

State of Arkansas
93rd General Assembly
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A Bill

SENATE BILL 177

By: Senator A. Clark

For An Act To Be Entitled

AN ACT CONCERNING UNLAWFUL IMPAIRMENT OF OR
DISRUPTION TO THE OPERATION OF A VITAL PUBLIC
FACILITY OR TO ESSENTIAL INFRASTRUCTURE; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING UNLAWFUL IMPAIRMENT OF OR
DISRUPTION TO THE OPERATION OF A VITAL
PUBLIC FACILITY OR TO ESSENTIAL
INFRASTRUCTURE.

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

SECTION 1. Arkansas Code § 5-38-101(5), concerning the definition of "vital public facility", is amended to read as follows:

(5) "Vital public facility or essential infrastructure" means ~~a:~~

(A) Property owned or operated by a public utility or that is used in the generation, delivery, transmission, transportation, or receipt of a public utility's product; or

(B) A facility upon which the public relies that is maintained for use for:

~~(A)(i)~~ Public or private communication, transportation, or supply of water, gas, energy, or ~~power~~ electricity;

~~(B)(ii)~~ Law enforcement;

~~(C)(iii)~~ Fire protection;

~~(D)(iv)~~ Civil or national defense; or

~~(E)(v)~~ Other public service.



SECTION 2. Arkansas Code § 5-38-101, concerning the definitions used in conjunction with offenses against property, is amended to add a new subdivision to read as follows:

(6) "Public utility" means the same as defined in § 23-1-101.

SECTION 3. Arkansas Code § 5-38-205 is amended to read as follows:

5-38-205. Impairing or disrupting the operation of a vital public facility or essential infrastructure.

(a) A person commits the offense of impairing or disrupting the operation of a vital public facility or essential infrastructure if, having no reasonable ~~ground~~ grounds to believe he or she has a right to do so, the person knowingly causes a substantial interruption, obstruction, damage, disruption, impediment, or impairment ~~of an~~ to the operation of a vital public facility or essential infrastructure by:

(1) Damaging the property of another person or a public utility;

(2) Incapacitating an operator of a vital public facility or essential infrastructure;

(3) Disrupting public utility service to a vital public facility or essential infrastructure; or

~~(3)(4)~~ Engaging in+

~~(A)~~ A a fight, ~~or~~ violent and tumultuous behavior~~+~~, or

~~(B)~~ Any other conduct that causes a substantial

interruption, disruption, obstruction, damage, impairment, or impediment to the operation of a vital public facility or essential infrastructure.

(b)(1) Except as provided in subdivision (b)(2) or (b)(3) of this section, impairing or disrupting the operation of a vital public facility or essential infrastructure is a Class C felony.

(2) Impairing or disrupting the operation of a vital public facility or essential infrastructure under subdivision ~~(a)(3)~~ (a)(4) of this section is a Class A misdemeanor.

(3) Impairing or disrupting the operation of a vital public facility or essential infrastructure is a Class B felony if, at the time of and as a result of the commission of the offense, a person who relied on the vital public facility or essential infrastructure to remain alive died due to the vital public facility or essential infrastructure not being operational.

(c) As used in this section, "vital public facility " includes a

county jail, city jail, public detention facility, or temporary holding facility for detained persons.

SECTION 4. Arkansas Code § 5-38-301(a), concerning the offense of arson, is amended to read as follows:

(a) A person commits arson if he or she:

(1) Starts a fire or causes an explosion with the purpose of destroying or otherwise damaging:

(A) An occupiable structure or motor vehicle that is the property of another person;

(B) Any property, whether his or her own or property of another person, for the purpose of collecting any insurance for the property;

(C) Any property, whether his or her own or property of another person, if the act thereby negligently creates a risk of death or serious physical injury to any person;

(D) A vital public facility or essential infrastructure;

(E) Any dedicated church property used as a place of worship exempt from taxes pursuant to § 26-3-301;

(F) Any public building or occupiable structure that is either owned or leased by the state or any political subdivision of the state; or

(G) An area of real property being used for the commercial growth of timber or other agricultural product, if:

(i) Timber or other agricultural product is destroyed or made commercially nonviable; and

(ii) The value of the destroyed or commercially nonviable timber or other agricultural product is more than five thousand dollars (\$5,000); or

(2) Recklessly causes a fire or an explosion in the course of and in furtherance of a felony or in immediate flight after committing a felony that results in destroying or otherwise damaging:

(A) Any occupiable structure or motor vehicle;

(B) Any property, if the fire or explosion creates a risk of death or serious physical injury to any person;

(C) A vital public facility or essential infrastructure;

(D) Any dedicated church property used as a place of

worship exempt from taxes pursuant to ~~under~~ § 26-3-301; or

(E) Any public building or occupiable structure that is either owned or leased by the state or any political subdivision of the state.

SECTION 5. Arkansas Code § 5-38-302 is amended to read as follows:

5-38-302. Reckless burning.

(a) A person commits the offense of reckless burning if the person purposely starts a fire or causes an explosion, whether on his or her own property or property of another person, and thereby recklessly:

(1) Creates a substantial risk of death or serious physical injury to any person;

(2) Destroys or causes substantial damage to an occupiable structure of another person; or

(3) Destroys or causes substantial damage to a vital public facility or essential infrastructure.

(b) Reckless burning is a Class D felony.