

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 903

4
5 By: Senator T. Smith
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7

For An Act To Be Entitled

8
9 AN ACT TO REVISE THE AUTHORITY OF A PERSON ACTING
10 AS AN AGENT OF AN ORGANIZATION DEDICATED TO THE
11 PREVENTION OF CRUELTY TO ANIMALS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 TO REVISE THE AUTHORITY OF A PERSON
16 ACTING AS AN AGENT OF AN ORGANIZATION
17 DEDICATED TO THE PREVENTION OF CRUELTY
18 TO ANIMALS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-62-111 is amended to read as follows:
24 5-62-111. Prevention of cruelty.

25 (a)(1) Any officer, agent, or member of a society which is
26 incorporated for the prevention of cruelty to animals may lawfully interfere
27 to prevent the perpetration of any act of cruelty upon any animal in his
28 presence.

29 (2) However, without a search warrant, the officer, agent, or
30 member of a society shall not enter upon or trespass onto the land or real
31 property of another person without permission of the landowner or lease
32 holder.

33 (b)(1) Any person who shall interfere with or obstruct any such
34 officer, agent, or member in the discharge of his duty shall be guilty of a
35 misdemeanor.

36 (2) It is an affirmative defense to a prosecution under this



1 subsection (b) if the person was on the person's own land or property at the
2 time of the obstruction or interference and the officer, agent, or member was
3 on the property without permission or without a search warrant.

4
5 SECTION 2. Arkansas Code § 5-62-113 is amended to read as follows:

6 5-62-113. Authority to make arrests.

7 The agents of any society which is incorporated for the prevention of
8 cruelty to animals, upon being appointed by the president of the society in
9 any county of this state and upon being deputized by the sheriff of the
10 county, may, within the county, make arrests and bring before any court or
11 magistrate having jurisdiction, any offenders found violating the provisions
12 of this act.

13
14 SECTION 3. Arkansas Code § 5-62-114 is amended to read as follows:

15 5-62-114. Authority to take charge of animals and vehicles of arrested
16 person.

17 (a) When any person arrested is, at the time of arrest, in charge of
18 any vehicle drawn by or containing any animal, any agent of a society for the
19 prevention of cruelty to animals may take charge of the animal and the
20 vehicle and its contents and deposit them in a safe place of custody, or
21 deliver them into the possession of the police or sheriff of the county or
22 place wherein the arrest was made, who shall thereupon assume the custody
23 thereof.

24 (b) However, without a search warrant under § 5-62-112 or without
25 permission to enter from the landowner or lease holder, an agent of a society
26 for the prevention of cruelty to animals shall have no authority to take
27 charge or custody of an animal if the agent has entered upon or trespassed
28 onto the land or real property of another person.

29
30 SECTION 4. Arkansas Code § 5-62-115 is repealed.

31 ~~5-62-115. Injunction against society.~~

32 ~~No injunction shall be granted against a society for the prevention of~~
33 ~~cruelty to animals or any of its officers or agents except upon motion after~~
34 ~~due notice and hearing thereof.~~