

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

As Engrossed: S3/14/13

A Bill

SENATE BILL 906

5 By: Senators B. Pierce, G. Stubblefield
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE DEFINITION OF A FENCE; TO MAKE
9 THE REMOVAL OF A POSTED SIGN OR OF A FENCE A CLASS B
10 MISDEMEANOR; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO CLARIFY THE DEFINITION OF A FENCE; AND
15 TO MAKE THE REMOVAL OF A POSTED SIGN OR
16 OF A FENCE A CLASS B MISDEMEANOR.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 2-39-102 is amended to read as follows:
22 2-39-102. Definition of fence.

23 As used in this chapter and all laws referring to this chapter, "fence"
24 means a structure that is a boundary or barrier ~~sufficient to indicate an~~
25 ~~intent to restrict an area to~~ that limits human, livestock, or vehicle
26 ingress or egress in an area.
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28 SECTION 2. Arkansas Code § 5-39-203 is amended to read as follows:
29 5-39-203. Criminal trespass.

30 (a) A person commits criminal trespass if he or she purposely enters
31 or remains unlawfully in or upon:

- 32 (1) A vehicle; or
33 (2) The premises of another person.

34 (b) Criminal trespass is a:

- 35 (1) Class B misdemeanor if:

36 (A) ~~the~~ The vehicle or premises involved is an occupiable



1 structure; or

2 (B) The conduct involves the removal of a posted sign, a
3 fence, or a portion of a fence as defined in § 2-39-102; or

4 (2) Class C misdemeanor if otherwise committed.

5 (c) An individual aggrieved by a violation of this section is granted
6 a private cause of action against the person who violated this section and is
7 entitled to recover:

8 (1) Actual damages caused by the violation;

9 (2) Reasonable attorney's fees; and

10 (3) Punitive damages.

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12 /s/B. Pierce

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15 **APPROVED: 04/08/2013**

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