

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  
4

As Engrossed: S3/21/03

# A Bill

SENATE BILL 903

5 By: Senator T. Smith  
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## For An Act To Be Entitled

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.

### Subtitle

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.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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~~ In a municipality or a county without an animal control  
26 agency or animal control officer, any officer, agent, or member of a society  
27 which is incorporated for the prevention of cruelty to animals may lawfully  
28 interfere to prevent the perpetration of any act of cruelty upon any animal  
29 in his presence.

30 (2) However, in a municipality or a county with an animal  
31 control agency or animal control officer, the officer, agent, or member of a  
32 society shall not enter upon or trespass onto the land or real property of  
33 another person without permission of the landowner or lease holder or without  
34 a search warrant.

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



1 misdemeanor.

2 (2) If the offense occurs in a municipality or a county with an  
 3 animal control agency or animal control officer, it is an affirmative defense  
 4 to a prosecution under this subsection (b) if the person charged was on the  
 5 person's own land or property at the time of the obstruction or interference  
 6 and the officer, agent, or member was on the property without permission or  
 7 without a search warrant.

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

10 5-62-113. Authority to make arrests.

11 (a) The agents of any society which is incorporated for the prevention  
 12 of cruelty to animals, upon being appointed by the president of the society  
 13 in any county of this state, may, within the county or a municipality of the  
 14 county having no animal control agency or animal control officer, make  
 15 arrests and bring before any court or magistrate having jurisdiction, any  
 16 offenders found violating the provisions of this act.

17 (b) In a municipality or a county with an animal control agency or  
 18 animal control officer, the agents of any society which is incorporated for  
 19 the prevention of cruelty to animals, upon being appointed by the president  
 20 of the society in any county of this state and upon being deputized by the  
 21 sheriff of the county, may, within the county, make arrests and bring before  
 22 any court or magistrate having jurisdiction, any offenders found violating  
 23 the provisions of this act.

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

26 5-62-114. Authority to take charge of animals and vehicles of arrested  
 27 person.

28 (a) ~~When~~ In a municipality or a county without an animal control  
 29 agency or animal control officer, if any person arrested is, at the time of  
 30 arrest, in charge of any vehicle drawn by or containing any animal, any agent  
 31 of a society for the prevention of cruelty to animals may take charge of the  
 32 animal and the vehicle and its contents and deposit them in a safe place of  
 33 custody, or deliver them into the possession of the police or sheriff of the  
 34 county or place wherein the arrest was made, who shall thereupon assume the  
 35 custody thereof.

36 (b) However, in a municipality or a county with an animal control

1 agency or animal control officer, an agent of a society for the prevention of  
2 cruelty to animals shall have no authority to take charge or custody of an  
3 animal if the agent has entered upon or trespassed onto the land or real  
4 property of another person without a search warrant under § 5-62-112 or  
5 without permission to enter from the landowner or lease holder..

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

8 ~~5-62-115. Injunction against society.~~

9 ~~No injunction shall be granted against a society for the prevention of~~  
10 ~~eruelty to animals or any of its officers or agents except upon motion after~~  
11 ~~due notice and hearing thereof.~~

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13 /s/ T. Smith  
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