

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1581

By: Representative Moore

For An Act To Be Entitled

AN ACT TO ADDRESS COUNTY PROBLEMS WITH BURN BANS;
TO AMEND THE SECTION CONCERNING DECLARATION OF A
LOCAL DISASTER EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ADDRESS COUNTY PROBLEMS WITH BURN
BANS AND LOCAL DISASTER EMERGENCIES.

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

SECTION 1. Arkansas Code § 5-38-310 is amended to read as follows:

5-38-310. Unlawful burning - Miscellaneous misdemeanors.

(a) The following acts are Class A misdemeanors:

(1) Setting on fire or causing or procuring to be set on fire
any forest, brush, or other inflammable vegetation on another person's land;

(2) Allowing fire to escape from the control of the person
building the fire or having charge of the fire or to spread to any person's
land other than the builder of the fire;

(3)(A) Burning any brush, stumps, logs, rubbish, fallen timber,
grass, stubble, or debris of any sort, whether on the person's own land or
another person's land, without taking necessary precaution both before
lighting the fire and at any time after lighting the fire to prevent the
escape of the fire.

(B) The escape of fire to adjoining timber, brush, or
grassland is prima facie evidence that a necessary precaution was not taken;

(4) Building a camp fire on another person's land, without
cleaning the ground immediately around it free from material that will carry



1 fire or leaving on another person's land a camp fire to spread on that other
 2 person's land or by throwing away a lighted cigar, match, or cigarette or by
 3 the use of a firearm or in any other manner starting a fire in forest
 4 material not the person's own and leaving the fire unextinguished;

5 (5) Defacing or destroying a fire warning notice; ~~and~~

6 (6) Failure Except as provided in subsection (c) of this
 7 section, failure by any employee of the Arkansas Forestry Commission or any
 8 officer charged with a duty of enforcing a criminal law to attempt to secure
 9 the arrest and conviction of any person against whom he or she has or can
 10 secure evidence of violating a fire law; and

11 (7) Setting on fire or causing or procuring to be set on fire
 12 any forest, brush, or other flammable material in violation of a burn ban on
 13 outdoor burning declared under § 12-75-108 unless the defendant was acting
 14 pursuant to a permit issued by the chief executive of the political
 15 subdivision issuing the burn ban.

16 (b) No bond for costs shall be required in any court of this state for
 17 prosecution for violation of a provision of this section.

18 (c) Failure of the Arkansas Forestry Commission to enforce subdivision
 19 (a)(7) of this section is not a class A misdemeanor.

21 SECTION 2. Arkansas Code § 12-75-108(a), concerning declaration of a
 22 local disaster emergency, is amended to read as follows:

23 (a)(1) A local disaster emergency may be declared only by the chief
 24 executive of a political subdivision.

25 (2) It shall not be continued or renewed for a period in excess
 26 of ~~sixty (60)~~ one hundred twenty (120) days except by or with the consent of
 27 the governing body of the political subdivision.

28 (3) Any order or proclamation declaring, continuing, or
 29 terminating a local disaster emergency shall be given prompt and general
 30 publicity and shall be filed promptly with the city or county clerk, as
 31 applicable.