

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1883

5 By: Representatives Wright, Moore, Stewart
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For An Act To Be Entitled

8 AN ACT TO ALLOW AN EXCEPTION TO A BURN BAN TO BURN
9 OFF A CROP FOLLOWING HARVEST; AND FOR OTHER PURPOSES.
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Subtitle

11 TO ALLOW AN EXCEPTION TO A BURN BAN TO
12 BURN OFF A CROP FOLLOWING HARVEST.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-38-310 is amended to read as follows:
20 5-38-310. Unlawful burning.

21 (a) A person commits the offense of unlawful burning if the person:

22 (1) Sets on fire or causes or procures to be set on fire any
23 forest, brush, or other inflammable vegetation on another person's land;

24 (2) Allows a fire that he or she built or has charge of to
25 escape from his or her control or to spread to a person's land other than
26 that of the builder of the fire;

27 (3)(A) Burns any brush, stumps, logs, rubbish, fallen timber,
28 grass, stubble, or debris of any sort, whether on the person's own land or
29 another person's land, without taking necessary precaution both before
30 lighting the fire and at any time after lighting the fire to prevent the
31 escape of the fire.

32 (B) The escape of fire to adjoining timber, brush, or
33 grassland is prima facie evidence that a necessary precaution was not taken;

34 (4) Builds a camp fire on another person's land without clearing
35 the ground immediately around it of material that will carry fire;

36 (5) Leaves on another person's land a camp fire to spread on



1 that person's land;

2 (6) Starts a fire in forest material not the person's own by
 3 throwing away a lighted cigar, match, or cigarette or by the use of a firearm
 4 or in any other manner and leaves the fire unextinguished;

5 (7) Defaces or destroys a fire warning notice;

6 (8) Is an employee of the Arkansas Forestry Commission or an
 7 officer charged with a duty of enforcing a criminal law and fails to attempt
 8 to secure the arrest and conviction of a person against whom he or she has
 9 evidence or can secure evidence of violating a fire law; or

10 (9) Sets on fire or causes or procures to be set on fire any
 11 forest, brush, or other flammable material in violation of a burn ban on
 12 outdoor burning declared under § 12-75-108.

13 (b) Unlawful burning is a Class A misdemeanor.

14 (c) A bond for costs shall not be required in a court of this state
 15 for prosecution for violation of this section.

16 (d) It is not a violation of:

17 (1) Subdivision (a)(8) of this section for an employee of the
 18 commission to fail to enforce subdivision (a)(9) of this section; or

19 (2) Subdivision (a)(9) of this section if the person was ~~acting~~;

20 (A) Acting under a permit issued by the chief executive of
 21 the political subdivision issuing the burn ban; or

22 (B)(i) Setting on fire or causing or procuring to be set
 23 on fire any crop remainder or remaining vegetation after harvest of the crop
 24 on the person's land.

25 (ii)(a) In order to provide a safety barrier between
 26 the crop remainder or remaining vegetation and adjacent land, the person
 27 shall perform adequate disking of field perimeters or perform other safety
 28 measures as required by the county burn ban officer.

29 (b) If the person does not comply with
 30 subdivision (d)(2)(B)(ii)(a) of this section, the defense under subdivision
 31 (d)(2)(B)(i) is not available and the person is liable for actual damages to
 32 adjacent land caused by the fire.

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 36 APPROVED: 04/01/2011