

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1898

By: Representative L. Johnson

By: Senator M. Pitsch

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF DISORDERLY CONDUCT;
TO CREATE THE OFFENSE OF AGGRAVATED DISORDERLY
CONDUCT; TO PROVIDE FOR INJUNCTIVE RELIEF; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF DISORDERLY
CONDUCT; TO CREATE THE OFFENSE OF
AGGRAVATED DISORDERLY CONDUCT; AND TO
PROVIDE FOR INJUNCTIVE RELIEF.

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 - Aggravated disorderly conduct.

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

~~(2)~~(B) Makes unreasonable or excessive noise;

~~(3)~~(C) 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)~~(D) Disrupts or disturbs any lawful assembly or meeting of persons;



~~(5) Obstructs vehicular or pedestrian traffic;~~

~~(6) Congregates with two (2) or more other persons in a public place and refuses~~

(E) Refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the law;

~~(7)~~(F) Creates a hazardous or physically offensive condition;

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

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

~~(b)~~(2) Disorderly conduct is a Class C misdemeanor.

(b)(1) A person commits the offense of aggravated 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 in congregation with one (1) or more other persons obstructs access to the pursuit of lawful work or employment, including without limitation:

(A) The obstruction of the entrance to or exit from a place of employment;

(B) The obstruction of free use of public roads, streets, highways, railways, airports, or other rights-of-way of travel or conveyance;

(C) The obstruction of the entrance to or exit from a school;

(D) The obstruction of the entrance to or exit from a private residence;

(E) The threatening of violence against an individual lawfully entering or exiting a place of employment or school or against the lawful owner of or visitor to a private residence near or contiguous to the private residence; or

(F) The refusal to comply with a lawful order to desist or disburse by a law enforcement officer or other person with the lawful authority to enforce or execute the law.

(2) Aggravated disorderly conduct is a Class A misdemeanor.

SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add an additional section to read as follows:

16-118-116. Civil action regarding violations of § 5-71-207(b).

(a) A person or entity who is harmed by an act of aggravated disorderly conduct, § 5-71-207(b), may seek injunctive relief in the circuit court having jurisdiction to enjoin a person engaged in aggravated disorderly conduct.

(b) A court hearing a petition for injunctive relief under this section may award court costs and reasonable attorney's fees to a prevailing party as well as order a civil fine of up to one thousand dollars (\$1,000) per day for a person who violates an order enjoining him or her from engaging in aggravated disorderly conduct.