUSE BILL 1677

For An Act To Be Entitled

"AN ACT AMENDING ARK. CODE § 5-71-213 TO PROVIDE THAT A PERSON WHO LINGERS OR REMAINS IN A PUBLIC PLACE FOR THE PURPOSE OF UNLAWFULLY BUYING, DISTRIBUTING, OR CONSUMING ALCOHOLIC BEVERAGES COMMITS THE CRIMINAL OFFENSE OF LOITERING; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE THAT PERSONS WHO LINGER IN A PUBLIC PLACE FOR THE PURPOSE OF UNLAWFULLY BUYING, DISTRIBUTING, OR CONSUMING ALCOHOLIC BEVERAGES COMMIT THE CRIMINAL OFFENSE OF LOITERING."

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

SECTION 1. Arkansas Code Annotated § 5-71-213 is hereby amended to read as follows:

"5-71-213. Loitering.

(a) A person commits the offense of loitering if he lingers or remains:

(1) Or prowls in a public place or the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity and, upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or

(2) Prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student and not having written permission from anyone authorized to grant permission; or

1 (3) In a public place or on the premises of another for the
2 purpose of begging; or

3 (4) In a public place for the purpose of unlawful gambling; or

4 (5) In a public place for the purpose of engaging or soliciting
5 another person to engage in prostitution or deviate sexual activity; or

6 (6) In a public place for the purpose of unlawfully buying,
7 distributing, or using a controlled substance; or

8 (7) In a public place for the purpose of unlawfully buying,
9 distributing, or consuming an alcoholic beverage; or

10 (8) On or about the premises of another for the purpose of spying
11 upon or invading the privacy of another.

12 (b) Among the circumstances that may be considered in determining
13 whether a person is loitering are that the person:

14 (1) Takes flight upon the appearance of a law enforcement
15 officer; or

16 (2) Refuses to identify himself; or

17 (3) Manifestly endeavors to conceal himself or any object.

18 (c) Unless flight by the actor or other circumstances make it
19 impracticable, a law enforcement officer shall, prior to an arrest for an
20 offense under subdivision (a)(1) of this section, afford the actor an
21 opportunity to dispel any alarm that would otherwise be warranted by
22 requesting him to identify himself and explain his presence and conduct.

23 (d) It shall be a defense to a prosecution under subdivision (a)(1) of
24 this section, that the law enforcement officer did not afford the defendant
25 an opportunity to identify himself and explain his presence and conduct, or
26 if it appears at trial that an explanation given by the defendant to the
27 officer was true and, if believed by the officer at that time, would have
28 dispelled the alarm.

29 (e) Loitering is a Class C misdemeanor."
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31 SECTION 2. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.
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35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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

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