

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/14/13
A Bill

SENATE BILL 906

By: Senators B. Pierce, G. Stubblefield

For An Act To Be Entitled

AN ACT TO CLARIFY THE DEFINITION OF A FENCE; TO MAKE
THE REMOVAL OF A POSTED SIGN OR OF A FENCE A CLASS B
MISDEMEANOR; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE DEFINITION OF A FENCE; AND
TO MAKE THE REMOVAL OF A POSTED SIGN OR
OF A FENCE A CLASS B MISDEMEANOR.

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

SECTION 1. Arkansas Code § 2-39-102 is amended to read as follows:
2-39-102. Definition of fence.

As used in this chapter and all laws referring to this chapter, "fence"
means a structure that is a boundary or barrier ~~sufficient to indicate an
intent to restrict an area to~~ that limits human, livestock, or vehicle
ingress or egress in an area.

SECTION 2. Arkansas Code § 5-39-203 is amended to read as follows:
5-39-203. Criminal trespass.

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

- (1) A vehicle; or
- (2) The premises of another person.

(b) Criminal trespass is a:

- (1) Class B misdemeanor if:
 - (A) ~~the~~ The vehicle or premises involved is an occupiable



structure; or

(B) The conduct involves the removal of a posted sign, a fence, or a portion of a fence as defined in § 2-39-102; or

(2) Class C misdemeanor if otherwise committed.

(c) An individual aggrieved by a violation of this section is granted a private cause of action against the person who violated this section and is entitled to recover:

(1) Actual damages caused by the violation;

(2) Reasonable attorney's fees; and

(3) Punitive damages.

/s/B. Pierce

APPROVED: 04/08/2013