

Arkansas Game and Fish Commission

Code Book

The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

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01.00-A Amendment No. 35

Be it Enacted by the People of the State of Arkansas. That the following shall be an amendment to the Constitution:

Section 1. The control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations, and all property now owned, or used for said purposes and the acquisition and establishment of same, the administration of the laws now and/or hereafter pertaining thereto, shall be vested in a Commission to be known as the Arkansas State Game and Fish Commission, to consist of eight members. Seven of whom shall be active and one an associate member who shall be the Head of the Department of Zoology at the University of Arkansas, without voting power.

Section 2. Commissioners shall have knowledge of and interest in wildlife conservation. All shall be appointed by the Governor. The first members of the Commission shall be appointed by the Governor for terms as follows: One for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. Each Congressional District must be represented on the Commission.

Section 3. Upon the expiration of the foregoing terms of the said Commission, a successor shall be appointed by the Governor for a term of seven years, which term of seven years shall thereafter be for each member of the Commission. No Commissioner can serve more than one term and none can succeed himself.

Section 4. Each Commissioner shall take the regular oath of office provided in the Constitution and serve without compensation other than actual expenses while away from home engaged entirely on the work of the Commission.

Section 5. A Commissioner may be removed by the Governor only for the same causes as apply to other Constitutional Officers, after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court.

Section 6. Vacancies on the Commission due to resignation or death shall be filled by appointment of the Governor for the unexpired term within thirty days from date of such vacancy; upon failure of the Governor to fill the vacancy within thirty days, the remaining Commissioners shall make the appointment for the unexpired term. A Chairman shall be elected annually from the seven members of the Commission to serve one year.

Section 7. The Commission shall elect an Executive Secretary whose salary shall not exceed that of limitations placed on other constitutional departments; and other executive officers, supervisor, personnel, office assistants, wardens, game refuge keepers, and hatchery employees, whose

salaries and expenditures must be submitted to the Legislature and approved by an Act covering specific items in the biennial appropriation as covered by Article XVI, Section 4 of the Constitution.

Section 8. No person shall be employed by the Commission who shall be related to any of the Commissioners or any other State officers within the third degree of relationship by blood or marriage. All employed personnel may make arrest for violation of the game and fish laws.

The fees, monies or funds arising from all sources by the operation and transaction of the said Commission and from the application and administration of the laws and regulations pertaining to birds, game, fish and wildlife resources of the State and the sale of property used for said purposes shall be expended by the Commission for the control, management, restoration, conservation and regulation of the birds, fish and wildlife resources of the State, including the purchases of other acquisitions of property for said purposes and for the administration of the laws pertaining thereto and for no other purposes. All monies shall be deposited in the Game Protection Fund with the State Treasurer and such monies as are necessary including an emergency fund shall be appropriated by the Legislature at each legislative session for the use of the Game and Fish Commission as hereto set forth. No monies other than those credited to the Game Protection Fund can be appropriated.

All money to the credit of or that should be credited to the present Game Protection Fund shall be credited to the new Game Protection Fund and any appropriation made by the Legislature out of the Game Protection Fund shall be construed to be for the use of the new Commission and out of the new Game Protection Fund.

The books, accounts and financial affairs of the Commission shall be audited by the State Comptroller as that department deems necessary, but at least once a year.

Resident hunting and fishing licenses, each, shall be One and 50/100 Dollars annually, and shall not exceed this amount unless a higher license fee is authorized by an Act of Legislature.

The Commission shall have the exclusive power and authority to issue licenses and permits, to regulate bag limits and the manner of taking game and fish and furbearing animals, and shall have the authority to divide the State into zones, and regulate seasons and manner of taking game, and fish and furbearing animals therein, and fix penalties for violations. No rules or regulations shall apply to less than a complete zone, except temporarily in case of extreme emergency.

Said Commission shall have the power to acquire by purchase, gifts, eminent domain, or otherwise, all property necessary, useful or convenient for the use of the Commission in the exercise of any of its duties, and in the event the right of eminent domain is exercised, it shall be exercised in the same manner as now or hereafter provided for the exercise of eminent domain by the State Highway Commission. All laws now in effect shall

continue in force until changed by the Commission. All contracts and agreements now in effect shall remain in force until the date of their expiration.

This amendment shall not repeal, alter or modify the provisions of any existing special laws under the terms of which a County Game Commission has been created:

The Commission shall be empowered to spend such monies as are necessary to match Federal grants under the Pittman-Robertson or similar acts for the propagation, conservation and restoration of game and fish.

The amendment shall become effective July 1, 1945.

(Proposed by Initiated Petition. Voted upon and approved at General Election, November 7, 1944. For 115, 214; Against 72,797)

01.00-B Duties And Authorities Of Wildlife Officers

Wildlife Officers shall be commissioned by the Commission and shall have the right to apprehend persons detected of violating any of the laws or regulations of the State enacted for the protection of game, fish, furbearing animals and other wildlife, and to take such offenders before any court having jurisdiction in the county where such offense is committed. Wildlife Officers shall be authorized to serve all processes issued by a court of competent jurisdiction relating to the enforcement of all laws and regulations pertaining to game, fish, furbearing animals, and other wildlife of the State; to go upon any property outside of private dwellings, posted or otherwise, in the performance of their duties; to carry firearms while performing duties; and to conduct searches with or without a warrant according to law. Additionally, Wildlife Officers lawfully present in any place may, in the performance of their duties, stop and detain any person who they reasonably suspect is, or recently has been, involved in any hunting, fishing, or trapping activity to conduct an administrative inspection to determine whether the person is in compliance with the laws and regulations of the State enacted for the protection of game, fish, furbearing animals, and other wildlife. Wildlife Officers may request that the person stopped and detained immediately surrender the following items for inspection: all killing devices, licenses, permits, tags, stamps, check sheets, ice chests, game bags, game vests, wildlife, fishing tackle, equipment used for hunting or fishing, or containers that can reasonably hold wildlife ([Code 05.30](#)).

