

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2606

By: Representative Norton

For An Act To Be Entitled

AN ACT TO INCREASE THE PENALTIES FOR THE OFFENSE
OF CRIMINAL TRESPASS ON LAND LOCATED IN
UNINCORPORATED AREAS; AND FOR OTHER PURPOSES.

Subtitle

TO INCREASE THE PENALTIES FOR THE
OFFENSE OF CRIMINAL TRESPASS ON LAND
LOCATED IN UNINCORPORATED AREAS.

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

SECTION 1. Arkansas Code § 5-39-305 is amended to read as follows:

5-39-305. Criminal trespass on land located in unincorporated area.

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

(A) Lawfully posted;

(B) Crop land; or

(C) Enclosed with a fence sufficient under § 2-39-101 et seq.

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

(b)(1) ~~Any~~ Upon conviction, any person who violates this section is ~~deemed~~ guilty of a violation and is subject to a fine not to exceed ~~one hundred dollars (\$100)~~ two hundred dollars (\$200).

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



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

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

4 (2) The person was a guest or invitee;

5 (3) The person was required to enter upon the premises of
6 another person for a business reason or for health and safety reasons;

7 (4) The person was authorized by law to enter upon the land; or

8 (5) The privately owned land was made open to the public.

9 (d)(1) This section does not apply to public land.

10 (2) This section does not apply to a law enforcement officer in
11 the line of duty.

12 (e) Nothing in this section repeals any law concerning posting of land
13 or trespass.