

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1578

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT CONCERNING OFFENSES INVOLVING RIOTS AND
9 RIOTERS, INTERFERENCE WITH EMERGENCY MEDICAL SERVICES
10 PERSONNEL OR FIRST RESPONDER, DISORDERLY CONDUCT, AND
11 OBSTRUCTING A HIGHWAY OR OTHER PUBLIC PASSAGE;
12 ESTABLISHING CIVIL LIABILITY UNDER CERTAIN
13 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 CONCERNING OFFENSES INVOLVING RIOTS,
17 INTERFERENCE WITH EMERGENCY MEDICAL
18 SERVICES PERSONNEL OR FIRST RESPONDERS,
19 DISORDERLY CONDUCT, AND OBSTRUCTING A
20 HIGHWAY OR OTHER PUBLIC PASSAGE; AND
21 ESTABLISHING CIVIL LIABILITY.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-60-123 is amended to read as follows:

28 5-60-123. Obstruction or interference with emergency medical personnel
29 or first responder.

30 ~~(a) It is unlawful for a person to obstruct or interfere with~~
31 ~~emergency medical services personnel, a rescue technician, or any other~~
32 ~~emergency medical care provider, whether governmental, private, or volunteer~~
33 ~~emergency medical personnel, in the performance of his or her rescue mission.~~

34 ~~(b)(1) Obstruction or interference with emergency medical personnel by~~
35 ~~using or threatening to use physical force is a Class A misdemeanor.~~

36 ~~(2) Obstruction or interference with emergency medical personnel~~



1 ~~other than by physical force or threatening physical force is a Class C~~
 2 ~~misdemeanor.~~

3 (a) As used in this section:

4 (1) "Emergency medical services personnel" includes without
 5 limitation a governmental, private, or volunteer:

6 (A) Emergency medical services personnel;

7 (B) Rescue technician; or

8 (C) Emergency medical care provider; and

9 (2) "First responder" means a firefighter or a law enforcement
 10 officer.

11 (b) A person who knowingly obstructs or interferes with emergency
 12 medical services personnel or first responder in the performance of the
 13 emergency medical services personnel's or first responder's rescue mission
 14 upon conviction is guilty of:

15 (1) A Class A misdemeanor if the person uses or threatens to use
 16 physical force; or

17 (2) A Class C misdemeanor if otherwise committed.

18 (c) A person who purposely obstructs or interferes with emergency
 19 medical services personnel or first responder in the performance of the
 20 emergency medical services personnel's or first responder's rescue mission
 21 upon conviction is guilty of a Class D felony.

22
 23 SECTION 2. Arkansas Code § 5-71-101, concerning definition of "riot",
 24 is amended to add an additional subdivision to read as follows:

25 (10) "Riot" means violent conduct by three (3) or more persons
 26 acting in concert that creates a substantial risk of:

27 (A) Causing public alarm;

28 (B) Disrupting the performance of a governmental function;

29 (C) Damaging or injuring property or a person; or

30 (D) Impeding travel or public right-of-access to a road,
 31 highway, or thoroughfare designed for transit.

32
 33 SECTION 3. Arkansas Code § 5-71-201 is amended to read as follows:

34 5-71-201. Riot.

35 (a) A person commits the offense of riot if, ~~with two (2) or more~~
 36 ~~other persons,~~ he or she knowingly engages in ~~tumultuous or violent conduct~~

1 ~~that creates a substantial risk of:~~

- 2 ~~(1) Causing public alarm;~~
- 3 ~~(2) Disrupting the performance of a governmental function; or~~
- 4 ~~(3) Damaging or injuring property or a person a riot.~~

5 (b) Riot is a Class A misdemeanor.

6
7 SECTION 4. Arkansas Code § 5-71-202 is amended to read as follows:
8 5-71-202. Aggravated riot.

9 (a) A person commits the offense of aggravated riot if he or she
10 commits the offense of riot ~~when~~ and the person:

- 11 (1) ~~The person knowingly~~ Knowingly possesses a deadly weapon; or
- 12 (2) ~~The person knows~~ Knows or should know that another person
13 with whom he or she is acting possesses a deadly weapon.

14 (b) Aggravated riot is a Class D felony.

15
16 SECTION 5. Arkansas Code § 5-71-203 is amended to read as follows:
17 5-71-203. Inciting a riot.

