

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

A Bill

SENATE BILL 264

4
5 By: Senator Wilkins
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For An Act To Be Entitled

8
9 AN ACT TO CREATE THE OFFENSE OF HATE CRIME; TO
10 ESTABLISH PENALTIES FOR A HATE CRIME; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13
14 TO CREATE THE OFFENSE OF HATE CRIME AND
15 TO ESTABLISH PENALTIES FOR A HATE CRIME.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Title 5, Chapter 60, Subchapter 1 is amended to
21 add an additional section to read as follows:

22 5-60-124. Hate crime – Penalties.

23 (a) As used in this section:

24 (1) "Disability" means a physical or mental impairment that
25 substantially limits a major life function;

26 (2) "Major life function" means walking, seeing, hearing,
27 speaking, breathing, learning, or working; and

28 (3) "Sexual orientation" means heterosexuality, bisexuality, or
29 homosexuality.

30 (b) A person commits the offense of a hate crime if the person commits
31 any offense defined by a law of this state for the purpose of:

32 (1) Interfering with the victim's free exercise or enjoyment of
33 any right, privilege, or immunity protected by the First Amendment to the
34 United States Constitution;

35 (2) Retaliating against the victim because the victim has
36 exercised or enjoyed any right, privilege, or immunity protected by the First



1 Amendment to the United States Constitution; or

2 (3) Selecting the victim because of the victim's race, religion,
3 color, disability, sexual orientation, national origin, or ancestry.

4 (c) A hate crime shall be punished as follows:

5 (1)(A) Except as provided in subdivision (c)(1)(B) of this
6 section, if the underlying offense is a violation or an unclassified
7 misdemeanor, the hate crime is a Class A misdemeanor.

8 (B) If the penalty for the underlying offense is greater
9 than a Class A misdemeanor, the penalty for the underlying offense may be
10 imposed under subdivision (c)(1)(A) of this section;

11 (2) If the underlying offense is a Class C misdemeanor, a Class
12 B misdemeanor, or a Class A misdemeanor, the hate crime is a Class D felony;

13 (3) If the underlying offense is a Class D felony or a Class C
14 felony, the hate crime is a Class B felony; or

15 (4) If the underlying offense is a Class B felony or a Class A
16 felony, the hate crime is a Class Y felony.

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