

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1403

By: Representative Dawson

For An Act To Be Entitled

"AN ACT PROHIBITING THE USE OF FIREARMS OR ARCHERY TACKLE IN A CRIMINALLY NEGLIGENT MANNER; TO PROVIDE PENALTIES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) It is unlawful for any person to use a firearm or archery tackle while in preparation for, engaged in the act of, or returning from hunting, in a criminally negligent manner. Criminal negligence is defined as the reckless disregard for the safety of others.

(b) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be:

(1) in a case where no personal injury or property damage occurs, fined not more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days;

(2) in the case of property damage only, fined not more than one thousand dollars (\$1,000.00) nor less than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, and the court must order restitution to the owner of the property;

(3) in the case of bodily injury to another, fined not less than five hundred (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00) or imprisoned for not more than two years; if the bodily injury results in disfigurement, total or partial permanent disability, be imprisoned for not less than sixty (60) days nor more than two (2) years;

(4) in the case of death, be imprisoned for not less than three (3) months nor more than three (3) years.

(c) No part of the minimum fines and penalties provided in this section may be suspended by any court in this state.

(d) In addition to the criminal penalties provided above, the Game and Fish Commission must seize immediately the license of a person charged under this section and, upon conviction, the hunting privileges of a person convicted under item (1) or (2) above shall be suspended for one (1) year. A person convicted under item (3) of this section shall lose his privilege to hunt for three (3) years, and a person convicted under item (4) of this section shall lose the privilege of hunting for five (5) years.

(e) A person convicted of hunting while his license is suspended under the provisions of this section shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00) or imprisoned for not more than two (2) years and shall have his hunting privileges suspended for an additional five (5) years.

(f) The person shall not obtain another hunting license until he has completed satisfactorily a hunter's safety program conducted by the Game and Fish Commission.

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

