

Stop Street Harassment

Arkansas

A variety of street harassment actions are illegal in Arkansas, including offensive language, up-skirt photos, flashing, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

There are four laws that can apply to various types of verbal harassment in Arkansas.

Disorderly Conduct

[Title 5, Subtitle 6, Chap. 71, §207](#)

In Arkansas, it is considered disorderly conduct for anyone “with the purpose to cause public inconvenience, annoyance, or alarm,” or recklessly creating a risk thereof, to:

- Make unreasonable or excessive noise.
- Engage in fighting or in "violent, threatening, or tumultuous behavior."
- Obstruct pedestrian traffic.
- Use abusive or obscene language or gestures in a public place "in a manner likely to provoke a violent or disorderly response."

If a harasser is shouting or making unreasonable or excessive noise, threatening you, either verbally or physically, obstructing your passage, or in some way doing any of the actions listed above, you can report him/her.

Note: The part of the law that says, “A manner likely to provoke a violent or disorderly response” is known as a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

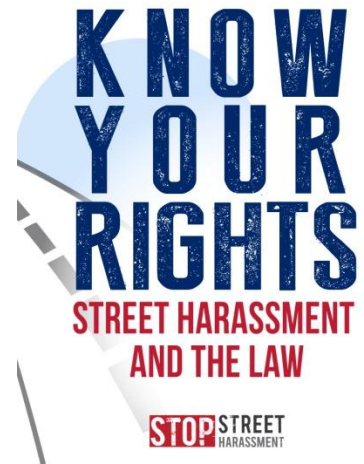
Penalty: Disorderly conduct is a Class C misdemeanor in Arkansas, punishable by a fine of up to \$500 and/or up to 30 days in jail.

Harassment

[Title 5, Subtitle 6, Chap. 71 §208](#)

In Arkansas, it is illegal for anyone, with the intent to harass, annoy, or alarm you, to:

- Strike, shove, kick, or otherwise touch you or subject you or try to subject you to offensive physical contact.
- Engage in conduct or repeatedly commit an act that alarms or seriously annoys you and that serves no legitimate purpose.
- Place you under surveillance by remaining outside your work, school, car, home, or any other place occupied by you.



Stop Street Harassment

- Direct obscene language to or make an obscene gesture at you in public “in a manner likely to provoke a violent or disorderly response.”
- Repeatedly insult, taunt, or challenge you in a public place “in a manner likely to provoke a violent or disorderly response.”

You can report anyone who makes overtly sexual references to you, obscene gestures or remarks, repeatedly taunts you, or does any of these other actions.

Note: Again, the part of the law that says, “A manner likely to provoke a violent or disorderly response” is known as a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Harassment is a Class A misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in jail.

Loitering

[Title 5, Subtitle 6, Chap. 71 §213](#)

There are three ways that loitering may be applied to street harassment in Arkansas.

- Loitering or “prowling” in a public place under circumstances that cause reasonable alarm or concern for the safety of those nearby and, if after being asked by a law enforcement officer, s/he “refuses to identify himself or herself and give a reasonably credible account of his or her presence and purpose.” If you see someone hanging around an area who does anything that feels threatening, you can let the police know and the officer can talk to that person and potentially ask her/him to leave.
- Loitering “for the purpose of engaging or soliciting another person to engage in prostitution,” such as harassers who make overtly sexual comments to passersby.
- Loitering in or near a school building. If you see someone hanging out near school facilities and harassing you or other passersby, you can report him or her for loitering on school grounds.

In a case of loitering, the law instructs police officers to ask the person loitering “to identify himself or herself and explain his or her presence and conduct.”

- Unless the person flees, no one can be convicted of loitering unless the officer present gave the individual this opportunity to explain.
- Similarly, the individual(s) cannot be convicted if it is found in court that their explanation “would have dispelled the alarm.”

Given the general acceptance of street harassment as normal, officers may not find harassing behavior to be grounds for arrest. However, involving a police officer may be enough to clear a harasser from the street or sidewalk and/or deter harassers in the future.

Stop Street Harassment

Penalty: Loitering is a Class C misdemeanor in Arkansas, punishable by a fine of up to \$500 and/or up to 30 days in jail.

Sexual Solicitation

[Title 5, Subtitle 6, Chap. 70 §103](#)

Soliciting someone for the purposes of prostitution is illegal.

If a street harasser solicits sexual activity from you, you can report him/her. You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Sexual solicitation is a class B misdemeanor, punishable by a fine of up to \$1,000 and/or up to 90 days in jail.

Unlawful Filming/Photographing

Video Voyeurism

[Title 5, Subtitle 2, Chapter 16 §101](#)

Unlawful filming and photography is illegal in Arkansas.

- It is illegal for anyone to secretly film or record you without your consent if you are in a private area and out of public view, such as in a public restroom, dressing room, or tanning booth.
- It is also illegal for anyone to knowingly photograph or record parts of your body that are covered with clothing without your knowledge or consent when you should have a reasonable expectation of privacy. If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Filming or recording someone in a private location is a Class D felony, punishable by a fine of up to \$10,000 and/or up to 6 years in prison. Filming or recording another person’s body parts is a Class B misdemeanor, punishable by a fine of up to \$1,000 and/or up to 90 days in jail.

Indecent Exposure

Indecent Exposure

[Title 5, Subtitle 2, Chap. 14 §112](#)

It is illegal in Arkansas for anyone to expose his or her sex organs “with the purpose to arouse or gratify a sexual desire of himself or herself or of any other person” either in a public place, in public view, or “under circumstances in which the person knows the conduct is likely to cause affront or alarm.”

