

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/25/19  
**A Bill**

SENATE BILL 460

By: Senator K. Hammer  
By: Representative Bragg

### For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "FERAL HOG"; TO AMEND THE LAW REGARDING THE RELEASE OF FERAL HOGS INTO THE WILD; TO AMEND THE LAW REGARDING THE CAPTURING AND KILLING OF FERAL HOGS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE DEFINITION OF "FERAL HOG"; TO AMEND THE LAW REGARDING THE RELEASE OF FERAL HOGS INTO THE WILD; AND TO AMEND THE LAW REGARDING THE CAPTURING AND KILLING OF FERAL HOGS.

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

SECTION 1. Arkansas Code § 2-38-501 is amended to read as follows:  
2-38-501. Definition.

As used in this subchapter:

(1)(A) "Feral hog" means an animal or hybrid animal of either the family Suidae, including without limitation a wild hog, Russian or European wild boar, and Old World swine, or the family Tayassuidae, including without limitation peccary, javelina, and New World swine, that is or has been roaming freely upon public land or private land.

~~(B) "Feral hog" includes a hog that is not conspicuously identified as required under §§ 2-34-101 and 2-34-102 [repealed].~~

~~(C) "Feral hog" does not include:~~



(i) A stray domestic hog that has escaped from domestic confinement for less than:

(a) Five (5) calendar days; or

(b) Fifteen (15) calendar days if the owner of the stray domestic hog provides notice of the escape to all adjacent landowners within the first five (5) calendar days of the escape; ~~or~~

(ii) A hog held by a zoo accredited by the Association of Zoos and Aquariums or by the designated caretakers of the University of Arkansas mascot; ~~and~~ or

(iii) A hog held while being transported to livestock market or for slaughter and having a premises identification tag or other official eartag; and

(2) A "feral hog" is deemed to be a public nuisance.

SECTION 2. Arkansas Code § 2-38-502 is amended to read as follows:

2-38-502. Capturing and killing feral hogs – Definition.

(a) A person may capture or kill a feral hog only as follows:

(1) On private land if the person is the landowner or lessee or has the permission of the landowner or lessee; ~~and~~

~~(2)(A)~~ On public land if:

~~(i)(A)~~ Allowed by the ~~landowner~~ landowning entity;

and

~~(ii)(B)~~ The person possesses a valid Arkansas hunting license and complies with Arkansas hunting rules; or

~~(B) However, a certified law enforcement officer or a public employee engaged in the performance of his or her official duties is exempt from the requirement under subdivision (a)(2)(A) of this section.~~

(3) After providing verification that he or she has a valid permit issued by the Arkansas Livestock and Poultry Commission in accordance with 16 U.S.C. § 742j-1, as it existed on January 1, 2019, upon determining that the permit applicant has a bona fide need to kill feral hogs for protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, and not for a recreational hunting purpose.

(b) A person whose hunting license is revoked shall not take or kill a feral hog during the period of the revocation.

(c)(1) A feral hog captured by any means under subsection (a) of this

section shall be immediately killed.

~~(1)(A) Killed.~~

~~(B)(2) If a feral hog is captured on private property and not moved from the private property, the landowner or a lessee is not required to kill the feral hog immediately, or.~~

~~(2)(A) Permanently identified by eartag approved by the Arkansas Livestock and Poultry Commission and transported to a terminal facility that is certified by the commission.~~

~~(B) The commission shall adopt rules for the issuance of a certification permit for a terminal facility and the requirements for inspection of a terminal facility.~~

~~(C) A terminal facility shall:~~

~~(i) Maintain a record of each feral hog purchased, including without limitation the:~~

~~(a) Name of the seller;~~

~~(b) Date of the purchase;~~

~~(c) Number of feral hogs purchased; and~~

~~(d) Eartag number issued for each feral hog purchased; and~~

~~(ii) Comply with all swine rules adopted by the commission.~~

~~(D) As used in this subsection, "terminal facility" means a facility for the containment of domestic and feral hogs that requires that a hog be killed before leaving the facility.~~

~~(E)(d)(1) A feral hog shall not may be released into the wild only under any circumstances, when the commission authorizes an employee of a state or federal agency to capture or release a feral hog, or both, for tracking or research purposes and with permission of the owner or lessee of the property.~~

