

Stricken language would be deleted from and underlined language would be added to present law.
Act 238 of the Regular Session

State of Arkansas As Engrossed: H2/4/25 S2/13/25 S2/18/25

95th General Assembly

Regular Session, 2025

A Bill

HOUSE BILL 1049

By: Representatives Tosh, McGrew, Lundstrum, Andrews, Barker, Beaty Jr., Beck, Bentley, S. Berry, Brooks, K. Brown, M. Brown, R. Burkes, Joey Carr, John Carr, Cavanaugh, Childress, C. Cooper, Cozart, Crawford, Duffield, Duke, Eaves, Evans, Furman, Gonzales, Gramlich, Hawk, Holcomb, Hollowell, Jean, L. Johnson, Ladyman, Long, Lynch, Maddox, J. Mayberry, McAlindon, McClure, M. McElroy, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Puryear, Ray, R. Scott Richardson, Richmond, Rye, Schulz, M. Shepherd, Steimel, Unger, Vaught, Walker, Warren, Wooten

By: Senator Caldwell

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING CRIMINAL
OFFENSES; TO CRIMINALIZE UNLAWFUL SQUATTING; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
CRIMINAL OFFENSES; AND TO CRIMINALIZE
UNLAWFUL SQUATTING.

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

SECTION 1. Arkansas Code § 5-39-101(8), concerning the definitions for offenses of burglary, trespass, and other intrusions, is amended to read as follows:

(8) "Premises" means, except as provided in § 5-39-215, an occupiable structure and any real property;

SECTION 2. Arkansas Code Title 5, Chapter 39, Subchapter 2, is amended to add an additional section to read as follows:

5-39-215. Unlawful squatting.

(a) As used in this section:

(1) "Immediate family" means a person's spouse, children,



1 parents or guardian, siblings, and grandparents, whether related by blood,
2 adoption, or marriage;

3 (2) "Premises" means a dwelling, commercial building, or vacant
4 or unimproved real property; and

5 (3)(A) "Unlawful squatting" means entering and residing
6 unlawfully in a premises when the person entering and residing in the
7 premises is not privileged or licensed to do so.

8 (B) "Unlawful squatting" includes without limitation
9 taking up residence in a premises a person does not own if he or she:

10 (i) Is not a current tenant at the premises;

11 (ii) Does not have a valid agreement to occupy the
12 premises; and

13 (iii) Is not an immediate family member of the owner
14 of the premises.

15 (b) A person commits the offense of unlawful squatting if:

16 (1) The person:

17 (A) Knowingly enters upon the premises of another person;

18 (B) Knowingly resides on the premises of the other person
19 under subdivision (b)(1)(A) of this section for any period of time;

20 (C) Knowingly acts without lawful authority under
21 subdivisions (b)(1)(A) and (B) of this section; and

22 (D) Cannot produce at least one (1) of the following
23 documents:

24 (i) A deed or mortgage statement in his or her name
25 for the premises;

26 (ii) A lease agreement that includes the name and
27 signature of the other person or an authorized representative of the other
28 person;

29 (iii) A valid written or electronic agreement or
30 communication authorizing the person to enter upon the premises; or

31 (iv) A receipt or other reliable evidence of a rent
32 payment made to the other person or an authorized representative of the other
33 person dated within the last sixty (60) days;

34 (2) The premises the person enters upon is not open to the
35 public at the time of entry;

36 (3) The owner of the premises has directed the person entering

1 upon the premises to leave the premises or has contacted law enforcement to
2 make a report of unlawful squatting; and

3 (4) No pending litigation exists between the owner of the
4 premises and the person entering upon the premises.

5 (c) A law enforcement agency shall not accept a report of unlawful
6 squatting unless the report is by an:

7 (1) Owner of the premises upon which the unlawful squatting
8 occurred; or

9 (2) Authorized representative of the owner of the premises upon
10 which the unlawful squatting occurred.

11 (d) A law enforcement officer acting in good faith in response to a
12 report of a violation of this section is immune from criminal and civil
13 liability.

14 (e)(1) Unlawful squatting is a Class B misdemeanor.

15 (2) A second offense of unlawful squatting is a Class A
16 misdemeanor.

17 (3) A third offense of unlawful squatting is a Class D felony.

18 (f) If a person who has entered upon the premises of another person
19 knowingly provides a false document in response to a request to produce a
20 document under subdivision (b)(1)(D) of this section or otherwise produces a
21 false document as justification for his or her presence on the premises, the
22 person is guilty upon conviction of a Class D felony.

23 (g) A person aggrieved by a violation of this section is granted a
24 private cause of action against the person who violated this section and is
25 entitled to recover damages, including without limitation restitution, and
26 reasonable attorney's fees.

27
28 SECTION 3. Arkansas Code § 5-54-122(c)(1), concerning Class D felony
29 offenses of filing a false report, is amended to add an additional
30 subdivision to read as follows:

31 (G) The false report alleges the offense of unlawful
32 squatting.

33 /s/Tosh
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35 **APPROVED: 3/4/25**
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