

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 924

4
5 By: Senator K. Smith
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE 5-39-305 TO INCREASE THE
10 CRIMINAL PENALTIES FOR TRESPASS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO AMEND ARKANSAS CODE 5-39-305
15 TO INCREASE THE CRIMINAL PENALTIES FOR
16 TRESPASS.
17

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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 5-39-305 is amended to read as follows:

22 5-39-305. Criminal trespass on land.

23 (a)~~(1)~~ A person shall not enter ~~without written permission of the owner~~
24 ~~or lessee upon another person's property land. located outside the boundaries~~
25 ~~of any city or town if that land is either:~~

26 ~~(A) Lawfully posted;~~

27 ~~(B) Crop land; or~~

28 ~~(C) Enclosed with a fence sufficient under § 2-39-101 et~~

29 ~~seq.~~

30 ~~(2) The posting of land is not a requirement under this section.~~

31 (b)(1) Any person who violates this section shall be deemed guilty of a
32 ~~violation and shall be subject to a fine not to exceed one hundred dollars~~
33 ~~(\$100) Class B misdemeanor.~~

34 (2) However, a violation of this section shall be a ~~Class B~~
35 ~~misdemeanor~~ Class A misdemeanor if the property was posted pursuant to the
36 laws of this state.

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1 (c) It is an affirmative defense to a prosecution that:

2 (1) The person did not knowingly enter upon another person's
3 ~~property~~ land;

4 (2) The person was a guest or invitee of the owner, lessee or
5 their agent;

6 (3) The person was accompanied by the owner, lessee or their
7 agent;

8 ~~(3)(4)~~ (4) The person ~~was required to enter~~ entered upon the ~~premises~~
9 land of another for lawful business reasons or for health and safety reasons;

10 ~~(4)(5)~~ (5) The person was authorized by law to enter upon the land;
11 or

12 ~~(5)(6)~~ (6) The privately owned land was made open to the public.

13 (d)(1) This section shall not apply to public land.

14 (2) This section shall not apply to a law enforcement officer in
15 the line of duty.

16 (e) Nothing in this section shall repeal any law concerning posting of
17 land or trespass.

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