~~(2) Feral hogs that are captured for the purpose of tracking or research shall be killed upon completion of the tracking or research project.~~

~~(e) A certified law enforcement officer or a public employee engaged in the performance of his or her official duties is exempt from the requirements under subdivisions (a)(2) and (3) of this section.~~

SECTION 3. Arkansas Code § 2-38-504(a)-(d), concerning the release of

hogs into the wild, are amended to read as follows:

(a) ~~A Except as provided in § 2-38-502(d), a person who knowingly releases or attempts to release a live hog upon public or private land upon conviction is guilty of an unclassified misdemeanor and is subject to a fine of not less than one thousand dollars (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog and, imprisonment not exceeding ninety (90) days revocation of his or her hunting and fishing rights in the state for up to five (5) years, or a combination of fine and imprisonment.~~

~~(b)(1) A person who knowingly releases or attempts to release a live hog on private property upon conviction is guilty of an unclassified misdemeanor and is subject to a fine of not less than one thousand dollars (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog or imprisonment not exceeding thirty (30) days, or both.~~

~~(2) However, subdivision (b)(1) Subsection (a) of this section does not prohibit a person from:~~

~~(A) Introducing introducing a domestic hog for farm purposes onto private property enclosed with a fence sufficient under § 2-39-101 et seq. and with permission of the owner or lessee of the property; or.~~

~~(B)(i) Continuing to operate a hog hunting facility established before August 16, 2013, if:~~

~~(a) The hog hunting facility and operation meet the requirements imposed by the Arkansas Livestock and Poultry Commission for animal identification, transportation, and quarantine;~~

~~(b) The hog hunting facility and operation are subject to periodic inspections by the commission; and~~

~~(c) The hog hunting facility and operation are certified by the commission as a terminal facility, as defined in § 2-38-502(c).~~

~~(ii) An owner or operator of a hog hunting facility that is in operation before August 16, 2013, that does not meet the requirements stated in subdivision (b)(2)(B)(i) of this section is prohibited from purchasing or transporting a live feral hog under this subchapter.~~

~~(iii) Except as provided in subdivision (b)(2)(B)(i) of this section, a person is prohibited from establishing or operating a business in which one (1) or more feral hogs are placed in one (1) or more fenced enclosures, regardless of the size of the enclosure, for the purpose~~

~~of conducting a hog hunting operation.~~

~~(e)~~(b) A person who knowingly purchases, sells, offers for sale, receives, possesses, imports, distributes, or transports a live feral hog upon conviction is guilty of an unclassified misdemeanor and is subject to a fine of one thousand dollars (\$1,000) per hog or imprisonment not exceeding thirty (30) days, or both.

~~(d)~~(c) Upon the arrest of a person under this section, the arresting law enforcement officer ~~shall~~ may seize and take custody of any hog in the possession of the arrested person and may seize any equipment used in furtherance of the violation, including without limitation a motor vehicle, trailer, and trap.

SECTION 4. Arkansas Code § 2-38-504(g) and (h), concerning the penalty for releasing a hog into the wild, are amended to read as follows:

(g) ~~Any~~ A certified ~~state~~ law enforcement officer may write a citation for a violation under this section.

(h)(1) Fines collected under this section shall be deposited into the ~~Game Protection Fund~~ Feral Hog Eradication Fund that is designated as special revenues for the Arkansas Natural Resources Commission.

(2) The funds designated under subdivision (h)(1) of this section are to be used for eradication efforts to eliminate feral hogs.

SECTION 5. Arkansas Code § 19-6-301, concerning the enumeration of special revenues, is amended to add an additional subdivision to read as follows:

(263) Fines collected under § 2-38-504.

SECTION 6. Arkansas Code Title 19, Chapter 6, is amended to add an additional section to read as follows:

19-6-840. Feral Hog Eradication Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Feral Hog Eradication Fund".

(b) The fund shall consist of:

(1) Fines collected under § 2-38-504; and

(2) Any other revenues as may be authorized by law.

(c) The fund shall be used by the Arkansas Natural Resources Commission for expenses associated with the eradication efforts to eliminate feral hogs.

*/s/K. Hammer*