

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H1/25/07 H2/9/07

A Bill

HOUSE BILL 1199

5 By: Representatives Cook
6 By: Senator Miller
7

For An Act To Be Entitled

AN ACT CONCERNING DISORDERLY CONDUCT ON PUBLIC
SCHOOL PROPERTY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING DISORDERLY CONDUCT ON PUBLIC
SCHOOL PROPERTY.

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

SECTION 1. Arkansas Code § 5-71-207 is amended to read as follows:
5-71-207. Disorderly conduct.

(a) A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk of public inconvenience, annoyance, or alarm, he or she:

(1) Engages in fighting or in violent, threatening, or tumultuous behavior;

(2) Makes unreasonable or excessive noise;

(3) In a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response;

(4) Disrupts or disturbs any lawful assembly or meeting of persons;

(5) Obstructs vehicular or pedestrian traffic;

(6) Congregates with two (2) other persons in a public place and refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the law;



1 (7) Creates a hazardous or physically offensive condition;

2 (8) In a public place, mars, defiles, desecrates, or otherwise
3 damages a patriotic or religious symbol that is an object of respect by the
4 public or a substantial segment of the public; or

5 (9) In a public place, exposes his or her private parts.

6 (b) Disorderly conduct is a Class C misdemeanor.

7 (c)(1)(A) Upon probable cause for believing a nonstudent has engaged
8 in disorderly conduct on public school property, a law enforcement officer
9 may arrest the nonstudent without a warrant.

10 (B)(i) A security officer, school administrator, teacher,
11 or other school district employee who has observed the nonstudent alleged to
12 have committed disorderly conduct on public school property may provide a
13 signed written statement that serves as probable cause to justify the arrest
14 under subdivision (c)(1) of this section.

15 (ii) A written statement provided by a security
16 officer, school administrator, teacher or other school district employee
17 shall be reviewed by the school district's superintendent or his or her
18 designee.

19 (C) If a nonstudent is arrested under subdivision (c)(1)
20 of this section, he or she shall be brought immediately before a judge and
21 given an opportunity to make a bond or recognizance as in any other criminal
22 case.

23 (D) The detention by a law enforcement officer of a
24 nonstudent arrested under subdivision (c)(1) of this section based upon a
25 written statement under subdivision (c)(2) of this section shall not render
26 the law enforcement officer criminally or civilly liable for false arrest,
27 false imprisonment, or unlawful detention.

28 (2) If a student is believed to have engaged in disorderly
29 conduct upon public school property, the school shall resolve the matter
30 consistent with school district guidelines.

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32 /s/ Cook
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