

1 **State of Arkansas**

2 **80th General Assembly**

3 **Regular Session, 1995**

A Bill

ACT 870 OF 1995

HOUSE BILL 1702

4 **By: Representatives Calhoun and Hunton; and Davis, Rorie, Wooldridge, Bryant, McJunkin,**
5 **Northcutt, Ferguson, Bush, Angel, Hall, Baker, Thicksten, Capps, Cash, Cunningham, Hogue,**
6 ***Simmons, Jordan, Choate, Johnson and Hinshaw***

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For An Act To Be Entitled

10 "AN ACT TO PROHIBIT ENTERING UPON ANOTHER'S LAND, OUTSIDE
11 A CITY OR TOWN, WITHOUT WRITTEN PERMISSION; AND FOR OTHER
12 PURPOSES."

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Subtitle

16 "AN ACT TO PROHIBIT ENTERING UPON
17 ANOTHER'S LAND, OUTSIDE A CITY OR TOWN,
18 WITHOUT PERMISSION."

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

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22 SECTION 1. (a) A person shall not, without written permission of the
23 owner or lessee, enter upon another person's property, located outside the
24 boundaries of any city or town if that land is either lawfully posted, or crop
25 land, or fenced pasture.

26 (b) It is an affirmative defense to a prosecution that:

27 (1) the person did not knowingly enter upon another person's
28 property;

29 (2) the person was a guest or invitee;

30 (3) the person was required to enter upon the premises of another
31 for business reasons or for health and safety reasons;

32 (4) the person was authorized by law to enter upon the land; or

33 (5) the privately-owned land was made open to the public.

34 (c) (1) This section shall not apply to public land.

35 (2) This section shall not apply to a law enforcement officer in the
36 line of duty.

1 (d) The posting of land is not a requirement under this section.

2 (e) Any person who violates this section shall be deemed guilty of a
3 violation and shall be subject to a fine not to exceed one hundred dollars
4 (\$100.00). However, a violation of this section shall be a Class B
5 misdemeanor, if the property was posted pursuant to the laws of this state.

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7 SECTION 2. Nothing in this act shall repeal any law concerning posting
8 of land or trespass.

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

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

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

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23 /s/Rep. Calhoun, et al

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25 APPROVED: 4-3-95

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