

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H3/5/15

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, Rushing, Scott, B. Smith,
9 Speaks, Sturch, Sullivan, Tosh, Tucker, Vines, Wallace
10 By: Senators G. Stubblefield, Caldwell, E. Cheatham, B. Johnson, B. Pierce, 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 *DEPREDATION PERMIT TO HUNT*
16 *AND TRAP* FERAL HOGS; AND FOR OTHER PURPOSES.
17
18
19

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 DEPREDATION*
24 *PERMIT TO HUNT AND TRAP FERAL HOGS.*
25
26
27

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 immediately:*

10 (1) *Killed; or*

11 (2)(A) *Permanently identified by eartag 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) A terminal facility shall:

21 (i) Maintain a record of each feral hog purchased,
22 including without limitation the:

23 (a) Name of the seller;

24 (b) Date of the purchase;

25 (c) Number of feral hogs purchased; and

26 (d) Eartag number issued for each feral hog
27 purchased; and

28 (ii) Comply with all swine regulations promulgated
29 by the commission.

30 ~~(D)~~ (E) *As used in this subsection, "terminal facility"*
31 *means a facility for the containment of domestic and feral hogs that requires*
32 *that a hog be killed before leaving the facility.*

33 ~~(E)~~ (F) *A feral hog shall not be released into the wild*
34 *under any circumstances.*

35
36 SECTION 2. Arkansas Code § 2-38-504(a) and (b), concerning penalties

1 for releasing hogs into the wild, are amended to read as follows:

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

8 (b)(1) A person who knowingly releases or attempts to release a live
9 hog on private property upon conviction is guilty of an unclassified
10 misdemeanor and is subject to a fine of not less than one thousand dollars
11 (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog or
12 imprisonment not exceeding thirty (30) days, or both.

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

15 ~~(A) Introducing~~ introducing a domestic hog for farm
16 purposes onto private property enclosed with a fence sufficient under § 2-39-
17 101 et seq. and with permission of the owner or lessee of the property; ~~or.~~

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

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

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

25 ~~(c) The hog hunting facility and operation are~~
26 ~~certified by the commission as a terminal facility, as defined in § 2-38-~~
27 ~~502(c).~~

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

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

1
2 SECTION 3. Arkansas Code § 2-38-504, concerning penalties for
3 releasing hogs into the wild, is amended to add additional subsections to
4 read as follows:

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

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

10 (i) This section does not apply to the purchase, sale, receipt,
11 possession, import, or transportation of a live feral hog that serves as a
12 mascot for an institution of higher education.

13
14 SECTION 4. Arkansas Code Title 15, Chapter 42, Subchapter 1, is
15 amended to add an additional section to read as follows:

16 15-42-129. Resident feral hog depredation permit.

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

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

21 (1) Applying to the commission;

22 (2) Furnishing information required by the commission to verify
23 eligibility; and

24 (3) Paying the fee required under subsection (b) of this
25 section.

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

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

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

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

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

34
35 */s/Vaught*