

1 “**Motor Vehicle**” means a self-propelled, motorized vehicle capable of being operated on a roadway
2 upon or in which a person or property is or may be transported or drawn upon a public or private road
3 or public or private land.

4 (A) “Motor vehicle” includes without limitation:

5 (i) An all-terrain vehicle; or,

6 (ii) A vehicle designed to be used for agricultural purposes, such as a tractor; or,

7 (iii) A motor vehicle designed to assist a person with a physical disability with
8 walking; or,

9 (iv) A motorized scooter or other vehicle designed to be used as a toy by a child; or,

10 (v) A bicycle equipped with a small motor designed to assist the bicycle operator
11 and that is not operated at a speed of greater than twenty (20) miles per hour

12 (MPH); or,

13 (vi) A riding lawnmower that is not operated on a public roadway; or,

14 (vii) An electric personal assistive mobility device that is designed to not be capable
15 of a speed of more than twenty (20) MPH.

16 (B) “Motor vehicle” does not include a device moved by human power or used exclusively
17 upon stationary rails or tracks.

18 “**Negligent**” or an equivalent term such as “negligence” or “with negligence” means:

19 (A) A person acts negligently with respect to attendant circumstances or a result of his or her
20 conduct when the person should be aware of a substantial and unjustifiable risk that the
21 attendant circumstances exist or the result will occur; or,

22 (B) The risk must be of such a nature and degree that the actor's failure to perceive the risk
23 involves a gross deviation from the standard of care that a reasonable person would observe
24 in the actor's situation considering the nature and purpose of the actor's conduct and the
25 circumstances known to the actor.

26 “**Occupiable Structure**” means a vehicle, building, or other structure:

27 (A) In which any person, including one or more individuals under eighteen (18) years old,
28 lives or carries on a business or other calling; or,

29 (B) In which people assemble for a purpose of business, government, education, religion,
30 entertainment, or public transportation; or,

31 (C) That is customarily used for overnight accommodation of any person, including one (1) or
32 more individuals under eighteen (18) years old, whether or not a person is actually present.

33 “Occupiable structure” includes each unit of an occupiable structure divided into a separately occupied
34 unit.

35 “**Person**” means an individual eighteen (18) years old or older.

1 “**Physical Injury**” means the:

- 2 (A) Impairment of physical condition; or,
- 3 (B) Infliction of substantial pain; or,
- 4 (C) Infliction of bruising, swelling, or a visible mark associated with physical trauma.

5 “**Premises**” means an occupiable structure and any real property.

6 “**Property**” means real property or tangible or intangible personal property, including money or any
7 paper or document that represents or embodies anything of value.

8 “**Public Building**” means a structure owned, operated, or occupied by any agency of the State of
9 Arkansas or its political subdivisions or by any agency of the United States Government.

10 “**Purposely**” or an equivalent term such as “purpose”, “with purpose”, “intentional”, “intentionally”,
11 “intended”, or “with intent to” means that a person acts purposely with respect to his or her conduct or
12 a result of his or her conduct when it is the person's conscious object to engage in conduct of that nature
13 or to cause the result.

14 “**Vehicle**” means any craft or device designed for the transportation of a person or property across land
15 or water or through the air.

16 “**Vital Public Facility**” means a facility maintained for use for:

- 17 (A) Public communication, transportation, or supply of water, gas, or power;
- 18 (B) Law enforcement;
- 19 (C) Fire protection;
- 20 (D) Civil or national defence; or
- 21 (E) Other public service. Section 18-118 – Hate Offense;

22 A person eighteen (18) or older violates this Article by reason of the actual or perceived
23 race, color, creed, religion, ancestry, gender, gender identity, sexual orientation, physical
24 or mental disability, or national origin of another individual or group of individuals,
25 regardless of the existence of any other motivating factor or factors, the person commits
26 any of the following misdemeanors under State Law within the City Limits of Little Rock;

27 With the purpose of causing physical injury to a person, the person causes physical injury
28 to any person;

29 The person recklessly causes physical injury to another person;

30 The person purposely causes stupor, unconsciousness, or physical or mental impairment
31 or injury to another person by administering to the other person, without the other person’s
32 consent, any drug or other substance;

33 The person, with the purpose of terrorizing another person, threatens to cause physical
34 injury or property damage to another person;

1 The person recklessly destroys or damages property and the actual damage or destruction
2 is One Thousand Dollars (\$1,000.00), or more, but less than Five Thousand Dollars
3 (\$5,000.00);

4 The person:

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

7 (a) An occupiable structure or motor vehicle that is the property of another person
8 and causes damage of Five Hundred Dollars (\$500.00) or less; or,

9 (b) Any property, whether it belongs to the person, or is property of another person,
10 for the purpose of collecting insurance of Five Hundred Dollars (\$500.00) or
11 less for the destroyed or damaged property; or,

12 (c) Any property, whether it belongs to the person, or is the property of another
13 person, and negligently creates a risk of death or serious physical injury to any
14 person; or,

15 (d) A vital public facility and causes damage of Five Hundred Dollars (\$500.00)
16 or less; or,

17 (e) Dedicated church property used as a place of worship exempt from taxes
18 pursuant to Arkansas State Law and causes damage of Five Hundred Dollars
19 (\$500.00) or less; or,

20 (f) Any public building or occupiable structure that is either owned or leased by
21 the state or any political subdivision of the state and causes damage of Five
22 Hundred Dollars (\$500.00) or less; or,

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

25 (1) Timber or other agricultural product is destroyed or made
26 commercially nonviable and, has a value that is less than Five
27 Thousand Dollars (\$5,000.00).

