Arkansas

Overall Ranking: Top Tier

Arkansas Research Facility Protection Law

ARK. CODE. ANN. § 5-62-201 (2010). Animal research; Assembly findings.

(a) The General Assembly finds that:

(1) The caring, rearing, feeding, breeding, and sale of animals and animal products and the use of animals in research, testing, and education represent vital segments of the economy of the state;

(2) Producers and others involved in the production and sale of animals and animal products and the use of animals in research and education have a vested interest in protecting the health and welfare of animals and the physical and intellectual property rights which they have in animals; and

(3) There has been an increasing number of illegal acts committed against farm animal and research facilities.

(b) The General Assembly further finds that these illegal acts threaten the production of agricultural products and
jeopardize crucial scientific, biomedical, or agricultural research.

(c) Finally, the General Assembly finds that these illegal acts threaten the public safety, by exposing communities to contagious diseases and damage research.

**ARK. CODE. ANN. § 5-62-202 (2010). Animal research, definitions.**

As used in this subchapter:

(1) “Animal” means any warm or cold blooded animal used in food or fiber production, agriculture, research, testing, or education, including poultry, fish, and insects;

(2) “Animal facility” means any vehicle, building, structure, or premises, where an animal or animal records are kept, handled, housed, exhibited, bred, or offered for sale;

(3) “Consent” means assent in fact, whether express or apparent;

(4) “Deprive” means to:

   (A) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

   (B) Restore an animal or other property only upon payment of reward or other compensation; or

   (C) Dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely;

(5) “Effective consent” means consent by a person legally authorized to act for the owner. Consent is not effective:

   (A) If induced by force, threat, false pretense, or fraud;

   (B) If given by a person the actor knows is not legally authorized to act for the owner;

   (C) If given by a person who, by reason of youth, mental disease or defect, or intoxication, is known by the actor to be unable to make reasonable decisions; or

   (D) If given solely to detect the commission of an offense;

(6) “Owner” means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor;

(7) “Person” means any individual, corporation, association, nonprofit corporation, joint stock company, firm, trust,
partnership, two (2) or more persons having a joint or common interest, or other legal entity; and

(8) “Possession” means actual care, custody, control, or management.

**ARK. CODE. ANN. § 5-62-203 (2010). Animal research offenses.**

(a) A person commits an offense if, without the effective consent of the owner, the person acquires or otherwise exercises control over an animal facility, an animal from an animal facility, or other property from an animal facility, with the intent to:

1. Deprive the owner of the animal facility, animal, or property; and
2. Disrupt or damage the enterprise conducted at the animal facility.

(b) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person damages or destroys:

1. An animal facility; or
2. Any animal or property in or on an animal facility.

(c) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person:

1. Enters an animal facility, not then open to the public, with the intent to commit an act prohibited by this section;
2. Remains concealed, with the intent to commit an act prohibited by this section, in an animal facility; or
3. Enters an animal facility and commits or attempts to commit an act prohibited by this section.

(d)(1) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person:

   A. Enters or remains in an animal facility; and
   B. Had notice that the entry was forbidden or received notice to depart but failed to depart.

(2) As used in this subsection, “notice” means:

   A. Oral or written communication by the owner or someone with apparent authority to act for the owner;
(B) Fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

**Arkansas Animal Cruelty Law**

**ARK. CODE. ANN. § 5-62-204 (2010). Animal research penalties.**

(a) Any person who violates any provision of this subchapter is deemed guilty of a Class D felony.

(b) Any persons convicted of violating any provision of this subchapter shall be ordered to make restitution to the animal facility in the full amount of the reasonable cost of:

- (1) Replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned; and

- (2) Repeating any experimentation that may have been interrupted or invalidated as a result of the violation.

(c) Nothing in this subchapter shall be construed to affect any other right of a person that has been damaged by reason of a violation of this subchapter.

**ARK. CODE. ANN. § 5-62-105 (2010). Exemptions.**

(a) This subchapter does not prohibit any of the following activities:

... 

- (3) Engaging in practices lawful under the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq., or engaging in activities by or at the direction of any licensed veterinarian while following accepted standards of practice of the profession, including the euthanizing of an animal; 

... 

- (10) Conducting activities undertaken by research and education facilities or institutions that are:

  - (A) Regulated under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., as in effect on January 1, 2009;

  - (B) Regulated under the Health Research Extension Act of 1985, Pub. L. No. 99-158; [FN1] or
Subject to any federal law or regulation governing animal research that is in effect on January 1, 2009;

... 

