

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 1554

CONCERNING PRIVATE REAL PROPERTY RIGHTS; TO PROTECT NATURAL RESOURCES,
AGRICULTURAL RESOURCES, AND HISTORICAL ARTIFACTS; TO DETER CRIMINAL ACTIVITY ON A
PERSON'S REAL PROPERTY; AND CONCERNING THE OFFENSE OF CRIMINAL TRESPASS.

Amendment No. 3 to House Bill No. 1554

Amend House Bill No. 1554 as engrossed, S3/16/17 (version: 03/16/2017 3:10:37 PM):

Page 3, delete lines 15 and 16, and substitute the following:

"(8) "Killing device" means a firearm, bladed weapon, or other object, when not used in the course of lawful hunting or fishing of wildlife; and"

AND

Page 3, delete lines 30 through 36, and substitute the following:

"(2) Class A misdemeanor if:
 (A) At the time of the criminal trespass, the person is in possession of one (1) or more of the following:
 (i) A killing device;
 (ii) A harvesting device;
 (iii) A device primarily used for the location and unearthing of buried or submerged artifacts; or
 (iv) A tool designed to gain entry into a structure by breaking a lock or breaking through a fence, including without limitation a boltcutter;
 (B) The person is on premises containing a commercial fishing or fish breeding operation and at that time is in possession of a fishing pole or net designed to capture fish; or
 (C) The person has a prior conviction for a violation of this section."

AND

Page 4, delete lines 1 through 12

AND

Page 4, line 13, delete "~~(1)~~(3)" and substitute "~~(1)~~(2)"



AND

Page 4, line 18, delete "~~(2)(4)~~" and substitute "~~(2)(3)~~"

AND

Page 5, delete line 6, and substitute the following:

"municipality.

(e)(1) It is an affirmative defense to prosecution under this section if the person who enters the premises of another person is:

(A) Temporarily on the premises of the other person for the sole purpose of recovering livestock, a dog, or any other domesticated animal; and

(B) Either:

(i) The owner of the livestock, dog, or other domesticated animal; or

(ii) An employee or agent of the owner of the livestock, dog, or other domesticated animal.

(2) A person who enters the premises of another person as described in subdivision (e)(1) of this section is subject to civil liability for any property damage that occurs in the course of recovering the livestock, dog, or other domesticated animal."

AND

Page 5, line 7, delete "~~(e)(e)~~" and substitute "~~(e)(f)~~"

AND

Page 5, delete lines 34 through 36, and substitute the following:

"(2) Class A misdemeanor if:

(A) At the time of the criminal trespass on premises located in an unincorporated area, the person is in possession of one (1) or more of the following:

(i) A killing device;

(ii) A harvesting device;

(iii) A device primarily used for the location and unearthing of buried or submerged artifacts; or

(iv) A tool designed to gain entry into a structure by breaking a lock or breaking through a fence, including without limitation a boltcutter.

(B) The person is on premises containing a commercial fishing or fish breeding operation and at that time is in possession of a fishing pole or net designed to capture fish; or

(C) The person has a prior conviction for a violation of this section."

AND

Page 6, delete lines 1 through 17

AND

Page 6, line 18, delete "(3)" and substitute "(2)"

AND

Page 6, line 22, delete "(4)" and substitute "(3)"

AND

Page 7, delete line 19, and substitute the following:

"municipality.

(e)(1) It is an affirmative defense to prosecution under this section if the person who enters the premises of another person is:

(A) Temporarily on the premises of the other person for the sole purpose of recovering livestock, a dog, or any other domesticated animal; and

(B) Either:

(i) The owner of the livestock, dog, or other domesticated animal; or

(ii) An employee or agent of the owner of the livestock, dog, or other domesticated animal.

(2) A person who enters the premises of another person as described in subdivision (e)(1) of this section is subject to civil liability for any property damage that occurs in the course of recovering the livestock, dog, or other domesticated animal."

AND

Page 7, line 20, delete "(e)" and substitute "~~(e)~~(f)"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

JLL/JLL - 03-22-2017 08:33:00

JLL350

Secretary