Sheriffs, constables and other law enforcement officers certified by the State of Arkansas, and special agents and employees of the U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service who have been authorized to enforce laws and regulations administered by the U.S. Department of the Interior or U.S. Department of Agriculture shall, upon request by the Commission and upon proper oath or affirmation, have authority to make arrests, searches and seizures for violations of State game and fish laws and regulations. They shall serve without compensation from the Commission in the discharge of those duties. Wildlife Officers may be appointed as special agents by the U.S. Fish and Wildlife Service and shall have the additional authority conferred upon them by that agency. They shall serve without extra compensation in the discharge of those duties.

01.00-C Definition Of Terms

For the purposes of the Arkansas State Game and Fish Code of Regulations, the following terms shall be construed, respectively, to mean and include:

ACTIVE DUTY MILITARY - Members of active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate.

ADULT GOBBLER - Male turkeys having at least 1 of the following characteristics:

- A. Tail feathers which are the same length,
- B. Wing feathers that have white barring all the way to the tip, or
- C. A beard more than 6 inches in length.

AGFC LICENSE SYSTEM-The point-of-sale system that the Commission uses to sell and dispense Commission-issued licenses, permits, stamps, tags, and other privileges to the public.

ALLIGATOR DEALER - Any person, firm, or corporation engaging in the sale, purchase, barter, or exchange of an American alligator (*Alligator mississippiensis*) or other crocodilian species, or any part, nest, or eggs thereof in Arkansas.

ALLIGATOR FARMER - Any person, firm, or corporation possessing an American alligator (*Alligator mississippiensis*) or other crocodilian species, or any part, nest or eggs thereof in Arkansas for the purpose of propagation, production, or rearing.

ALLIGATOR SNAPPING TURTLE DEALER - Any person, firm, or corporation engaged in the sale or purchase of alligator snapping turtles.

ALLIGATOR SNAPPING TURTLE BREEDER - Any person, firm, or corporation possessing alligator snapping turtles for the purpose of propagation, production, rearing, or sale.

ANIMAL - An organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof.

ANTLERLESS DEER - A doe or a buck having less than 2 inches of hardened bone antler.

ANTLERLESS ELK - Any elk (male or female) not meeting requirements to be a legal bull elk.

AQUACULTURE SPECIES - Any species listed on the Approved Aquaculture Species List (Addendum Chapter J1.00) and species not listed but allowed under Unlisted or Restricted Species Possession Permits.

AQUATIC WILDLIFE - All aquatic species, including aquatic snails, aquatic turtles, crayfish (crawfish and crawdads), fish (including minnows), frogs, mussels, and salamanders.

ARKANSAS RIVER BOUNDARY (Sportfishing Only) - The Arkansas Post Canal from Norrell Lock and Dam No. 1 to the Arkansas River and the Arkansas River from Wilbur D. Mills Dam No. 2 upstream to the Oklahoma

state line, including all lakes, bays, and tributary streams accessible by boat from the main channel except:

- Big Bayou Meto upstream from Arkansas Highway 11;
- Plum Bayou upstream from U.S. Highway 79;
- Little Maumelle River upstream from Pinnacle Mountain State Park;
- Maumelle River upstream from Lake Maumelle Dam;
- Fourche LaFave upstream from Arkansas Highway 113;
- Palarm Creek upstream from Interstate 40;
- Cadron Creek upstream from the weir;
- Point Remove Creek upstream from Arkansas Highway 113;
- Petit Jean River upstream from Pontoon Boat Ramp at Arkansas Highway 154;
- Illinois Bayou upstream from Russellville Waterworks Dam;
- Big Piney and Little Piney creeks upstream from Arkansas Highway 359;
- Horsehead Creek upstream from Interstate 40;
- Mulberry River upstream from Interstate 40;
- Frog Bayou upstream from Arkansas Highway 162 and Lee Creek upstream from Lee Creek Dam; and
- From the first non-navigable shoal for streams entering the Arkansas River along the right bank descending from the Oklahoma state line to Lake Dardanelle Dam.

ARTIFICIAL LURE OR FLY - Terminal fishing tackle made entirely of rubber, wood, metal, glass, feathers, hair, synthetic fibers, or plastic, with hook attached.

BAITFISH - Minnows, logperch, gizzard and threadfin shad, gar (other than alligator gar), bullhead catfish, crayfish, drum, bowfin under 6 inches, skipjack herring, brook and inland silversides, bigmouth, smallmouth and black buffalo, river carpsucker, spotted sucker, black redhorse, golden redhorse, banded and Ozark sculpin, bream 4 inches and under, and bream over 4 inches that are caught by hook and line.

BAITING - The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attractant for wildlife to, on, or over any areas where hunters are attempting to take them.

BIG GAME - Alligator, black bear, deer, elk, and turkey.

BLACK BASS - Largemouth bass, redeye bass, smallmouth bass, and spotted bass.

BLOCKING OUT - The removal of the head or tail associated with the processing of a commercial fish. The blocked-out carcass (bullet) must be at least the minimum length required for the body of water where the commercial fish was harvested (Code [30.11](#)).

BONUS DEER - A harvested deer that is not included in a hunter's statewide bag limit.

BOX TYPE TURTLE TRAP - A floating trap designed to capture aquatic turtles, but does not permit capture of fish (Code [34.07](#)).

BREAM - A species of the genus *Lepomis*, including bluegill, redear, warmouth, and other sunfish.

BUCK - A male deer (see **LEGAL BUCK** definition).

BUCK DEER SEASON – A deer season in which no deer other than legal buck deer may be taken.

BUY – To purchase, barter, exchange, or trade, including any offer to purchase, barter, exchange, or trade.

CAPTIVITY OR HOLD CAPTIVE – The holding of living wildlife in a controlled environment that is manipulated by man for the purpose of exercising ownership, possession, or control of the wildlife, and that has boundaries designed to prevent selected species from entering or leaving the controlled environment.

CARCASS – The body of a dead animal.

CASE – A container specifically designed to hold a firearm which completely encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed.

CATCH-AND-RELEASE – The requirement that fish of a designated species must be immediately released into the water where caught.

CERVID – A member of the Family Cervidae, including without limitation deer, reindeer, moose, elk, and caribou.

CHASE FOR PLEASURE – To search for, pursue, or chase game animals or other wildlife with the use of dogs for recreational purposes only, with no intent of hunting such game animals or wildlife.

