

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 399

By: Senator A. Clark

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE USE OF  
CELLULAR TELEPHONES OR OTHER COMMUNICATION DEVICES IN  
COURTHOUSES AND COURTROOMS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE USE  
OF CELLULAR TELEPHONES OR OTHER  
COMMUNICATION DEVICES IN COURTHOUSES AND  
COURTROOMS.

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

SECTION 1. Arkansas Code Title 16, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

16-10-142. Use of cellular telephones in courthouse or courtroom.

(a) As used in this section, "court" means:

- (1) The Supreme Court;
- (2) The Court of Appeals;
- (3) A circuit court; or
- (4) A district court.

(b) An individual attending a session of a court in this state shall not be prohibited from bringing a cellular telephone or other communication device into:

- (1) The courthouse; or
- (2) A courtroom during a session of the court.

(c) Except as otherwise provided in this section, an individual shall not be prohibited from using his or her cellular telephone or other



communication device in any manner while in a courthouse but outside of a courtroom, including without limitation:

(1) Talking on the cellular telephone or other communication device; and

(2) Engaging in written communications through a cellular telephone or other communication device, including without limitation text messaging.

(d) This section does not prohibit a court from:

(1) Restricting an individual from talking on a cellular telephone or other communication device in a courtroom during a session of the court; or

(2) Requiring that an individual silence his or her cellular telephone or other communication device so that it does not make audible sounds in a courtroom during a session of the court.

(e)(1) Except as otherwise provided in this section, a court shall not prohibit an individual from engaging in the use of the individual's cellular telephone or other communication device for viewing written content for entertainment purposes, including without limitation reading material.

(2) Subdivision (e)(1) of this section does not apply to a party to a court proceeding, including without limitation:

(A) The plaintiff or the defendant; or

(B) The legal counsel for the plaintiff or the defendant.

(f)(1) If an individual is selected as a juror, this section shall not apply to the individual while:

(A) The individual is in the courthouse;

(B) The court is in session;

(C) The jury is deliberating; or

(D) The jury is sequestered.

(2) An individual serving as a juror shall abide by the direction of the court regarding his or her use of a cellular telephone or other communication device while in the courthouse, while the court is in session, while the jury is deliberating, or while the jury is sequestered.