

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

# A Bill

SENATE BILL 902

5 By: Senator A. Clark  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF CRIMINAL TRESPASS;  
9 TO CREATE THE OFFENSE OF REMOVAL OF AN ANIMAL'S  
10 TRANSMITTAL DEVICE; AND FOR OTHER PURPOSES.  
11

## Subtitle

12 CONCERNING THE OFFENSE OF CRIMINAL  
13 TRESPASS; AND TO CREATE THE OFFENSE OF  
14 REMOVAL OF AN ANIMAL'S TRANSMITTAL  
15 DEVICE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-39-203 is amended to read as follows:  
23 5-39-203. Criminal trespass.

24 (a) A person commits criminal trespass if he or she purposely enters  
25 or remains unlawfully in or upon:

26 (1) A vehicle; or

27 (2) The premises of another person.

28 (b) Criminal trespass is a:

29 (1) Class B misdemeanor if the vehicle or premises involved is  
30 an occupiable structure; or

31 (2) Class C misdemeanor if otherwise committed.

32 (c) It is a defense to prosecution under this section if a person  
33 enters the premises of another person other than a commercial occupiable  
34 structure or residential occupiable structure and the actor:

35 (1) Was lawfully hunting with a dog or lawfully engaged in  
36 falconry before entering the premises;



1           (2) Is retrieving his or her dog used for hunting and the dog is  
2 equipped with a transmittal device or retrieving his or her raptor used in  
3 falconry and the raptor is equipped with a transmittal device;

4           (3) Identifies himself or herself to the owner of the premises if  
5 requested by the owner;

6           (4) Is not carrying a deadly weapon; and

7           (5) Is not entering the premises in a vehicle if the owner of the  
8 premises has not consented to the use of a vehicle.

9           (d) As used in this section:

10           (1) "Falconry" means the training of a raptor or the hunting of  
11 wild game by the use of a raptor;

12           (2) "Raptor" means a bird of prey; and

13           (3) "Transmittal device" means an electronic or radio  
14 transmitting device that has the ability to transmit its location to a  
15 receiving device.

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17           SECTION 2. Arkansas Code Title 5, Chapter 62, Subchapter 1, is amended  
18 to add a new section to read as follows:

19           5-62-127. Removal of an animal's transmittal device.

20           (a) A person commits removal of an animal's transmittal device if he  
21 or she knowingly:

22           (1) Removes a transmittal device from a dog or a raptor used in  
23 falconry without permission of the owner; and

24           (2) With the purpose to prevent or hinder the owner from  
25 locating the dog or raptor used in falconry.

26           (b) Removal of an animal's transmittal device is a Class C  
27 misdemeanor.

28           (c)(1) Upon a finding of guilt, the court shall order that the  
29 defendant pay as restitution the actual value of any dog or raptor used in  
30 falconry lost or killed as a result of the removal of the animal's  
31 transmittal device.

32           (2) The court also may order restitution to the owner for any  
33 lost breeding revenues.

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