

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

As Engrossed: S3/14/13

A Bill

SENATE BILL 902

5 By: Senator A. Clark
6

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.
16
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

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



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

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

6 (D) Is not carrying a deadly weapon;

7 (E) Is not entering the premises in a vehicle if the owner
 8 of the premises has not consented to the use of a vehicle; and

9 (F) Is in possession of a receiver that is able to verify
 10 the location of the dog used for hunting or raptor used in falconry.

11 (2) The defense under subdivision (c)(1) of this section is not
 12 applicable if:

13 (A) There is evidence of a past physical or verbal
 14 altercation between the owner of the premises and the person entering or
 15 remaining on the premises; or

16 (B) The person was previously prohibited by the owner of
 17 the premises from entering on or remaining on the premises by a verbal or
 18 written communication.

19 (d) As used in this section:

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

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

23 (3) "Transmittal device" means an electronic or radio
 24 transmitting device that has the ability to transmit its location to a
 25 receiving device.

26
 27 SECTION 2. Arkansas Code Title 5, Chapter 62, Subchapter 1, is amended
 28 to add a new section to read as follows:

29 5-62-127. Removal of an animal's transmittal device.

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

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

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

36 (b) Removal of an animal's transmittal device is a Class C

1 misdemeanor.

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

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

8

9

/s/A. Clark

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36