CHECKING WILDLIFE – The accurate and complete reporting of specific information to the Commission concerning harvest of alligator, bear, deer, elk, and turkey by one of the following methods: phoning a designated number to report bear, deer, or turkey harvests, or electronically through the Commission’s online deer, bear, elk, alligator, and turkey checking web site or mobile applications.

CHRONIC WASTING DISEASE (CWD) – Fatal disease affecting the brain of cervids that belongs to a group of diseases called transmissible spongiform encephalopathies.

CHUMMING – To dislodge or deposit any substance not attached to a hook which may attract fish.

CITES TAG – A permit that allows shipping of certain animal pelts outside the State of Arkansas and assures compliance with the Convention on the International Trade of Endangered Species.

CLEAN – Having no meat matter or tissue attached to the carcass.

COMPUTER-ASSISTED HUNTING – The use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a firearm, bow, or crossbow to kill wildlife located in Arkansas.

COMMERCIAL FISH – Bowfin (over 6 inches), paddlefish, shovelnose, sturgeon, and all species of buffalo, catfish, carp, drum, gar, and sucker family (except silver redhorse).

COMMERCIAL FISHERMAN – Any person who fishes with tackle designated as commercial tackle requiring a license or tag issued by the Commission.

COMMERCIAL TACKLE – Properly licensed tackle used to catch aquatic wildlife for commercial purposes.

COMMERCIAL WILDLIFE HUNTING RESORT – A facility, location, business, or operation that offers, for pay or other consideration, an opportunity to hunt native wildlife, other than pen-raised game birds, held in captivity. Includes all contiguous land, structures, other appurtenances, and improvements on the land, used for the hunting activities.

COMMERCIAL WILDLIFE PERMIT - Any or all of the following permits: Alligator Farmer/Dealer, Alligator Snapping Turtle Breeder/Dealer, Resident Shell Taker and Seller, Shell Buyer, Non-Resident Shell Buyer, Resident Roe Taker/Seller, Resident Roe Buyer/Exporter, Non-Resident Roe Buyer, Resident Fur Dealer, Non-Resident Fur Dealer, Special Commercial Quail, Game Bird Shooting Resort, Commercial Wildlife Hunting Resort, Wildlife Breeder/Dealer, and Wildlife Importation.

COMMISSION - The Arkansas State Game and Fish Commission, unless otherwise designated.

CONSERVATION CARD- A physical card that the Commission issues to a person and that is linked to that person's AGFC licenses, permits, stamps, and tags. Before engaging in an activity requiring an AGFC license, permit, stamp, or tag, the cardholder must purchase and verify issuance and valid expiration date of all required AGFC licenses, permits, stamps, and tags via www.agfc.com or 1-800-364-GAME. The card itself is not a license and conveys no independent right or privilege beyond the extent of any license, permit, stamp, or tag that has been linked to the card by purchase and has not been suspended, revoked, or expired.

DEFERRED HUNTER EDUCATION (DHE) - Designates a holder of a valid Arkansas hunting license/permit who has deferred completion of the hunter education program.

DISABLED - Any individual who is 100% permanently and totally disabled as declared by one or more of the following federal agencies: the U.S. Social Security Administration, the U.S. Department of Veteran's Affairs, or the U.S. Railroad Retirement Board.

DISABLED VETERAN- Any individual who is a resident of Arkansas and a military veteran, who has been determined by the United States Department of Veterans Affairs (VA) to have a:

- A. 100% total and permanent service-connected disability rating (applies to licenses VLF, VLH, VLC, VLD, and VLT in Addendum [D1.01](#)); or
- B. 70% or higher service-connected disability rating (applies to license VLL in Addendum [D1.01](#)); or
- C. 50% or higher service-connected disability rating and is a recipient of the Purple Heart medal (applies to license VLL in Addendum [D1.01](#)).

DOE - A female deer.

DOE DEER SEASON - A deer season in which a doe may be taken.

DROWNING SET - Any leg-hold trap that uses one or more of the following techniques to retain the target animal in water of suitable depth for drowning: a slide wire with lock, a tangle stake, or a drowning weight.

DUCKS- All species of teal, merganser, whistling duck, scaup, American wigeon, American black duck, bufflehead, canvasback, gadwall, common goldeneye, mallard, mottled duck, northern shoveler, redhead, ring-necked duck, ruddy duck, northern pintail, and wood duck.

EDIBLE PORTIONS - Portions of the following animals are considered edible as stated below:

- A. **Game Mammals:** front quarters, hind quarters, loins, and tenderloins.
- B. **Game Fish:** fillets of fish.

C. **Game Birds:** breasts.

D. **Frogs:** hind legs.

E. **Alligators:** tails, legs, flanks, loins, and tenderloins.

ELECTRIC BICYCLE - A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750 W) that meets one of the following classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.).
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that is not capable of providing assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.).
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty-eight miles per hour (28 m.p.h.).

EITHER-SEX - A male or a female.

EITHER-SEX DEER SEASON - A deer season in which a doe or a legal buck may be taken.

EMERGENCY CONDITION - Any condition involving:

- A. Imminent peril to the health, safety, or welfare of the public or the wildlife resources of the State; or
- B. Immediate action mandated by federal law or regulation.

ENCLOSE - To surround wildlife using man-made barriers, including but not limited to fencing, walls, structures, or other devices, so that the wildlife are not free to leave a particular environment.

ENCLOSURE - Any area surrounded by a man-made barrier, including but not limited to fencing, walls, structures, or other devices that prevent wildlife from leaving a particular environment.

ENDANGERED SPECIES - A wildlife species or subspecies endangered or threatened with extinction that is listed or proposed as a candidate for listing by the U.S. Fish and Wildlife Service or any native species or subspecies listed as endangered by the Commission (Addendum Chapter [P1.00](#)).

FALCONRY -The caring for and training of raptors for pursuit of wild game, and hunting wild game with raptors. It includes the taking of raptors from the wild to use in the sport and caring for, training, and transporting raptors held for falconry.

FEDERAL WATERS - Waters designated by federal law as federally controlled or under the jurisdiction of a department or agency of the United States Government.

FEE LAKE - A lake in which there is a fee for fishing rights. All persons 16 years of age and older must possess an Arkansas fishing license. Daily limits apply.

