

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 399

4
5 By: Senator A. Clark

For An Act To Be Entitled

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

Subtitle

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

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

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

24 16-10-142. Use of cellular telephones in courthouse or courtroom.

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

26 (1) The Supreme Court;

27 (2) The Court of Appeals;

28 (3) A circuit court; or

29 (4) A district court.

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

33 (1) The courthouse; or

34 (2) A courtroom during a session of the court.

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



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

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

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

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

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

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

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

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

21 (A) The plaintiff or the defendant; or

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

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

25 (A) The individual is in the courthouse;

26 (B) The court is in session;

27 (C) The jury is deliberating; or

28 (D) The jury is sequestered.

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

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