

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 903

"TO REVISE THE AUTHORITY OF A PERSON ACTING AS AN AGENT OF AN
ORGANIZATION DEDICATED TO THE PREVENTION OF CRUELTY TO ANIMALS."

Amendment No. 1 to Senate Bill No. 903.

Amend Senate Bill No. 903 as originally introduced:

Page 1, delete lines 25 through 36, and Page 2, delete lines 1 through 3, and substitute the following:

“(a)(1) ~~Any~~ In a municipality or a county without an animal control agency or animal control officer, any officer, agent, or member of a society which is incorporated for the prevention of cruelty to animals may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence.

(2) However, in a municipality or a county with an animal control agency or animal control officer, the officer, agent, or member of a society shall not enter upon or trespass onto the land or real property of another person without permission of the landowner or lease holder or without a search warrant.

(b)(1) Any person who shall interfere with or obstruct any such officer, agent, or member in the discharge of his duty shall be guilty of a misdemeanor.

(2) If the offense occurs in a municipality or a county with an animal control agency or animal control officer, it is an affirmative defense to a prosecution under this subsection (b) if the person charged was on the person’s own land or property at the time of the obstruction or interference and the officer, agent, or member was on the property without permission or without a search warrant.”

AND

Page 2, delete lines 7 through 12, and substitute the following:

“(a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed by the president of the society in any county of this state, may, within the county or a municipality of the county having no animal control agency or animal control officer, make arrests and bring before any court or magistrate having jurisdiction, any offenders found violating the provisions of this act.

(b) In a municipality or a county with an animal control agency or



animal control officer, the agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed by the president of the society in any county of this state and upon being deputized by the sheriff of the county, may, within the county, make arrests and bring before any court or magistrate having jurisdiction, any offenders found violating the provisions of this act.”

AND

Page 2, delete lines 17 through 28, and substitute the following:

“(a) ~~When~~ In a municipality or a county without an animal control agency or animal control officer, if any person arrested is, at the time of arrest, in charge of any vehicle drawn by or containing any animal, any agent of a society for the prevention of cruelty to animals may take charge of the animal and the vehicle and its contents and deposit them in a safe place of custody, or deliver them into the possession of the police or sheriff of the county or place wherein the arrest was made, who shall thereupon assume the custody thereof.

(b) However, in a municipality or a county with an animal control agency or animal control officer, an agent of a society for the prevention of cruelty to animals shall have no authority to take charge or custody of an animal if the agent has entered upon or trespassed onto the land or real property of another person without a search warrant under § 5-62-112 or without permission to enter from the landowner or lease holder.”

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

By: Senator T. Smith
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Secretary