18 (a) A person commits the offense of inciting a riot if he or she
19 knowingly:

20 (1) By speech or conduct urges ~~others~~ another person to
21 participate in a riot under circumstances that produce a clear and present
22 danger that ~~they~~ the other person will participate in a riot; ~~or~~

23 (2) Gives commands, instructions, or signals to ~~others~~ another
24 person in furtherance of a riot; ~~or~~

25 (3) Employs, contracts, or pays another person, group of
26 persons, or an entity representing or employing more than (1) person to
27 engage in, instigate, or participate in a riot.

28 (b)(1) Inciting a riot is a Class D felony if injury to a person or
29 damage to property results from the offense.

30 (2) Otherwise, inciting a riot is a Class A misdemeanor.

31
32 SECTION 6. Arkansas Code § 5-71-204 is amended to read as follows:
33 5-71-204. Arming ~~rioters~~ a rioter.

34 (a) A person commits the offense of arming ~~rioters~~ a rioter if he or
35 she:

- 36 (1) ~~Furnishes~~ Knowingly furnishes a deadly weapon or explosive

1 device to another person ~~knowing~~ and the person knows or should know that the
 2 deadly weapon or explosive device is to be used in a riot; or

3 (2) ~~Instructs~~ Knowingly instructs another person in the
 4 preparation or use of a deadly weapon or explosive device ~~knowing~~ and the
 5 person knows or should know that the deadly weapon or explosive device is to
 6 be used in a riot.

7 (b) Arming ~~rioters~~ a rioter is a Class B felony.

8
 9 SECTION 7. Arkansas Code § 5-71-207 is amended to read as follows:
 10 5-71-207. Disorderly conduct.

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

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

16 (2) Makes unreasonable or excessive noise;

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

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

22 (5) Obstructs vehicular or pedestrian traffic;

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

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

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

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

32 (b) Disorderly conduct is a:

33 (1) Class A misdemeanor under subdivision (a)(5) of this section
 34 if the person obstructs vehicular traffic on a federal interstate highway or
 35 state highway; or

36 (2) Class C misdemeanor if otherwise committed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 8. Arkansas Code § 5-71-214 is amended to read as follows:
5-71-214. Obstructing a highway or other public passage.

(a) A person commits the offense of obstructing a highway or other public passage if, ~~having no~~ without having a legal privilege to do so and acting alone or with another person, he or she renders any highway or other public passage impassable to pedestrian or vehicular traffic.

(b) It is a defense to a prosecution under this section that:

(1) The highway or other public passage was rendered impassable solely because of a gathering of persons to hear the defendant speak or otherwise communicate;

(2) The defendant was a member of a gathering contemplated by subdivision (b)(1) of this section; or

(3) The highway or public passage obstructed has not been established as a city street, county road, or state or federal highway under the laws of this state and ~~no~~ a civil court has not established a right of passage by prescription for the highway or public passage.

(c) Obstructing a highway or other public passage is a:

(1) Class A misdemeanor if the highway or other public passage is an interstate highway or state highway; or

(2) Class C misdemeanor if otherwise committed.

SECTION 9. Arkansas Code Title 16, Chapter 118, Subchapter 1, is amended to add an additional section to read as follows:

16-118-113. Civil action against a person who engages in a riot or disorderly conduct, or who obstructs or interferes with emergency medical services personnel or first responder.

(a) In addition to any other cause of action available to a person, a person who suffers injury to himself or herself or to his or her property as a direct or indirect result of:

(1) An act of obstructing or interfering with emergency medical personnel or first responder, § 5-60-123, if the act of obstructing or interfering with emergency medical personnel or first responder is a felony or Class A misdemeanor, may bring a civil action against a person who obstructed or interfered with the emergency medical personnel or first responder;

1 (2) A riot or the activity of a rioter under § 5-71-201 et seq.,
2 may bring a civil action against the rioter or a person or entity that
3 incites the riot; or

4 (3) An act of disorderly conduct, § 5-71-207, if the disorderly
5 conduct is a Class A misdemeanor, may bring a civil action against a person
6 who committed the disorderly conduct.

7 (b) A court hearing a civil action under this section may award
8 compensatory damages, punitive damages, costs, reasonable attorney fees, and
9 expenses to a plaintiff who prevails in the civil action.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36