

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1569

5 By: Representatives Vaught, Baltz, Beck, Blake, Boyd, Bragg, Branscum, Collins, Copeland, Cozart,
6 Davis, Dotson, Drown, Eads, Eaves, Eubanks, C. Fite, L. Fite, Gates, Gossage, M.J. Gray, M. Gray,
7 Hammer, Harris, Henderson, Hillman, M. Hodges, House, Ladyman, Leding, Lemons, Lowery,
8 Lundstrum, Magie, G. McGill, Murdock, Neal, Payton, Petty, Pitsch, Ratliff, Richmond, Rushing, Scott,
9 B. Smith, Speaks, Sturch, Sullivan, Tosh, Tucker, Vines, Wallace
10 By: Senators G. Stubblefield, Caldwell, E. Cheatham, B. Johnson, B. Pierce, Rice, J. Woods
11

For An Act To Be Entitled

12 AN ACT CONCERNING FERAL HOGS; TO REQUIRE THAT
13 CAPTURED FERAL HOGS BE KILLED; TO PROVIDE FOR THE
14 DISPOSITION OF FEES AND FINES RELATED TO FERAL HOGS;
15 TO PROVIDE FOR A RESIDENT HUNTING LICENSE TO HUNT
16 FERAL HOGS; AND FOR OTHER PURPOSES.
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Subtitle

20 TO REQUIRE THAT CAPTURED FERAL HOGS BE
21 KILLED; TO PROVIDE FOR THE DISPOSITION OF
22 FEES AND FINES RELATED TO FERAL HOGS; AND
23 TO PROVIDE FOR A RESIDENT HUNTING LICENSE
24 TO HUNT FERAL HOGS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. Arkansas Code § 2-38-502 is amended to read as follows:
31 2-38-502. Capturing and killing feral hogs.

32 (a) A person may capture or kill a feral hog only as follows:

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

35 (2)(A) On public land if:

36 (i) Allowed by the landowner; and



1 (ii) The person possesses a valid resident Arkansas
 2 hunting license and complies with Arkansas hunting regulations.

3 (B) However, a certified law enforcement officer or a
 4 public employee engaged in the performance of his or her official duties is
 5 exempt from the requirement under subdivision (a)(2)(A) of this section.

6 (b) A person whose hunting license is revoked shall not take or kill a
 7 feral hog during the period of the revocation.

8 (c) A feral hog captured by any means ~~in accordance with~~ under
 9 subsection (a) of this section shall be killed immediately+.

10 ~~(1) Killed; or~~

11 ~~(2)(A) Permanently identified by cartag approved by the Arkansas~~
 12 ~~Livestock and Poultry Commission and transported to a terminal facility that~~
 13 ~~is certified by the commission.~~

14 ~~(B) A feral hog that is transported to a terminal facility~~
 15 ~~under subdivision (c)(2)(A) of this section is exempt from any requirements~~
 16 ~~for disease testing established by the commission.~~

17 ~~(C) The commission shall adopt regulations for the~~
 18 ~~issuance of a certification permit for a terminal facility and the~~
 19 ~~requirements for inspection of a terminal facility.~~

20 ~~(D) As used in this subsection, "terminal facility" means~~
 21 ~~a facility for the containment of domestic and feral hogs that requires that~~
 22 ~~a hog be killed before leaving the facility.~~

23 ~~(E) A feral hog shall not be released into the wild under~~
 24 ~~any circumstances.~~

25
 26 SECTION 2. Arkansas Code § 2-38-504(a) and (b), concerning penalties
 27 for releasing hogs into the wild, are amended to read as follows:

28 (a) A person who knowingly releases or attempts to release a live hog
 29 upon public land upon conviction is guilty of an unclassified ~~felony~~
 30 misdemeanor and is subject to a fine of not less than one thousand dollars
 31 (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog ~~or~~
 32 ~~imprisonment not to exceed two (2) years, or both~~ and revocation of his or
 33 her hunting and fishing rights in the state for up to five (5) years.

34 (b)(1) A person who knowingly releases or attempts to release a live
 35 hog on private property upon conviction is guilty of an unclassified
 36 misdemeanor and is subject to a fine of not less than one thousand dollars

1 (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog or
 2 imprisonment not exceeding thirty (30) days, or both.

3 (2) However, subdivision (b)(1) of this section does not
 4 prohibit a person from:

5 ~~(A) Introducing~~ introducing a domestic hog for farm
 6 purposes onto private property enclosed with a fence sufficient under § 2-39-
 7 101 et seq. and with permission of the owner or lessee of the property; ~~or.~~

8 ~~(B)(i) Continuing to operate a hog hunting facility~~
 9 ~~established before August 16, 2013, if:~~

10 ~~(a) The hog hunting facility and operation~~
 11 ~~meet the requirements imposed by the Arkansas Livestock and Poultry~~
 12 ~~Commission for animal identification, transportation, and quarantine;~~

13 ~~(b) The hog hunting facility and operation are~~
 14 ~~subject to periodic inspections by the commission; and~~

15 ~~(c) The hog hunting facility and operation are~~
 16 ~~certified by the commission as a terminal facility, as defined in § 2-38-~~
 17 ~~502(e).~~

18 ~~(ii) An owner or operator of a hog hunting facility~~
 19 ~~that is in operation before August 16, 2013, that does not meet the~~
 20 ~~requirements stated in subdivision (b)(2)(B)(i) of this section is prohibited~~
 21 ~~from purchasing or transporting a live feral hog under this subchapter.~~

22 ~~(iii) Except as provided in subdivision (b)(2)(B)(i)~~
 23 ~~of this section, a person is prohibited from establishing or operating a~~
 24 ~~business in which one (1) or more feral hogs are placed in one (1) or more~~
 25 ~~fenced enclosures, regardless of the size of the enclosure, for the purpose~~
 26 ~~of conducting a hog hunting operation.~~

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 28 SECTION 3. Arkansas Code § 2-38-504, concerning penalties for
 29 releasing hogs into the wild, is amended to add additional subsections to
 30 read as follows:

31 (g) Any certified state law enforcement officer may write a citation
 32 for a violation under this section.

33 (h) Fines collected under this section shall be deposited into the
 34 Game Protection Fund to be used for eradication efforts to eliminate feral
 35 hogs.

36 (i) This section does not apply to the purchase, sale, receipt,

1 possession, import, or transportation of a live feral hog that serves as a
 2 mascot for an institution of higher education.

3
 4 SECTION 4. Arkansas Code Title 15, Chapter 42, Subchapter 1, is
 5 amended to add an additional section to read as follows:

6 15-42-129. Resident feral hog depredation permit.

7 (a) The Arkansas State Game and Fish Commission may issue a resident
 8 depredation permit for hunting and trapping feral hogs.

9 (b) A person may obtain a depredation permit issued under this section
 10 by:

11 (1) Applying to the commission;

12 (2) Furnishing information required by the commission to verify
 13 eligibility; and

14 (3) Paying the fee required under subsection (b) of this
 15 section.

16 (c) A depredation permit issued under this section shall:

17 (1) Be in the same form and contain the same information as
 18 other depredation permits issued by the commission; and

19 (2) Contain any other information required by the commission.

20 (d) A property owner or tenant shall not be required to obtain a
 21 depredation permit issued under this section to hunt or trap feral hogs on
 22 the private property owned by the owner or leased by the tenant.

23 (e) The commission may promulgate rules to implement this section.

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