28 The person purposely:

29 (1) Defaces, mars, desecrates, or otherwise damages:

30 (a) A public monument; or,

31 (b) A work of art on display in any public place; or,

32 (c) A place of worship, cemetery or burial monument; or,

33 (d) Removes a broken or unbroken, commercial or rock, grave marker for any
34 reason except for cleaning or repair by a family member, care taker, or
35 preservation organization; and,

1 (2) The value of repairing or replacing the damaged object does not exceed Five
2 Hundred Dollars (\$500.00).

3 The person recklessly destroys or damages property and the actual damage or destruction is
4 less than One Thousand Dollars (\$1,000.00); or

5 The person purposely apprehension of imminent physical injury in another person;

6 **Section 18-119 Penalties**

7 (a) A person convicted of, or who pleads guilty or *nolo contendere* to, a violation of Section
8 18-118 (a), (b),(c),(d),(e),(f),(g), or (h), shall be subject to:

9 (i) A fine up to:

10 (A) One Thousand Dollars (\$1,000.00) for a first such offense; or,

11 (B) Two Thousand Dollars (\$2,000.00) for a second such offense; or,

12 (C) Four Thousand Dollars (\$4,000.00) for a third offense or any offense
13 after a third offense; and; or,

14 (ii) A sentence of up to one (1)-year of imprisonment in the County Jail; or,

15 (iii) A combination of a fine and imprisonment; and,

16 (iv) Mandatory supervised release for a period of up to one (1)-year, regardless of
17 how many days have been served in the County Jail, which may include the
18 payment of a Probation Fee, and participation in counselling or other Court-
19 Ordered Programs;

20 (b) A person convicted of, or who pleads guilty or *nolo contendere* to, a violation Section
21 18-118 (i) shall be subject to:

22 (i) A fine up to:

23 (A) Seven Hundred Fifty Dollars (\$750.00) for a first such offense; or,

24 (B) One Thousand, Five Hundred Dollars (\$1,500.00) for a second such
25 offense; or,

26 (C) Two Thousand, Five Hundred Dollars (\$2,500.00) for a third offense
27 or any offense after a third offense; or,

28 (ii) A sentence of up to ninety (90) days in the County Jail; or,

29 (iii) A combination of a fine and imprisonment; and,

30 (iv) Mandatory supervised release for a period of up to one (1)-year, regardless of
31 how many days have been served in the County Jail, which may include the
32 payment of a probation fee, and participation in counselling or other Court
33 Ordered Programs;

34 (c) A person convicted of, or who pleads guilty or *nolo contendere* to, a violation Section
35 18-118 (j), shall be subject to:

1 (i) A fine up to:

2 (A) Five Hundred Dollars (\$500.00) for a first such offense; or,

3 (B) One Thousand Dollars (\$1,000.00) for a second such offense; or,

4 (C) Two Thousand Dollars (\$2,000.00) for a third offense or any offense

5 after a third offense; or,

6 (ii) A sentence of up to thirty (30) days in the County Jail; or,

7 (iii) A combination of a fine and imprisonment.

8 (d) Notwithstanding Paragraphs (a), (b), and (c) of this Section, a Court may deviate from
9 the minimum penalties specified within this Section under the following conditions:

10 (i) The Court determines that there are mitigating circumstances and states them
11 on the record; and,

12 (ii) The Court concludes that the punishment for the ordinance violation, in addi-
13 tion to the penalty for the State Misdemeanor Violation would be excessive
14 under the circumstances, and state why on the record.

15 (e) If any part of a sentence of imprisonment pursuant to Subsections (a), (b), or (c), of this
16 Section are suspended, the Court may also require a mandatory supervised release for a
17 period of up to one (1)-year, regardless of how many days have been served in the
18 County Jail, which may include the payment of a Probation Fee, and participation in
19 counselling or other Court-Ordered Programs Section 18-120 – Data Collection;
20 The Little Rock Police Department, to the maximum extent possible, shall provide the
21 Federal Bureau of Investigation, or any other division of the U.S. Department of Justice
22 that collects crime statistics, and the Arkansas State Police, the Office of the Attorney
23 General, or the Office of the Prosecuting Attorney for the Sixth Judicial District, upon
24 request, data concerning the commission of a crime motivated by hate, in part, to assure
25 compliance with the guidelines established pursuant to the Federal Hate Crime Statistics
26 Act.

27 **Section 2. General Interpretative Provisions.** This ordinance is intended to be interpreted and utilized
28 as follows:

29 The decision to seek a penalty for violation of this ordinance within the corporate limits of Little
30 Rock, Arkansas, belongs exclusively to the Office of the City Attorney after consultation with law
31 enforcement;

32 If, at any time, the underlying state criminal offense that is the source for the offenses listed in
33 Section 18-118 is amended, and an offense occurs before the City has made a corresponding
34 amendment to the provisions of this ordinance, the appropriate provision for enhancement is the one
35 noted by the description in Section 18-118.

1 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word
2 of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall
3 not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion
4 so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

5 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the
6 provisions of this resolution, are hereby repealed to the extent of such inconsistency.

7 **Section 5. Emergency Clause.** *The ability to protect individuals from criminal offenses because of the*
8 *mere fact of that individuals race color, creed, religion, ancestry, gender, gender identity, sexual orientation,*
9 *physical or mental disability, or national origin, is essential to the public health, safety and welfare; an*
10 *emergency is; therefore, declared to exist and this ordinance shall be in full force and effect from and after the*
11 *date of its passage.*

12 **PASSED: July 7, 2020**

13 **ATTEST:**

APPROVED:

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15 _____
16 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

17 **APPROVED AS TO LEGAL FORM:**

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19 _____
20 **Thomas M. Carpenter, City Attorney**

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