

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representatives Thurman and Davis**

A Bill

HOUSE BILL 1746

For An Act To Be Entitled

"AN ACT TO PROHIBIT HUNTING FROM THE PUBLIC ROADS."

Subtitle

"AN ACT TO PROHIBIT HUNTING FROM THE PUBLIC ROADS."

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

SECTION 1. During the calendar days prescribed as the open modern gun seasons on deer in management zones for which the use of firearms is authorized for taking deer, it shall be prima facie evidence and considered along with other evidence that a person is hunting if such person is in the possession of a firearm that is loaded on any street, public road, or public highway which is maintained by any city, county, state or federal entity, or the right of way of any such street, road, or highway, in an area in which wild game is present or is commonly found present, regardless of whether or not such firearm is within or without the confines of a motorized vehicle.

SECTION 2. For purposes of this act, the following terms shall have the meanings ascribed to them herein:

(A) "Right of way" means that part of a street, public road, or public highway maintained by a city, county, state or federal entity and including that portion of property within fifty (50) yards of the center line of said road. "Right-of-way" shall not include any residential or commercial building.

(B) "Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all terrain vehicles.

(C) "Firearm" means any firearm other than a handgun.

1 (D) "Hunt or hunting" means the search for, or pursuit of wildlife with
2 the purpose of taking or attempting to take, with the intent to reduce said
3 wildlife to possession.

4 (E) "Loaded" means that a cartridge or shell is positioned in the
5 barrel or magazine of the firearm, or in a clip, magazine, or retainer
6 attached to the firearm, and all ammunition is not located in an enclosed
7 compartment, container, box or garment; or in the case of a percussion cap
8 muzzleloading firearm, "loaded" means that the cap is on the nipple; or in the
9 case of a flash-pan equipped muzzleloading firearm, "loaded" means that powder
10 is present on the flash pan.

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12 SECTION 3. If any person hunts or discharges any firearm in, on or
13 across any street, public road, public highway, or the right of way thereof,
14 such person is guilty of a misdemeanor, and, upon conviction, may be punished
15 by a fine of not less than one hundred dollars (\$100) nor more than five
16 hundred dollars (\$500) or by imprisonment in the county jail for not less than
17 sixty (60) days nor more than six (6) months, or by both such fine and
18 imprisonment. This act shall not apply to any law enforcement officer while
19 in the performance of his official duty or to any person engaged in a lawful
20 action of self defense. The provisions of this act shall not apply to any
21 person engaged in a lawful action to protect his livestock or property.

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23 SECTION 4. It shall be the duty of all sheriffs, deputy sheriffs,
24 wildlife officers, peace officers and constables to enforce the provisions of
25 this act.

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27 SECTION 5. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 6. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Randy Thurman, et al

As Engrossed: 3/9/93 3/18/93

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MIH287