FEEDING WILDLIFE- The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain or other feed that serves or could serve as a lure, attractant, or supplemental food source for wildlife.

FERAL HOG - Any hog, including but not limited to Russian and European wild boar, any Old World swine, or the family Tayassuidae, including without limitation peccary, javelin, and New World swine, which is roaming freely and is living in a wild or feral state, and is not conspicuously identified as required under Arkansas Code Annotated § 2-34-101 and § 2-34-102.

FIREARM - Any device designed, made, or adapted to expel a projectile through a barrel, including without limitation modern guns, air guns and muzzleloaders (see **LOADED FIREARM**).

FISH OR FISHING - To lure, attract, collect, or pursue fish species or aquatic wildlife for the purpose of taking or attempting to take such species by any method.

FISH DEALER - Any person who sells live fish, including baitfish.

FISH FARM - Waters and adjacent premises confined within a pond, tank, or lake, not connected with public waters and under management of a fish farmer.

FISH FARMER (AQUACULTURIST) - A person, firm, partnership, or corporation engaged in the propagation or rearing of aquaculture species for sale.

FREEFLOATING FISHING DEVICE - A floating fishing device unanchored or unattached to a stationary object.

FURBEARERS - Badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk, striped skunk, and weasel.

GAFF - To take or attempt to take fish with a hand-held or handled hook.

GAME ANIMALS - Alligator, black bear, bobcat, coyote, deer, elk, gray fox, red fox, mink, opossum, eastern cottontail rabbit, swamp rabbit, raccoon, gray squirrel, and fox squirrel.

GAME BIRD SHOOTING RESORT - A facility, location, business, or operation that offers, for pay or other consideration, an opportunity to hunt captive-raised game birds. Includes all contiguous land, structures, other appurtenances, and improvements on the land used for the hunting activities.

GAME BIRDS - Turkey, northern bobwhite quail, pheasant, chukar Eurasian collared dove, and all birds classified by the U.S. Fish and Wildlife Service as migratory game birds.

GAME FISH - Alligator gar, largemouth bass, spotted bass, smallmouth bass, bluegill, longear sunfish, redear sunfish, green sunfish, warmouth, Ozark bass, rock bass, shadow bass, white bass, striped bass, black crappie, white crappie, blue catfish, channel catfish, flathead catfish, brook trout, brown trout, cutthroat trout, rainbow trout, tiger trout, walleye, sauger, paddlefish, shovelnose sturgeon, and hybrids of these species.

GEOCACHE - Items in a container (cache) placed or hidden for individuals to subsequently find using a Global Positioning System (GPS) receiver.

GEOCACHING - An outdoor sport, similar to "high-tech treasure hunting," involving use of a Global Positioning System (GPS) receiver to find a cache.

GUIDE - A person who provides, for monetary or any other compensation, that person's personal services for the purpose of assisting others to locate, pursue, catch, or hunt wildlife.

HACKING - The temporary release of a raptor held for falconry to the wild so that it must survive on its own.

HARASS - An intentional or negligent act which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral pattern which include but are not limited to breeding, feeding, or sheltering.

HAZARDOUS WAKE - Wash or wake upon an approaching, passing, or stationary vessel, including but not limited to a wake that causes other vessels to take on water, or a wash or wake that is sufficient to toss occupants of other vessels about in a manner that causes injury or the risk of injury.

HARVEST/HARVESTING - To reduce to possession.

HEN TURKEY - Female turkey with or without a beard.

HIGH-FENCE ENCLOSURE - An enclosure that contains an area of at least 500 contiguous acres, with at least 60 percent of the acreage in forested cover that has been classified as timberland by the local county tax assessor, that has a perimeter fence at least 8 feet high, with no cross-fencing that has the effect of reducing the size of the area to less than 500 contiguous acres with at least 60 percent of the acreage in forested cover as herein provided.

HOGGING - The taking of fish by the use of hands only, in or under the water.

HUNT OR HUNTING - Taking or attempting to take wildlife by any method including but not limited to searching, pursuing, chasing, tracking, luring, or attracting.

HUNTING INCIDENT - When bodily injury above basic first aid or death occurs due to an activity directly related to a hunting or trapping excursion in the field. Examples of such activities would include discharge of a firearm, bow, or crossbow, and falls from an elevated platform (tree stand, tower stand, or elevated duck blind).

HUNTING PARTY - 2 or more persons hunting together.

HYBRID RAPTORS - A raptor produced from cross-breeding birds of two different taxa, one or both of which are listed in [50 CFR 10.13](#), and any offspring of such raptors.

IMPORT OR IMPORTATION - To ship, convey, carry, transport, bring, or introduce into Arkansas anything from outside its borders.

IMPRINT - A bird that is hand-raised in isolation from other raptors from 2 weeks of age until it has fledged and will be considered to be an imprinted bird for its entire life.

JAKE - Sub-adult male turkey having all these characteristics:

- A. Longer central tail feathers,
- B. Outermost one or two wing feathers lacking white barring all the way to the tip, and
- C. A beard 6 inches or less in length.

KILLING DEVICE - Any firearm, bow and arrow, crossbow, compressed gas or spring-powered pistol or rifle, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge a projectile capable of killing wildlife.

LARGE CARNIVORE - Tigers (*Panthera tigris*), African Lions (*Panthera*

leo), or any hybrid thereof, and all species of bears (family *Ursidae*).

LEGAL BUCK - A male deer may be considered legal under the following rules as applied by this Code:

- A. **Antlered Buck:** A male deer with 2 inches, or more, of hardened bone antler.
- B. **Buck of Choice:** A male deer.
- C. **Button Buck:** A male deer with less than 2 inches of hardened boned antler.
- D. **3-point Rule:** A male deer having both antlers under 2 inches (including button buck) or at least 1 antler with at least 3 points, each a minimum of 1 inch long, including the tip of the main beam. (Code [21.03](#)).
- E. **12/15 Rule:**
 - 1. A male deer having both antlers under 2 inches (including button buck),
 - 2. A male deer having an inside spread of at least 12 inches or more in width, or
 - 3. A male deer having at least one main beam 15 inches or more in length (Code [21.03](#)).
- F. **15/18 Rule:**
 - 1. A male deer having both antlers under 2 inches (including button buck),
 - 2. A male deer having an inside spread of at least 15 inches or more in width, or
 - 3. A male deer having at least one main beam 18 inches or more in length. (Code [21.03](#)).
- G. **WMA Special Restrictions:** Special restrictions may apply on certain WMAs (Code [21.03](#)).

