

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 2215

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE A VIOLATION OF ARKANSAS CODE § 15-20-502 AN UNCLASSIFIED MISDEMEANOR; TO MAKE TECHNICAL CORRECTIONS TO ARKANSAS CODE § 15-20-502; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE A VIOLATION OF ARKANSAS CODE § 15-20-502 AN UNCLASSIFIED MISDEMEANOR; AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 15-20-502 is amended to read as follows to make stylistic changes, clarify references, and clarify a criminal offense:

15-20-502. Rules ~~and regulations~~ – Enforcement – Penalties.

(a) The Arkansas Natural Heritage Commission ~~shall have the authority to~~ may promulgate rules ~~and regulations~~ establishing policies governing the use and protection of a natural areas area.

(b) ~~Any A~~ A person violating ~~any of the rules and regulations~~ a rule promulgated by the commission governing a natural areas area upon conviction is guilty of an unclassified misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250), or imprisoned for not less than ten (10) days nor more than thirty (30) days for each ~~and every offense~~ violation.

(c) ~~Any A~~ A law enforcement officer ~~shall have the right to~~ may issue  ~~citations~~ a citation to and ~~to~~ apprehend ~~persons detected~~ a person violating ~~any rules or regulations~~ a rule promulgated by the commission for use and



protection of a natural areas area and take ~~offenders~~ the person before ~~any a~~ a court having jurisdiction in the county where the ~~offense is~~ violation was committed.

(d) The Director of the Arkansas Natural Heritage Commission may apply to the circuit court of any county in which a violation of this subchapter is occurring or in which the director has reasonable cause to believe a violation of this subchapter is about to occur, and ~~that~~ the circuit court shall have jurisdiction to grant a temporary or permanent injunction restraining any person from violating this subchapter without requiring the director to post bond during the pendency of ~~this~~ the action described in this subsection.

(e)(1) In addition to criminal penalties ~~set forth in~~ under subsection (b) of this section, ~~any a~~ a person who violates ~~any rules and regulations a~~ rule promulgated by the commission governing a natural areas area or who causes ~~such~~ a violation by his or her employee or agent ~~shall be~~ is liable for a civil penalty of five hundred dollars (\$500) or three (3) times the value of the damages caused, whichever is the greater, and the penalty ~~to~~ shall be recovered in an action brought by the Attorney General or the commission's attorney in the proper circuit court.

(2) The civil penalty described in subdivision (e)(1) of this section shall be used to restore the natural area or to secure the preservation of similar areas.