

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1923

4  
5 By: Representative Dietz

## For An Act To Be Entitled

9 "AN ACT TO PROTECT RAILROAD PROPERTY."

### Subtitle

12 "AN ACT TO PROTECT RAILROAD PROPERTY."

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

#### SECTION 1. Unlawful Trespass Upon Railroad Property.

##### (a) Definitions:

18 (1) "Railroad property" means:

19 (A) a train, locomotive, railroad car, caboose, work  
20 equipment, rolling stock, safety device, switch, connection, or any structure,  
21 matter or thing appertaining to the railroad that is owned, leased, operated,  
22 or possessed by a railroad; or

23 (B) a railroad track, rail bridge, trestle, or right-of-way  
24 owned or used by a railroad.

25 (2) "Tamper" means to move, alter, or interfere with railroad  
26 property.

27 (b) A person commits an offense if the person:

28 (1) throws an object or discharges a firearm or weapon at a train  
29 or rail-mounted work equipment; or

30 (2) without the effective consent or written authorization of the  
31 owner:

32 (A) enters or remains on railroad property, with knowledge  
33 that it is railroad property, or under circumstances where a reasonable man  
34 would know that it is railroad property;

35 (B) tampers with railroad property;

36 (C) places an obstruction on a railroad track or right-of-

1 way; or

2 (D) causes in any manner the derailment of a train,  
 3 railroad car, or other railroad property that moves on tracks.

4 (c) An offense under subsection (b)(1) of this section is a Class B  
 5 misdemeanor unless the person causes bodily injury to another, in which event  
 6 the offense is a Class D felony.

7 (d) An offense under subsection (b)(2)(A) of this section is a Class C  
 8 misdemeanor.

9 (e) An offense under subsection (b)(2)(B), (b)(2)(C), or (b)(2)(D) of  
 10 this section is a Class C misdemeanor unless the person causes pecuniary loss,  
 11 in which event the offense is:

12 (1) a Class B misdemeanor if the amount of pecuniary loss is  
 13 twenty dollars (\$20) or more but less than two hundred dollars (\$200);

14 (2) a Class A misdemeanor if the amount of pecuniary loss is two  
 15 hundred dollars (\$200) or more but less than seven hundred fifty dollars  
 16 (\$750);

17 (3) a Class D felony if the amount of pecuniary loss is seven  
 18 hundred fifty dollars (\$750) or more but less than twenty thousand dollars  
 19 (\$20,000); or

20 (4) a Class C felony if the amount of the pecuniary loss is  
 21 twenty thousand dollars (\$20,000) or more.

22 (f) The conduct described in subsection (b)(2)(A) of this section is  
 23 not an offense under this section if it is undertaken by an employee of the  
 24 railroad or by a representative of a labor organization which represents or is  
 25 seeking to represent the employees of the railroad as long as the employee or  
 26 representative has a right to engage in such conduct under the Railway Labor  
 27 Act (45 U.S.C. Section 151 et seq.).

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

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33 SECTION 3. If any provision of this act or the application thereof to  
 34 any person or circumstance is held invalid, such invalidity shall not affect  
 35 other provisions or applications of the act which can be given effect without  
 36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are  
4 hereby repealed.

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