

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

SENATE BILL 751

By: Senator G. Stubblefield

## For An Act To Be Entitled

AN ACT TO CREATE A CAUSE OF ACTION FOR UNAUTHORIZED ACCESS TO ANOTHER PERSON'S PROPERTY; CONCERNING ACCESS TO ANOTHER PERSON'S PROPERTY; AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE A CAUSE OF ACTION FOR UNAUTHORIZED ACCESS TO ANOTHER PERSON'S PROPERTY; AND CONCERNING ACCESS TO ANOTHER PERSON'S PROPERTY.

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

SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add an additional section to read as follows:

16-118-113. Civil cause of action for unauthorized access to property.

(a) As used in this section, "nonpublic area" means an area not accessible to or not intended to be accessed by the general public.

(b) A person who knowingly gains access to a nonpublic area of another person's premises and engages in an act that exceeds the person's authority to enter the nonpublic area is liable to the owner or operator of the premises for any damages sustained by the owner or operator.

(c) An act that exceeds a person's authority to enter a nonpublic area of another person's premises includes an employee who knowingly enters a nonpublic area of an employer's premises for a reason other than a bona fide intent of seeking or holding employment or doing business with the employer and without authorization subsequently:



(1) Captures or removes the employer's data, paper, records, or any other documents and uses the information contained on or in the employer's data, paper, records, or any other documents to breach the person's duty of loyalty to the employer;

(2) Records images or sound occurring within an employer's premises and uses the recording to breach the person's duty of loyalty to the employer;

(3) Places on the employer's premises an unattended camera or electronic surveillance device and using the unattended camera or electronic surveillance device to record images or data;

(4) Conspires in an organized theft of items belonging to the employer; or

(5) Commits an act that substantially interferes with the ownership or possession of real property.

(d) A person who knowingly directs, assists, compensates, or induces another person to violate this section is jointly liable.

(e) A court may award to a prevailing party in an action brought under this section one (1) or more of the following remedies:

(1) Equitable relief;

(2) Compensatory damages;

(3) Costs and fees, including reasonable attorneys' fees; and

(4) Additional damages as otherwise allowed by state or federal law in the amount of five thousand dollars (\$5,000) for each day, or portion of a day, that a defendant has acted in violation of subsection (b) of this section.

(f) This section does not:

(1) Diminish the protections provided to employees under state or federal law; or

(2) Limit any other remedy available at common law or provided by law.

(g) This section does not apply to a state agency, a state-funded institution of higher education, or a law enforcement officer engaged in a lawful investigation of the premises or the owner or operator of the premises.