If a harasser exposes himself or herself to you in a public place, such as a park, on public transportation, or in a store, you can report him or her for indecent exposure.

Penalty: Indecent exposure is a Class A misdemeanor in Arkansas, punishable by a fine of up to \$2,500 and/or up to 1 year in jail.

Stop Street Harassment

Public Sexual Indecency

[Title 5, Subtitle 2, Chap. 14 §111](#)

It is illegal in Arkansas to engage in any act of sexual contact in a public place or in public view. Sexual contact is defined as any act of sexual gratification involving touching, directly or through clothing, the sex organs, buttocks, or anus of any person or the breast of a woman. The definition of sexual contact does not specify that the harasser must be touching *another person's* sex organs; therefore, masturbating in public would be considered public sexual indecency.

If a harasser makes sexual contact with you, you can report them for groping. But if someone is masturbating in public or engaging in some other form of sexual conduct in a public place, you can report him/her for public sexual indecency.

Penalty: Public sexual indecency is a Class A misdemeanor, punishable by a fine of up to \$2,500 and/or up to a year in jail.

Sexual Indecency with a Child

[Title 5, Subtitle 2, Chap. 14 §110](#)

Exposing one's sex organs in public is a misdemeanor in general, but it's a felony if a harasser is exposing himself or herself to someone under the age of 15, or if s/he causes or coerces a person under 14 years old to expose his/her sex organs or breasts (if female).

If a harasser exposes himself or herself to you (and you're under 15) or to a young person you care for or know, *or* causes or coerces you (if you're under 14) or a young person you care or know to expose his/her sex organs or breasts (if female), you can report that person.

Penalty: Sexual indecency with a child is a Class D felony, punishable by a fine of up to \$10,000 and/or up to 6 years in prison.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Assault in the Third Degree

[Title 5, Subtitle 2, Chap. 13 §207](#)

In Arkansas, it is considered assault in the third degree to purposely create the "apprehension of imminent physical injury in another person."

If a street harasser is following you, threatening you, or otherwise makes you fear s/he will injure you, you can report him or her for assault.

Penalty: Assault in the third degree is a class C misdemeanor, punishable by a fine of up to \$500 and/or up to 90 days in jail.

Stop Street Harassment

Harassment

[Title 5, Subtitle 6, Chap. 71 §208](#)

In Arkansas, it is illegal for anyone, with the intent to harass, annoy, or alarm you, to follow you in or about a public place.

You can report anyone who follows you and harasses, annoys or alarms you.

Penalty: Harassment is a Class A misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in jail.

Stalking

[Title 5, Subtitle 6, Chap. 71 §229](#)

In Arkansas, stalking is when a person knowingly engages in a course of conduct that makes someone feel emotional distress and in fear of his/her safety.

If the same harasser follows and threatens you on two or more occasions – defined in Arkansas as being separated by at least 36 hours but within one year – you can report him/her.

Penalty: Stalking is a Class C felony, punishable by a fine of up to \$10,000, and/or three to ten years in prison.

Groping

Harassment

[Title 5, Subtitle 6, Chap. 71 §208](#)

The crime of harassment in Arkansas covers a number of street harassment actions, including “offensive physical contact.”

If a harasser grabs or touches you in an offensive way on the street, in a park, on a bus, or some other public place, you can report him or her for harassment.

Penalty: Harassment is a Class A misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in jail.

Sexual Assault

[Title 5, Subtitle 2, Chap. 14 §125 – 127](#)

In Arkansas, groping falls under the sexual assault law. If a harasser subjects you to sexual contact, defined as "any act of sexual gratification" that involves touching your sex organs, buttocks, anus, or breasts, either directly or through clothing, either by force or if you are under 18 years old, it is sexual assault.

If a street harasser grabs your crotch, buttocks, or breasts, or touches you in any sexual or offensive way, you can report him/her.

Penalty: Sexual assault in Arkansas ranges in degrees and penalties based on the severity of the incident, your age, and the age of the harasser. Penalties vary from a fine of up to \$2,500 and/or up to 1 year in

Stop Street Harassment

jail (a Class A misdemeanor) to a fine of up to \$15,000 and/or between 5 and 20 years in prison (a Class B felony).

Sexual Indecency with a Child

[Title 5, Subtitle 2, Chap. 14 §110](#)

The crime of sexual indecency with a child applies to an adult (18 years or older) who engages in sexual contact with someone less than 15 years of age. Sexual contact is defined as "any act of sexual gratification" that involves touching your sex organs, buttocks, anus, or breasts, either directly or through clothing.

If you are under 15 years old, or you care for or know someone who is, and a harasser touches you or them in an inappropriate or offensive way, you can report that person.

Penalty: Sexual indecency with a child is a Class D felony, punishable by a fine of up to \$10,000 and/or up to 6 years in prison.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.

- Call the local police office's non-emergency number to submit a report afterward. For example, in Little Rock, this number is (501) 371-4829 and in Fort Smith it's (479) 785-4221. In Fayetteville, it is (479) 587-3520. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of any witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as harassment including but not limited to obscene language in [Arkansas Law §5-71-208](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.

- Many police departments also have online reporting forms, for example, [Fort Smith](#) and [Fayetteville](#) have a Police Reporting Web form where you can report crimes like harassment and sexual assault.

- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information

Stop Street Harassment

- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.