LEGAL BULL ELK - An elk having at least 1 antler visible above the hair line.

LEGAL TURKEY - A turkey may be considered legal under the following rules as applied by this Code:

- A. Hunters 16 years and older: A legal turkey is an adult gobbler.
- B. Hunters 6 to 15 years of age: A legal turkey is an adult gobbler or jake.

LENGTH LIMITS -

- A. **Minimum Length Limit:** The shortest length of a fish of a designated species that can be kept.
- B. **Maximum Length Limit:** The maximum length of a fish of a designated species that can be kept.
- C. **Protected Length:** A species/size limit that prohibits anglers from keeping fish within a designated size group.

Unless otherwise specified, all fish are measured from the front of the lower jaw with the mouth closed to the tip of the tail with tail lobes pressed together when laid flat on a rule, on its side. All fish not meeting the length

limit requirements for a particular water or species must be immediately released into the water where caught.

LIMBLINE - A line anchored to a stationary object above the water surface and extending into the water with two or fewer hooks attached to that line.

LIMITS -

- A. **Daily Limit:** The maximum number of a species allowed to be taken during a specific 24-hour time period (midnight to midnight, unless otherwise specified).
- B. **Seasonal Limit:** The maximum number of a species allowed to be taken during a specific season.
- C. **Possession Limit:** The maximum number of species allowed to be possessed at any time. Any fish or wildlife, excluding migratory game birds, legally taken for personal consumption and stored in processed form within a residence of the possessor shall not count toward the possession limit.

LITTER - All waste which has been discarded or otherwise disposed of, including but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other post-consumer solid wastes as referenced in State Law, or discarded animal carcasses.

LOADED FIREARM- Firearms are considered loaded if shells or cartridges are in the chamber, magazine, or cylinder. Percussion cap muzzleloading firearms are considered loaded if the percussion cap is on the nipple. Flintlock muzzleloading firearms are considered loaded if there is powder in the flashpan. Electronic pulse ignition muzzleloaders are considered loaded if the ignition circuit is charged.

MEDICALLY SIGNIFICANT VENOMOUS REPTILE SPECIES - The following reptiles, including their taxonomic successors, subspecies, or hybrids thereof, are designated as medically significant: *Daboia russelii*, *Dendroaspis spp.*, *Naja spp.*, *Oxyuranus spp.*, *Pseudonaja spp.*, *Notechis spp.*, *Pseudechis spp.*, *Boulengerina spp.*, *Echis spp.*, *Bothrops spp.*, *Aspidelaps spp.*, *Atheris spp.*, *Proatheris spp.*, *Dispholidus spp.*, *Pseudohaje spp.*, *Atropoides spp.*, *Crotalus spp.*, *Lachesis spp.*, *Walterinnesia spp.*, *Calliophis spp.* or *Maticora spp.*, *Bungarus spp.*, *Ophryacus spp.*, *Porthidium spp.*, *Deinagkistrodon spp.*, *Azemiops spp.*, *Bitis spp.*, *Gloydus spp.*, *Protobothrops spp.*, *Vipera spp.*, *Ophiophagus spp.*, *Vermicella spp.*, *Eristocophis spp.*, *Cerrophidion spp.*, *Ovophis spp.*, *Trimeresurus spp.*, *Tropidolaemus spp.*, *Sistrurus spp.*, *Agkistrodon spp.*, *Bothrocophias spp.*, *Bothriechis spp.*, *Hypnale spp.*, *Bothriopsis spp.*, *Calloselasma spp.*, *Mixcoatlus spp.*, *Cerastes spp.*, *Pseudocerastes spp.*, *Micrurus spp.*, *Micruroides spp.*, and subfamily *Hydrophiinae* and *Heloderma spp.*

MIGRATORY BIRDS - All birds protected by the Federal Migratory Bird Treaty Act of 1918 and subsequent amendments.

MIGRATORY GAME BIRDS - Coots, crows, doves, Eurasian collared doves, ducks, gallinules or moorhens, geese, rails, snipe, and woodcock.

MILITARY RETIREE - Any individual at least 60 years of age who is entitled to retired pay as a result of his or her United States military

service.

MINNOWS - Small nongame fish commonly used for bait including bluntnose minnows, bullhead minnows, chubs, dace, fatheads, common carp under 6 inches, goldfish, shiners, and stonerollers.

MOBILITY IMPAIRED - A designation made by the Commission based upon a satisfactory showing that a person has a permanent physical condition, verified by a physician duly licensed to practice medicine by a state medical board, which severely impairs the person's mobility and prevents him or her from being able to engage in hunting or fishing activities without the use of an ATV or similar specialized device for transportation.

MOTORIZED BICYCLE - A bicycle with a transmission and a motor of any type which propels the bicycle.

NATIVE WILDLIFE - Those species and sub-species of wildlife that have established, naturally reproducing, free-ranging, wild populations within Arkansas.

NIGHT - The time period 30 minutes after sunset to 30 minutes before sunrise.

NOODLING - The taking of fish by the use of a pole-mounted breakaway hook that detaches at the time of the strike or catch, or snare type device, with an attached line manipulated by hand when a person is in or under the water.

NONGAME WILDLIFE - All wildlife other than furbearing or game animals, game birds, and game fish.

NON-NATIVE WILDLIFE - Any wildlife not defined as native wildlife.

NONRESIDENT - A person not defined as a resident.

NUISANCE WILDLIFE - Any wildlife creating a problem by committing damage to personal property or crops.

OPEN SEASON - A time frame established by the Commission during which a designated species may be lawfully taken.

PEN-RAISED QUAIL - Northern bobwhite raised or hatched in captivity.

PERSON - Any individual, firm, corporation, association, partnership, or other legal entity in singular or plural as the context requires. All pronouns shall include the masculine, feminine, and neuter.

