

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1314

5 By: Representative Sumpter
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7

For An Act To Be Entitled

9 AN ACT TO PROTECT PUBLIC USE OF THE WATERS OF THE
10 MISSISSIPPI RIVER AND OF THE LAKES THAT BORDER
11 THIS STATE; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO PROTECT PUBLIC USE OF THE
14 WATERS OF THE MISSISSIPPI RIVER AND OF
15 THE LAKES THAT BORDER THIS STATE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-11-403(a), concerning unlawful entry
22 upon land, is amended to read as follows:

23 (a)(1) No person shall enter for recreational purposes upon real
24 property posted pursuant to this subchapter without written permission of the
25 owner or lessee of the real property.

26 (2) It shall be unlawful for any person to enter upon any real
27 property posted under the provisions of this subchapter without the written
28 consent of the owner or lessee of the real property.

29 (3)(A) If land posted pursuant to this subchapter becomes
30 flooded above the ordinary high watermark but the signs or paint marks are
31 still visible, it is unlawful for any person to enter within the boundaries
32 of the posted area without the written consent of the owner or lessee of the
33 real property.

34 (B) For purposes of subdivision (a)(3)(A) of this section,
35 "ordinary high watermark" means the line delimiting the bed of a stream from
36 its bank, i.e., that line at which the presence of water is continued for



1 such length of time as to mark upon the soil and vegetation a distinct
2 character.

3 (4) However, it shall be an affirmative defense to prosecution
4 under this subchapter that:

5 (A) Consent was given by a person holding himself or
6 herself out to be the owner, lessee, or agent of the owner or lessee of the
7 property;

8 (B) The person was a guest or invitee;

9 (C) The person was required to enter upon the premises for
10 business reasons or for health or safety reasons; ~~or~~

11 (D) The person was authorized by law to enter upon land;
12 or

13 (E) The person was in the Mississippi watercourse inside
14 the levees upon the flowing waters of the Mississippi, waters accessible by
15 boat from the main channel of the Mississippi river and state-line lakes, so
16 long as access to the waters was lawful.

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