

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 465 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1581

5 By: Representative Moore
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For An Act To Be Entitled

9 AN ACT TO ADDRESS COUNTY PROBLEMS WITH BURN BANS;
10 TO AMEND THE SECTION CONCERNING DECLARATION OF A
11 LOCAL DISASTER EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

13 TO ADDRESS COUNTY PROBLEMS WITH BURN
14 BANS AND LOCAL DISASTER EMERGENCIES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-38-310 is amended to read as follows:

21 5-38-310. Unlawful burning - Miscellaneous misdemeanors.

22 (a) The following acts are Class A misdemeanors:

23 (1) Setting on fire or causing or procuring to be set on fire
24 any forest, brush, or other inflammable vegetation on another person's land;

25 (2) Allowing fire to escape from the control of the person
26 building the fire or having charge of the fire or to spread to any person's
27 land other than the builder of the fire;

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

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

35 (4) Building a camp fire on another person's land, without



1 cleaning the ground immediately around it free from material that will carry
2 fire or leaving on another person's land a camp fire to spread on that other
3 person's land or by throwing away a lighted cigar, match, or cigarette or by
4 the use of a firearm or in any other manner starting a fire in forest
5 material not the person's own and leaving the fire unextinguished;

6 (5) Defacing or destroying a fire warning notice; ~~and~~

7 (6) ~~Failure~~ Except as provided in subsection (c) of this
8 section, failure by any employee of the Arkansas Forestry Commission or any
9 officer charged with a duty of enforcing a criminal law to attempt to secure
10 the arrest and conviction of any person against whom he or she has or can
11 secure evidence of violating a fire law; and

12 (7) Setting on fire or causing or procuring to be set on fire
13 any forest, brush, or other flammable material in violation of a burn ban on
14 outdoor burning declared under § 12-75-108 unless the defendant was acting
15 pursuant to a permit issued by the chief executive of the political
16 subdivision issuing the burn ban.

17 (b) No bond for costs shall be required in any court of this state for
18 prosecution for violation of a provision of this section.

19 (c) Failure of the Arkansas Forestry Commission to enforce subdivision
20 (a)(7) of this section is not a class A misdemeanor.

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22 SECTION 2. Arkansas Code § 12-75-108(a), concerning declaration of a
23 local disaster emergency, is amended to read as follows:

24 (a)(1) A local disaster emergency may be declared only by the chief
25 executive of a political subdivision.

26 (2) It shall not be continued or renewed for a period in excess
27 of ~~sixty (60)~~ one hundred twenty (120) days except by or with the consent of
28 the governing body of the political subdivision.

29 (3) Any order or proclamation declaring, continuing, or
30 terminating a local disaster emergency shall be given prompt and general
31 publicity and shall be filed promptly with the city or county clerk, as
32 applicable.

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34 APPROVED: 3/23/2007