PORTABLE HUNTING STAND - Any device or structure used for the purpose of hunting that can be carried in its entirety and erected by hand, including but not limited to tripod stands, lean-to stands, lock-on stands, ladder stands, and climbing stands (box stands are not portable hunting stands).

PORTABLE POP-UP BLIND - A structure used to conceal a person that can be collapsed and carried in its entirety by 1 person.

POSSESS OR POSSESSION - Having or holding wildlife or any property in one's power; the exercise of dominion over property. Possession includes actual possession (physical occupancy or control over property) and constructive possession (control or dominion over property without actual possession or custody of the property).

PRIMATE - A live individual animal of the taxonomic order Primates, excluding humans.

PROPAGATE OR PROPAGATION - To allow plants or animals to breed or multiply.

PUBLIC ROAD -The traveled portion and the shoulders on each side of any road maintained for public travel by a city, county, state, or federal government and includes all structures within the limits of the right-of-way of any such road.

PUBLIC WATERS - Waters that members of the public have a legal right to access and use for recreational purposes, including all legally navigable waters.

PUT-AND-TAKE PAY LAKE - Private waters open to public fishing for a fee, after being licensed by the Commission and where no fishing license or daily limit of fish is imposed.

RAPTOR - Migratory bird of the Order Falconiformes, Accipitriformes, or the Order Strigiformes.

REAR OR REARING - To maintain plants or animals to increase their size or development.

REHABILITATION - Providing medical treatment or other care to orphaned, sick, or injured wild animals that have come into human possession with the goal of returning the animal to the wild.

RESIDENCE -Any dwelling such as a house, manufactured home, or apartment that is permanently fixed in place and is owned, leased, or rented fully or in part by an individual. This term does not include tents; temporary lodging or rental units such as hotels, motels, resorts, or commercial campgrounds; recreational vehicles; mobile travel trailers; or motor vehicles.

RESIDENT -

- A. A natural person whose domicile currently is in Arkansas and has been for at least 60 consecutive days. "Domicile" means the one and only place where a person has physically established a true, fixed and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. Children younger than 18 are presumed to have the same resident status as their custodial parent or legal guardian unless otherwise documented. A person is not considered a resident under this Code if the person:
1. Resides in the state only for a special or temporary purpose, but not limited to, engaging in hunting, fishing, or trapping, or
 2. Has been issued any resident license, permit, or tag (except ones that are designated as non-expiring) to hunt, fish or trap in another state or country that is still valid in that state or country.
- B. The following persons also qualify as a "resident" under this Code:
1. Residents of Arkansas enrolled as full-time students in colleges and universities outside of Arkansas.
 2. Nonresidents enrolled as full-time students in colleges and universities in Arkansas.
 3. Nonresident foreign exchange students attending school in Arkansas.
 4. Resident foreign exchange students attending school outside of Arkansas.
 5. Active-duty military personnel assigned to duty stations in Arkansas.

6. Active-duty military personnel who were Arkansas residents at the time of entering service, regardless of where currently stationed.
 7. Members of the National Guard who are assigned to an Arkansas Guard Unit.
 8. Nonresidents residing and working at least 60 consecutive days in Arkansas pursuant to a written commitment as full-time employees or volunteers of a nonprofit charitable organization (other than one established principally for the recreational benefit of its stockholders or members) that (a) is registered and in good standing with the Arkansas Secretary of State, and (b) has received a 501(c)(3) designation from the United States Internal Revenue Service.
- C. Applicants for Commission-issued resident, licenses, permits, and tags have the burden of proving they qualify as a “resident” under this Code. Facts that may be considered in establishing proof of current Arkansas residency for the purpose of purchasing Commission-issued resident licenses, permits, and tags include but are not limited to:
1. Possession of a valid Arkansas driver’s license or official, state-issued Arkansas identification card;*
 2. Possession of a valid Arkansas vehicle registration in the applicant’s name and display of current Arkansas license tags on the applicant’s vehicle;*
 3. Two documents bearing the applicant’s current name and address, not issued by himself or herself, including but not limited to:
 - i. Arkansas voter registration card,* and
 - ii. Income tax returns issued by the Internal Revenue Service and/or the State of Arkansas.
 4. Documentation from a college or university in Arkansas verifying that the applicant currently is enrolled as a full-time student;
 5. Documentation from any branch of the United States Military or the duty station or unit in Arkansas; and
 6. In the case of a child under 18, identification from a parent or legal guardian proving the parent or legal guardian qualifies as a “resident” under this Code.
 - *Items marked with a * must have been issued at least 60 days prior to the license, permit, or tag application.
- D. Additionally, to be eligible to be issued any of the following resident licenses, permits, or tags, an Arkansas resident must provide proof that he or she has qualified as a “resident” under this Code for at least the past 1 continuous year;
1. All Non-Expiring Lifetime Licenses and Permits (Addendum [D1.01](#));
 2. Resident Special Guide License (Code [03.14](#));
 3. Alligator Farmer/Dealer Permit (Code [33.01](#));
 4. Alligator Snapping Turtle Breeder/Dealer Permit (Code [34.02](#));
 5. Commercial Fisherman’s Permit & Sportfishing License (Code [30.01](#));
 6. Commercial Fisherman’s Helper Permit (Code [30.01](#));

7. Junior/Senior Commercial Fishing Permit (Code [31.01](#));
 8. Resident Shell Taker/Seller's License (Code [31.01](#));
 9. Shell Taker Helper Permit (Code [31.01](#));
 10. Shell Buyer's License (Code [31.01](#));
 11. Resident Fish Dealer License (Code [31.01](#));
 12. Resident Roe Taker/Seller Permit (Code [30.17](#));
 13. Resident Roe Taker/Helper Permit (Code [30.17](#)); and
 14. Resident Roe Buyer/Exporter Permit (Code [30.18](#))
- E. The Commission's director or his or her representative shall make the final determination as to whether a license, permit, or tag applicant qualifies as a "resident" under this Code.

ROUGH FISH - Shortnose gar, longnose gar, spotted gar, bowfin, yellow bullhead, black bullhead, common carp, goldfish, grass carp, bighead carp, silver carp, black carp, black buffalo, bigmouth buffalo, smallmouth buffalo, creek chubsucker, river carpsucker, quillback, northern hog sucker, spotted sucker, river redhorse, black redhorse, blacktail redhorse, golden redhorse, shorthead redhorse, freshwater drum, gizzard shad, threadfin shad, skipjack herring, yellow perch, white perch, and yellow bass.

