

Stricken language would be deleted from and underlined language would be added to present law.
Act 238 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H2/4/25 S2/13/25 S2/18/25

A Bill

HOUSE BILL 1049

By: Representatives Tosh, McGrew, Lundstrum, Andrews, Barker, Beaty Jr., Beck, Bentley, S. Berry, Brooks, K. Brown, M. Brown, R. Burkes, Joey Carr, John Carr, Cavanaugh, Childress, C. Cooper, Cozart, Crawford, Duffield, Duke, Eaves, Evans, Furman, Gonzales, Gramlich, Hawk, Holcomb, Hollowell, Jean, L. Johnson, Ladyman, Long, Lynch, Maddox, J. Mayberry, McAlindon, McClure, M. McElroy, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Puryear, Ray, R. Scott Richardson, Richmond, Rye, Schulz, M. Shepherd, Steimel, Unger, Vaught, Walker, Warren, Wooten

By: Senator Caldwell

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING CRIMINAL
OFFENSES; TO CRIMINALIZE UNLAWFUL SQUATTING; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
CRIMINAL OFFENSES; AND TO CRIMINALIZE
UNLAWFUL SQUATTING.

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

SECTION 1. Arkansas Code § 5-39-101(8), concerning the definitions for offenses of burglary, trespass, and other intrusions, is amended to read as follows:

(8) "Premises" means, except as provided in § 5-39-215, an occupiable structure and any real property;

SECTION 2. Arkansas Code Title 5, Chapter 39, Subchapter 2, is amended to add an additional section to read as follows:

5-39-215. Unlawful squatting.

(a) As used in this section:

(1) "Immediate family" means a person's spouse, children,



parents or guardian, siblings, and grandparents, whether related by blood, adoption, or marriage;

(2) "Premises" means a dwelling, commercial building, or vacant or unimproved real property; and

(3)(A) "Unlawful squatting" means entering and residing unlawfully in a premises when the person entering and residing in the premises is not privileged or licensed to do so.

(B) "Unlawful squatting" includes without limitation taking up residence in a premises a person does not own if he or she:

(i) Is not a current tenant at the premises;

(ii) Does not have a valid agreement to occupy the premises; and

(iii) Is not an immediate family member of the owner of the premises.

(b) A person commits the offense of unlawful squatting if:

(1) The person:

(A) Knowingly enters upon the premises of another person;

(B) Knowingly resides on the premises of the other person under subdivision (b)(1)(A) of this section for any period of time;

(C) Knowingly acts without lawful authority under subdivisions (b)(1)(A) and (B) of this section; and

(D) Cannot produce at least one (1) of the following documents:

(i) A deed or mortgage statement in his or her name for the premises;

(ii) A lease agreement that includes the name and signature of the other person or an authorized representative of the other person;

(iii) A valid written or electronic agreement or communication authorizing the person to enter upon the premises; or

(iv) A receipt or other reliable evidence of a rent payment made to the other person or an authorized representative of the other person dated within the last sixty (60) days;

(2) The premises the person enters upon is not open to the public at the time of entry;

(3) The owner of the premises has directed the person entering

upon the premises to leave the premises or has contacted law enforcement to make a report of unlawful squatting; and

(4) No pending litigation exists between the owner of the premises and the person entering upon the premises.

(c) A law enforcement agency shall not accept a report of unlawful squatting unless the report is by an:

(1) Owner of the premises upon which the unlawful squatting occurred; or

(2) Authorized representative of the owner of the premises upon which the unlawful squatting occurred.

(d) A law enforcement officer acting in good faith in response to a report of a violation of this section is immune from criminal and civil liability.

(e)(1) Unlawful squatting is a Class B misdemeanor.

(2) A second offense of unlawful squatting is a Class A misdemeanor.

(3) A third offense of unlawful squatting is a Class D felony.

(f) If a person who has entered upon the premises of another person knowingly provides a false document in response to a request to produce a document under subdivision (b)(1)(D) of this section or otherwise produces a false document as justification for his or her presence on the premises, the person is guilty upon conviction of a Class D felony.

(g) A person 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 damages, including without limitation restitution, and reasonable attorney's fees.

SECTION 3. Arkansas Code § 5-54-122(c)(1), concerning Class D felony offenses of filing a false report, is amended to add an additional subdivision to read as follows:

(G) The false report alleges the offense of unlawful squatting.

/s/Tosh

APPROVED: 3/4/25