

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1492

By: Representative Ormond

For An Act To Be Entitled

AN ACT TO GRANT MEMBERS OF THE GENERAL ASSEMBLY
PRIVILEGE FROM CUSTODIAL ARREST FOR MISDEMEANORS
AND VIOLATIONS DURING REGULAR AND SPECIAL
SESSIONS OF THE GENERAL ASSEMBLY; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO GRANT MEMBERS OF THE GENERAL
ASSEMBLY PRIVILEGE FROM ARREST FOR
MISDEMEANORS AND VIOLATIONS DURING
REGULAR AND SPECIAL SESSIONS OF THE
GENERAL ASSEMBLY.

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

SECTION 1. Arkansas Code § 16-81-101 is amended to read as follows:

16-81-101. Persons subject to arrest.

Persons charged with the commission of a public offense shall be liable
to be immediately arrested and proceeded against in the manner directed,
except as otherwise provided under this subchapter.

SECTION 2. Arkansas Code § 16-81-102(a) is amended to read as follows:

(a)(1)(A) The members of the Senate and House of Representatives ~~and~~
~~the clerks, sergeants at arms, and doorkeepers of each branch of the General~~
~~Assembly~~ shall be privileged from civil arrest during ~~the~~ any session of the
General Assembly and for ~~fifteen (15)~~ two (2) days before the commencement
and after the termination of each session.



1 (B) Members of the Senate and House of Representatives
2 shall be privileged from custodial arrest for violations and misdemeanors:

3 (i) During regular and special sessions of the
4 General Assembly and for two (2) days before the commencement and after the
5 termination of each session;

6 (ii) During meetings of committees of the General
7 Assembly, Senate, or House of Representatives;

8 (iii) While traveling to or returning from regular
9 or special sessions of the General Assembly; or

10 (iv) While traveling to or returning from meetings
11 of committees of the General Assembly, Senate, or House of Representatives.

12 (C) For purposes of this section, "custodial arrest" means
13 taking a person into custody or placing a person in restraint in order to
14 deprive the person of his or her freedom of action in a significant way, or
15 requiring the person to submit to the custody and control of the person
16 making the custodial arrest.

17 (2) If any person shall arrest any of the persons named in this
18 subsection during the time they are privileged therefrom, the person shall
19 forfeit and pay the sum of one hundred dollars (\$100), with costs, to be
20 recovered by action in the name and for the use of the injured party.