SEINE - A fishing net that hangs vertically in the water where the ends can be drawn together to entrap fish.

SEINING - The act of moving a seine by boat or human power to capture fish.

SELL OR SALE - To exchange or deliver for money or its equivalent; to offer for sale, barter, exchange, or trade; or the act of selling, bartering, consigning, exchanging, or trading.

SHELL BUYER - Anyone who buys mussels or mussel parts from a Taker. An agent purchasing for a licensed buyer is not a buyer.

SIMULATED WING MOVEMENT DECOY - Any electric, mechanically-operated, wind-powered, or manually-powered apparatus or device that simulates wing movement, including any device that spins one or more fixed- or stationary-winged decoys around a central axis.

SMALLGAME - Furbearers, migratory game birds, quail, rabbit, and squirrel.

SNAG - To take fish or other aquatic animals using conventional rod-and-reel tackle by a repeated drawing motion rather than enticement by live bait or artificial lure, regardless of what terminal tackle is attached to the fishing line.

SNAGLINE - Commercial tackle consisting of a horizontal line with hooks or drops less than 24 inches apart.

SPORTFISH - See **GAME FISH**.

TACKLE - An apparatus or device used to take wildlife.

TAKE - To shoot, kill, injure, trap, net, snare, spear, catch, capture, or reduce to possession.

TAXIDERMY - The art of preparing, stuffing, or mounting wildlife and parts thereof.

TRAP OR TRAPPING - A device to catch and hold wildlife.

TROTLINE - A line anchored to a stationary object at one or more points and with more than two hooks attached at intervals along that line.

TROUT - Any members of the Salmonidae family including rainbow trout,

brown trout, brook trout, lake trout, cutthroat trout, salmon, and char.

VESSEL - Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation, including motorboats and personal watercraft.

VETERAN - (As defined in section 101 of title 38, United States Code) served in the active military, naval, air service or Reserves or National Guard serving on title 32 orders in a combat zone and was discharged or released under Honorable.

WATERFOWL - All species of coots, ducks, geese, and swans.

WATERS OF THE STATE - All streams, lakes, ponds, sloughs, bayous, marshes, or any other waters either permanent or intermittent located wholly or partially within Arkansas. Provided, however, "waters of the state" shall not include pay lakes and fish farms or any waters that are confined within a pond, tank, or lake, situated entirely on the premises of a single private owner and which, except under abnormal flood conditions, are not connected with any of other flowing stream or body of water that extends beyond the premises of such owner.

WILD - To be living in a state of nature and not domesticated.

WILDLIFE - All wild birds, mammals, fish, reptiles, amphibians, other wild aquatic forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include any and every part of any individual species of wildlife, including animals living in a captive state.

WILDLIFE CHECK METHODS - The following are the official wildlife check methods:

- A. The Commission's online deer, elk, bear, and turkey checking web site and mobile applications;
- B. The Commission's online alligator checking website; and
- C. The designated bear checking telephone number or the designated deer, bear, and turkey checking telephone number.

WILDLIFE MANAGEMENT AREA (WMA) - Designated areas owned or controlled by the Commission and distinguished by certain markers and considered a separate zone with regard to wildlife regulations including: wildlife management area (WMA), waterfowl rest area (WRA), wildlife demonstration area (WDA), special use area (SUA), and state park-conservation area (SP-CA).

YOUTH -

- A. For sections of this Code pertaining to big game, "youth" means any individual between the ages of 6 and 15 years old.
- B. For all other sections of this Code, "youth" means any individual less than 16 years of age.

ZONE - An area defined by the Commission where hunting or fishing activities are regulated.

01.00-D Confiscation And Seizure

- A. Any wildlife, including but not limited to game animals, birds and fish, that is taken, transported or sold in violation of any Code regulation is declared to be contraband and may be seized. Upon conviction of the offender, or sooner if the court having jurisdiction so orders, title to the wildlife shall be forfeited to the Commission and such wildlife released or disposed of in compliance with Commission policy.
- B. Any equipment, including but not limited to firearms, archery equipment, traps, tackle, nets, boats, lights, motors, vehicles, and other fishing or hunting gear or devices, is declared to be contraband and may be seized if it is used in connection with a violation of any of the following Code regulations:
- Code 03.15
 - Code 05.01
 - Code 05.02
 - Code 05.04
 - Code 05.05
 - Code 05.06
 - Code 05.27
 - Code 05.33
 - Code 05.34
 - Code 06.11
 - Code 07.05
 - Code 09.10
 - Code 09.11
 - Code 12.01
 - Code 12.03
 - Code 14.04
 - Code 15.02
 - Code 16.01
 - Code 16.02
 - Code 18.02
 - Code 20.04
 - Code 24.08
 - Code 26.01
 - Code 26.02
 - Code 30.02
 - Code 30.05
 - Code 30.17
 - Code 30.18
 - Code 30.19
 - Code 30.23
 - Code 34.01
 - Code 34.02
 - Code 34.03
 - Code 34.04
 - Code 34.05
 - Code 34.06
 - Code 34.09

- Code 34.10
- Code 34.11
- Code 35.11

- C. Upon conviction of the offender, the court having jurisdiction may order title to the equipment forfeited to the Commission and such equipment disposed of in compliance with Commission policy. Equipment confiscated may be advertised and sold at public auction with the proceeds of the sale to be deposited in the Game Protection Fund.
- D. Procedural matters regarding seizure and forfeiture of contraband not otherwise addressed herein shall be governed by the provisions of Rule 15 of the Arkansas Rules of Criminal Procedure, as amended.

01.00-E Statute of Limitations and Conviction Defined

- A. A prosecution of an action alleging a violation of a Commission regulation may be commenced within the periods of limitation set forth in Ark. Code Ann. § 5-1-109, as follows:
1. 1 year after the commission of an offense that carries less than 9 points; or
 2. 3 years after the commission of an offense that carries 9 points or greater.

