

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Hogue**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT HARASSMENT OF HUNTERS, FISHERMEN, AND
9 TRAPPERS; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. (a) No person shall prevent, attempt to prevent, or
14 interfere with lawful hunting, fishing, or trapping by another person with the
15 intent to prevent the taking of a wild animal or fish by any of the following
16 means:

17 (1) Placing himself in a location in which human presence may
18 affect the behavior of the subject wildlife or the feasibility of taking such
19 wildlife;

20 (2) Creating a visual, aural, olfactory, or physical stimulus in
21 order to affect the behavior of the subject wildlife; or

22 (3) Affecting the condition or placement of personal property
23 intended for use in the taking.

24 (b) This section applies only to acts committed on lands and waters
25 upon which it is legal for the person whose taking is prevented, to engage in
26 such taking. It does not apply to the owner or other person in charge of such
27 lands, to anyone acting on his behalf or under his authority, or to any other
28 person lawfully entitled to interfere with the taking.

29 (c) No person shall enter or remain upon public lands or waters, or
30 upon private lands or waters without permission of the owner or his agent,
31 with the intent to violate this section.

32 (d) The maximum penalty for violation of this section is a fine of five
33 hundred dollars (\$500.00) or thirty (30) days imprisonment or both.

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35 SECTION 2. (a) A court of general jurisdiction may enjoin conduct

1 which would be in violation of Section 1 upon petition by a person affected or
2 who reasonably may be affected by such conduct, upon a showing that such
3 conduct is threatened or that it has occurred on a particular premises in the
4 past and that it is not unreasonable to expect that under similar
5 circumstances it will be repeated.

6 (b) A court of general jurisdiction may award damages to any person
7 adversely affected by a violation of Section 1, which may include an award for
8 punitive damages. In addition to other items of special damage, measure of
9 damages may include expenditures of the affected person for license and permit
10 fees, travel, guides, special equipment and supplies, to the extent that such
11 expenditures were rendered futile by prevention of taking of a wild animal or
12 fish.

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14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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