

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1478

5 By: Representatives McCrary, Baltz, Barnett, Branscum, Carnine, Cozart, Dale, Deffenbaugh, D.
6 Douglas, J. Edwards, Eubanks, Farrer, Gillam, Hillman, Holcomb, Jean, Jett, Lampkin, Leding,
7 Lenderman, Linck, Magie, Nickels, B. Overbey, Perry, Ratliff, T. Thompson, Wardlaw, B. Wilkins, Wren
8 By: Senators Rapert, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Files, J. Hendren, Hester, Holland,
9 K. Ingram, Irvin, J. Key, B. King, B. Pierce, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods,
10 D. Wyatt
11

For An Act To Be Entitled

12
13 AN ACT CONCERNING FERAL HOGS; TO AMEND THE DEFINITION
14 OF "FERAL HOG"; TO REGULATE THE CAPTURING, KILLING,
15 AND TRANSPORTING OF FERAL HOGS; TO INCREASE THE
16 PENALTIES FOR RELEASING HOGS INTO THE WILD; AND FOR
17 OTHER PURPOSES.
18

Subtitle

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21 TO AMEND THE DEFINITION OF "FERAL HOG";
22 TO REGULATE THE CAPTURING, KILLING, AND
23 TRANSPORTING OF FERAL HOGS; AND TO
24 INCREASE THE PENALTIES FOR RELEASING HOGS
25 INTO THE WILD.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 2-38-501 is amended to read as follows:
31 2-38-501. Definition.

32 As used in this subchapter:

33 (1)(A) "Feral hog" means ~~any hog of the species *Sus scrofa* an~~
34 animal or hybrid animal of either the family Suidae, including without
35 limitation a wild hog, a Russian or European wild boar, and Old World swine,
36 or the family Tayassuidae, including without limitation peccary, javelina,



1 and New World swine, that is or has been roaming freely upon public land or
 2 private land;

3 ~~(A) That is not enclosed with a fence sufficient under §~~
 4 ~~2-39-101 et seq.; and~~

5 ~~(B) Without the landowner's permission;~~

6 (B) "Feral hog" includes a hog that is not conspicuously
 7 identified as required under §§ 2-34-101 and 2-34-102.

8 ~~(2)(A) (C) "Feral hog" does not include a:~~

9 (i) A stray domestic hog that has escaped from
 10 domestic confinement for less than five;

11 (a) Five (5) calendar days; or

12 ~~(B) If (b) Fifteen (15) calendar days if the~~
 13 ~~owner of the stray domestic hog provides notice of the escape to all adjacent~~
 14 ~~landowners within the first five (5) calendar days of the escape, the stray~~
 15 ~~domestic hog is not considered a "feral hog" for an additional ten (10)~~
 16 ~~calendar days following the initial five-day period; and; or~~

17 (ii) A hog held by a zoo accredited by the
 18 Association of Zoos and Aquariums or by the designated caretakers of the
 19 University of Arkansas mascot; and

20 ~~(3) (2) A "feral hog" is deemed to be domestic livestock.~~

21
 22 SECTION 2. Arkansas Code § 2-38-502 is amended to read as follows:

23 2-38-502. Hunting Capturing and killing feral hogs.

24 ~~Notwithstanding any provision of this chapter, any (a) A person may~~
 25 ~~take capture and kill a feral hog except that only as follows:~~

26 ~~(1) A feral hog taken on public property during any established~~
 27 ~~hunting season must be taken with a weapon and method allowed for that~~
 28 ~~hunting season~~ On private land if the person is the landowner or lessee or
 29 has the permission of the landowner or lessee; and

30 ~~(2)(A) A feral hog may be taken on any land where the hunter has~~
 31 ~~legal access unless prohibited by the landowner~~ On public land if:

32 (i) Allowed by the landowner; and

33 (ii) The person possesses a valid Arkansas hunting
 34 license and complies with Arkansas hunting regulations.

35 (B) However, a certified law enforcement officer or a
 36 public employee engaged in the performance of his or her official duties is

1 exempt from the requirement under subdivision (a)(2)(A) of this section, and.

2 ~~(3)~~ (b) ~~No~~ A person whose hunting license is revoked ~~may~~ shall not
3 take or kill a feral hog during the period of the revocation.

4 (c) A feral hog captured by any means in accordance with subsection
5 (a) of this section shall be killed immediately on site.

6
7 SECTION 3. Arkansas Code § 2-38-504 is amended to read as follows:
8 2-38-504. Releasing hogs into the wild.

9 (a) A person who knowingly releases or attempts to release a live hog
10 ~~to live in a wild or feral state upon public land or private land is in~~
11 ~~violation of this section~~ upon conviction is guilty of an unclassified felony
12 and is subject to a fine of not less than one thousand dollars (\$1,000) per
13 hog nor more than five thousand dollars (\$5,000) per hog or imprisonment not
14 to exceed two (2) years, or both.

15 (b) A person who ~~violates this section is guilty of a violation and~~
16 ~~upon conviction is subject to a fine of one thousand dollars (\$1,000) for~~
17 ~~each hog released~~ knowingly releases or attempts to release a live hog on
18 private property without permission of the owner or lessee of the property or
19 without the land being enclosed with a fence sufficient under § 2-39-101 et
20 seq. upon conviction is guilty of an unclassified misdemeanor and is subject
21 to a fine of not less than one thousand dollars (\$1,000) per hog nor more
22 than five thousand dollars (\$5,000) per hog or imprisonment not exceeding
23 thirty (30) days, or both.

24 (c) A person who knowingly purchases, sells, offers for sale,
25 receives, possesses, imports, distributes, or transports a live feral hog
26 upon conviction is guilty of an unclassified misdemeanor and is subject to a
27 fine of one thousand dollars (\$1,000) per hog or imprisonment not exceeding
28 thirty (30) days, or both.

29 (d) Upon the arrest of a person under this section, the arresting law
30 enforcement officer shall seize and take custody of any hog in the possession
31 of the arrested person and may seize any equipment used in furtherance of the
32 violation, including without limitation a motor vehicle, trailer, and trap.

33 (e)(1)(A) Upon the conviction of a person under this section, a court
34 having competent jurisdiction:

35 (i) Shall order the forfeiture and immediate
36 euthanasia of any hog that was the basis of the conviction.

1 (ii) May order the forfeiture and immediate
2 euthanasia of a hog before a conviction if the court determines that the hog
3 poses an imminent risk to public health or safety; and

4 (B) May order the forfeiture of any seized equipment.

5 (2) However:

6 (A) A hog or equipment is not subject to forfeiture under
7 this subsection unless it appears that the owner or other person in charge of
8 the hog or equipment was a consenting party or privy to the commission or
9 attempt to commit the violation;

10 (B) A hog or equipment is not subject to forfeiture under
11 this subsection by reason of any act or omission established by the owner of
12 the hog or equipment to have been committed or omitted without his or her
13 knowledge or consent and without the knowledge or consent of any person
14 having possession, care, or control of the hog or equipment with the owner's
15 permission; and

16 (C) A forfeiture of a hog or equipment encumbered by a
17 security interest is subject to the security interest of the secured party if
18 the secured party neither had knowledge of nor consented to the use of the
19 hog or equipment in the commission or attempt to commit the violation.

20 (f) In addition to the fines, penalties, and forfeitures imposed under
21 this section, a court may require the defendant to make restitution to the
22 state or any of its political subdivisions for transporting, housing,
23 feeding, euthanizing, and disposing of any hog forfeited under this section.

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