

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1919

5 By: Representative Lenderman
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For An Act To Be Entitled

8 AN ACT CONCERNING FERAL HOGS; TO AMEND THE DEFINITION
9 OF "FERAL HOG"; TO REGULATE CERTAIN ACTIVITIES
10 RELATED TO FERAL HOGS; TO INCREASE THE PENALTIES FOR
11 RELEASING A HOG INTO THE WILD; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO REGULATE CERTAIN ACTIVITIES RELATED TO
16 FERAL HOGS; TO INCREASE THE PENALTIES FOR
17 RELEASING A HOG INTO THE WILD.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 2-38-501 is amended to read as follows:
24 2-38-501. Definition.

25 As used in this subchapter:

26 (1) (A) "Feral hog" means any hog of the species *Sus scrofa* an
27 animal or hybrid animal of either the family Suidae, including without
28 limitation a wild hog, a Russian or European wild boar, and Old World swine,
29 or the family Tayassuidae, including without limitation peccary, javelina,
30 and New World swine, that is or has been roaming freely upon public land or
31 private land.

32 ~~(A) That is not enclosed with a fence sufficient under §~~
33 ~~2-39-101 et seq.; and~~

34 ~~(B) Without the landowner's permission.~~

35 (B) "Feral hog" includes a hog that is not conspicuously
36 identified as required under §§ 2-34-101 and 2-34-102.



~~(2)(A)~~ (C) "Feral hog" does not include a:

(i) A stray domestic hog that has escaped from domestic confinement for less than five;

(a) Five (5) calendar days; or

~~(B) If (b) Fifteen (15) calendar days if the owner of the stray domestic hog provides notice of the escape to all adjacent landowners within the first five (5) calendar days of the escape, the stray domestic hog is not considered a "feral hog" for an additional ten (10) calendar days following the initial five-day period; and; or~~

(ii) A hog held by a zoo accredited by the Association of Zoos and Aquariums or by the designated caretakers of the University of Arkansas mascot; and

~~(3) (2)~~ A "feral hog" is deemed to be ~~domestic livestock a~~ public nuisance.

SECTION 2. Arkansas Code § 2-38-502 is amended to read as follows:
2-38-502. Hunting, capturing, and killing feral hogs.

~~Notwithstanding any provision of this chapter, any~~ (a) A person may take capture and or kill a feral hog except that only as follows:

(1) A feral hog taken on On public property during any established hunting season must be if the feral hog is taken with a weapon and method allowed for that hunting season;

(2) On private land if the person is the landowner or lessee or has the permission of the landowner or lessee; and

~~(3) (A)(i)~~ A feral hog may be taken on On any land where the hunter has legal access unless prohibited by the landowner; or

(ii) On public land if:

(a) Allowed by the landowner; and

(b) The person possesses a valid Arkansas hunting license and complies with Arkansas hunting regulations.

(B) However, a certified law enforcement officer or a public employee engaged in the performance of his or her official duties is exempt from the requirement under subdivision (a)(3)(A) of this section; and.

~~(3) (b)~~ No A person whose hunting license is revoked may shall not take or kill a feral hog during the period of the revocation.

(c) A feral hog captured by any means in accordance with subsection

1 (a) of this section shall be immediately either:

2 (1) Killed; or

3 (2)(A) Permanently identified by eartag, tattoo, or ear notching
 4 and transported to a quarantine facility to be tested for pseudorabies and
 5 brucellosis.

6 (B) If the test results for a feral hog quarantined and
 7 tested under this subsection are:

8 (i) Negative, the feral hog shall be released into
 9 an enclosure or sold at a public auction; or

10 (ii) Positive, the feral hog shall be killed
 11 immediately and its carcass disposed of properly.

12 (C) A feral hog shall not be released into the wild under
 13 any circumstances.

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 15 SECTION 3. Arkansas Code § 2-38-504 is amended to read as follows:
 16 2-38-504. Releasing hogs into the wild.

17 (a) A person who knowingly releases or attempts to release a live hog
 18 ~~to live in a wild or feral state upon public land or private land in~~
 19 ~~violation of this section~~ upon conviction is guilty of an unclassified felony
 20 and is subject to a fine of not less than one thousand dollars (\$1,000) per
 21 hog nor more than five thousand dollars (\$5,000) per hog or imprisonment not
 22 to exceed two (2) years, or both.

23 (b)(1) A person who ~~violates this section is guilty of a violation and~~
 24 ~~upon conviction is subject to a fine of one thousand dollars (\$1,000) for~~
 25 ~~each hog released~~ knowingly releases or attempts to release a live hog on
 26 private property upon conviction is guilty of an unclassified misdemeanor and
 27 is subject to a fine of not less than one thousand dollars (\$1,000) per hog
 28 nor more than five thousand dollars (\$5,000) per hog or imprisonment not
 29 exceeding thirty (30) days, or both.

30 (2) However, subdivision (b)(1) of this section does not
 31 prohibit a person from introducing a domestic hog for farm purposes onto
 32 private property enclosed with a fence sufficient under § 2-39-101 et seq.
 33 and with permission of the owner or lessee of the property.

34 (c) Except as provided in § 2-38-502(c)(2)(B)(i), a person who
 35 knowingly purchases, sells, offers for sale, receives, possesses, imports,
 36 distributes, or transports a live feral hog upon conviction is guilty of an

1 unclassified misdemeanor and is subject to a fine of one thousand dollars
2 (\$1,000) per feral hog or imprisonment not exceeding thirty (30) days, or
3 both.

4 (d) Upon the arrest of a person under this section, the arresting law
5 enforcement officer shall seize and take custody of any hog in the possession
6 of the arrested person and may seize any equipment used in furtherance of the
7 violation, including without limitation a motor vehicle, trailer, and trap.

8 (e)(1) A court having competent jurisdiction:

9 (A) Shall order the forfeiture and immediate disposition
10 under § 2-38-502(c) of any hog that was the basis of a conviction under this
11 section;

12 (B) May order the forfeiture and immediate disposition
13 under § 2-38-502(c) of a hog before a conviction if the court determines that
14 the hog poses an imminent risk to public health or safety; and

15 (C) May order the forfeiture of any seized equipment.

16 (2) However:

17 (A) A conveyance used by any person as a common carrier is
18 not subject to forfeiture under this subsection unless it appears that the
19 owner or other person in charge of the conveyance was a consenting party or
20 privy to the commission or attempt to commit the violation;

21 (B) Equipment is not subject to forfeiture under this
22 subsection by reason of any act or omission established by the owner of the
23 equipment to have been committed or omitted without his or her knowledge or
24 consent and without the knowledge or consent of any person having possession,
25 care, or control of the equipment with the owner's permission; and

26 (C) A forfeiture of equipment encumbered by a security
27 interest is subject to the security interest of the secured party if the
28 secured party neither had knowledge of nor consented to the use of the
29 equipment in the commission or attempt to commit the violation.

30 (f) In addition to the fines, penalties, and forfeitures imposed under
31 this section, a court may require the defendant to make restitution to the
32 state or any of its political subdivisions for transporting, housing,
33 feeding, euthanizing, and disposing of any hog forfeited under this section.

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