(b) In addition to the exemptions in subsection (a) of this section, this subchapter does not prohibit a person from engaging in or performing conduct that is otherwise permitted under the laws of this state or of the United States, including without limitation agricultural activities, butchering, food processing, marketing, medical activities, zoological activities, or exhibitions.

Arkansas Freedom of Information Act

*Does not contain a specific exemption for research records.


(a)(1)(A) Except as otherwise specifically provided by this section or by laws specifically enacted to provide otherwise, all public records shall be open to inspection and copying by any citizen of the State of Arkansas during the regular business hours of the custodian of the records.

... 

(2)(A) A citizen may make a request to the custodian to inspect, copy, or receive copies of public records.

(B) The request may be made in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian.

(C) The request shall be sufficiently specific to enable the custodian to locate the records with reasonable effort.

(3) If the person to whom the request is directed is not the custodian of the records, the person shall so notify the requester and identify the custodian, if known to or readily ascertainable by the person.

(b) It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter:

... 

(12) Personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy;

(13) Home addresses of nonelected state employees, nonelected municipal employees, and nonelected county employees contained in employer records, except that the custodian of the records shall verify an employee's city
or county of residence or address on record upon request;
...

Arkansas Harassment Law


(a) A person commits the offense of harassment if, with purpose to harass, annoy, or alarm another person, without good cause, he or she:

(1) Strikes, shoves, kicks, or otherwise touches a person, subjects that person to offensive physical contact or attempts or threatens to do so;

(2) In a public place, directs obscene language or makes an obscene gesture to or at another person in a manner likely to provoke a violent or disorderly response;

(3) Follows a person in or about a public place;

(4) In a public place repeatedly insults, taunts, or challenges another person in a manner likely to provoke a violent or disorderly response;

(5) Engages in conduct or repeatedly commits an act that alarms or seriously annoys another person and that serves no legitimate purpose; or

(6) Places a person under surveillance by remaining present outside that person's school, place of employment, vehicle, other place occupied by that person, or residence, other than the residence of the defendant, for no purpose other than to harass, alarm, or annoy.

(b) Harassment is a Class A misdemeanor.


(a) A person commits the offense of harassing communications if, with the purpose to harass, annoy, or alarm another person, the person:

(1) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication, in a manner likely to harass, annoy, or cause alarm;

(2) Makes a telephone call or causes a telephone to ring repeatedly, with no purpose of legitimate communication, regardless of whether a conversation ensues; or
(3) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

(b) An offense involving use of a telephone may be prosecuted in the county where the defendant was located when he or she used a telephone, or in the county where the telephone made to ring by the defendant was located.

(c) Harassing communications is a Class A misdemeanor.


(a) A person commits the offense of unlawful computerized communications if, with the purpose to frighten, intimidate, threaten, abuse, or harass another person, the person sends a message:

(1) To the other person on an electronic mail or other computerized communication system and in that message threatens to cause physical injury to any person or damage to the property of any person;

(2) On an electronic mail or other computerized communication system with the reasonable expectation that the other person will receive the message and in that message threatens to cause physical injury to any person or damage to the property of any person;

(3) To another person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd, or profane language; or

(4) On an electronic mail or other computerized communication system with the reasonable expectation that the other person will receive the message and in that message uses any obscene, lewd, or profane language.

(b) Unlawful computerized communications is a Class A misdemeanor.

Other

ARK. CODE. ANN. § 5-71-207 (2010). Disorderly conduct.

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

(2) Makes unreasonable or excessive noise;

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

(7) Creates a hazardous or physically offensive condition;

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

(b) Disorderly conduct is a Class C misdemeanor.

ARK. CODE. ANN. § 5-71-211 (2010). Threatening fire or bombing.

(a) A person commits the offense of threatening a fire or bombing if he or she purposely threatens damage or injury to the person or property of another person by bombing, fire, or other means, in a manner likely to:

(1) Place another person in reasonable apprehension of:

(A) Physical injury to that person or another person; or

(B) Damage to that person’s property or to the property of another person; or

(2) Create public alarm.

(b)(1) Threatening a fire or bombing is a Class D felony if physical injury to a person results.

(2) Otherwise, threatening a fire or bombing is a Class A misdemeanor.


(a) A person commits the offense of loitering if he or she:

(1) Lingers, remains, or prowls in a public place or the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity and, upon inquiry by a law enforcement officer, refuses to identify himself or herself and give a reasonably credible account of his or her presence and purpose;
(b) Among the circumstances that may be considered in determining whether a person is loitering are that the person:

(1) Takes flight upon the appearance of a law enforcement officer;

(2) Refuses to identify himself or herself; or

(3) Manifestly endeavors to conceal himself or herself or any object.

(e) Loitering is a Class C misdemeanor.