

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 945

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO PERMIT ENTRY UPON PRIVATE PROPERTY FOR THE LIMITED PURPOSE TO RETRIEVE HUNTING DOGS; AND FOR OTHER PURPOSES.

Subtitle

TO PERMIT ENTRY UPON PRIVATE PROPERTY FOR THE LIMITED PURPOSE TO RETRIEVE HUNTING DOGS.

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

SECTION 1. 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 the vehicle or premises involved is an occupiable structure; or

(2) Class C misdemeanor if otherwise committed.

(c) It is a defense to prosecution under this section if a person enters or remains upon the premises of another person:

- (1) Solely for the purpose of retrieving a hunting dog;
- (2) Does not have in his or her possession a deadly weapon;
- (3) Identifies himself or herself to the owner of the premises

if requested by the owner;



- (4) Does not hunt while on the premises; and
- (5) Does not without the consent of the owner use a vehicle or other motorized equipment to retrieve the hunting dog.

SECTION 2. Arkansas Code § 18-11-403(a)(4)(C), concerning affirmative defenses to unlawful entry upon land, is amended to read as follows:

(C) The person was:

(i) ~~required~~ Required to enter upon the premises for business reasons or for health or safety reasons; or

(ii) On the real property solely for the purpose of retrieving a hunting dog and:

(a) Did not have in his or her possession a firearm or bows and arrows;

(b) Did not hunt while on the real property;

(c) Did not without the consent of the owner use a vehicle or other motorized equipment to retrieve the hunting dog; and

(d) Identified himself or herself to the owner of the premises if requested by the owner.