Certain exceptions as set forth in the Arkansas Code may extend the period of limitations in specific circumstances, including where the offense involves fraud or the accused cannot reasonably be located within Arkansas.

- A. For the purposes of this Code of Regulations, “conviction” or “convicted” means any of the following:
1. An adjudication of guilt, a plea of guilty or nolo contendere accepted by a court of competent jurisdiction;
 2. Forfeiture of bail or collateral deposited to secure the person’s appearance in court; or
 3. Payment of a fine, court cost, or court order, regardless of whether sentencing or imposition of sentencing has been deferred or suspended or the adjudication of guilt or the sentence is withheld by the court.

01.00-F Prima Facie Evidence

The possession of any tackle, killing device, harvested wildlife or portions thereof in fields, forests, along streams, or in any location known to be game cover, shall create a rebuttable presumption and shall be considered along with other evidence as prima facie evidence that the possessor is or has been hunting or fishing.

01.00-G Burden Of Proof For Violation Exceptions

In connection with any action alleging a violation of a Commission regulation, any person claiming the benefit of any exception or permit under this Code shall have the burden of proving that the exception or permit is applicable and was valid and in force at the time of the alleged violation.

Any person asserting self-defense as justification for violation of a Commission regulation shall have the burden of proving that he acted under a good faith belief that he was protecting himself or other persons from imminent bodily harm or serious injury.

01.00-H Restitution

Upon a person's conviction for violation of a Commission regulation, a court of competent jurisdiction shall be authorized to order payment of monetary restitution by that person. In addition to those penalties currently in effect, the Commission shall have the authority and right to seek monetary restitution, by whatever means appropriate, to recover the lost value of destroyed wildlife. In determining the amount of restitution, the Court shall consider the values for wildlife species set by the Commission ([Addendum Q1.00](#)).

01.00-I Penalties Upon Conviction

Unless otherwise noted, upon a person's conviction for violation of a Commission regulation, a court of competent jurisdiction shall be authorized to impose a monetary fine and jail sentence within the following penalty ranges:

Class 1 Offense - Fine of \$100 to \$1,000 and a jail sentence of 0 to 30 days.

Class 2 Offense - Fine of \$250 to \$2,500 and a jail sentence of 0 to 60 days.

Class 3 Offense - Fine of \$500 to \$5,000 and a jail sentence of 0 to 90 days.

Class 4 Offense - Fine of \$750 to \$7,500 and a jail sentence of 0 to 180 days.

Class 5 Offense - Fine of \$1,000 to \$10,000 and a jail sentence of 0 to 1 year.

In lieu of a jail sentence, the court may impose community service upon conviction. Further, the court may suspend or revoke that person's hunting and fishing rights, privileges, and related licenses. The Commission reserves the sole authority to assign violation points for violations of Commission regulations and to administratively suspend or revoke hunting and fishing rights, privileges, and related licenses as a remedial action for the protection of the wildlife resources of the State.

01.00-J Enhanced Penalties

A person who is convicted of violating a Commission regulation and who has previously been convicted of violating the same or similar regulation may, at the discretion of the court, be subject to enhanced penalties as outlined in the below sentencing chart:

A. Class 1 Offense

- **Enhanced Penalty for 2nd Offense:** Same as Class 2 Base Penalty
- **Enhanced Penalty for 3rd Offense:** Same as Class 3 Base Penalty
- **Enhanced Penalty for 4th and All Subsequent Offenses:** Same as Class 4 Base Penalty, mandatory jail sentence

B. Class 2 Offense

- **Enhanced Penalty for 2nd Offense:** Same as Class 3 Base Penalty
- **Enhanced Penalty for 3rd Offense:** Same as Class 4 Base Penalty, mandatory jail sentence
- **Enhanced Penalty for 4th and All Subsequent Offenses:** Same as Class 5 Base Penalty, mandatory jail sentence

C. Class 3 Offense

- **Enhanced Penalty for 2nd Offense:** Same as Class 4 Base Penalty
- **Enhanced Penalty for 3rd Offense:** Same as Class 5 Base Penalty, mandatory jail sentence
- **Enhanced Penalty for 4th and all Subsequent Offenses:** Same as Class 5 Base Penalty, mandatory jail sentence

D. Class 4 Offense

- **Enhanced Penalty for 2nd Offense:** Same as Class 5 Base Penalty
- **Enhanced Penalty for 3rd Offense:** Same as Class 5 Base Penalty, mandatory jail sentence
- **Enhanced Penalty for 4th and all Subsequent Offenses:** Same as Class 5 Base Penalty, mandatory jail sentence

E. Class 5 Offense

- **Enhanced Penalty for 2nd Offense:** Same as Class 5 Base Penalty, mandatory jail sentence
- **Enhanced Penalty for 3rd Offense:** Same as Class 5 Base Penalty, mandatory jail sentence
- **Enhanced Penalty for 4th and all Subsequent Offenses:** Same as Class 5 Base Penalty, mandatory jail sentence

01.00-K Point System For Violations of Commission Regulations

- A. The Commission has determined that certain violations of its regulations, or a series of violations, are so harmful to the fish and wildlife resources of the State that they warrant a suspension of an individual's hunting and fishing rights, privileges and related licenses. The Commission regards such action as a valid means of protecting the fish and wildlife resources of the State. Under subsection B of this Code, points are assigned for the various offenses. When a person cited for such an offense pleads guilty or no contest, forfeits an appearance bond, or otherwise is convicted by a court of competent jurisdiction, the Commission assesses the points on that person's hunting and fishing violation record. The accumulation of a certain number of points within the time specified can result in administrative suspension of hunting and fishing rights, privileges and related licenses for a specific period of time.
- B. The Commission shall assign violation points to:
1. A person convicted of violating a Commission regulation;
 2. A person convicted of violating a federal wildlife law or regulation in Arkansas; and
 3. In accordance with Code [01.00-Q](#), an Arkansas resident convicted of a wildlife offense in another state that is a member of the Interstate Wildlife Violator Compact.

Violation point values for Commission regulations are as follows:

- Class 1 Offense = 6 Points
- Class 2 Offense = 12 Points
- Class 3 Offense = 18 Points
- Class 4 Offense = 30 Points
- Class 5 Offense = 99 Points
- Unclassified Offense = 0 points

The violation point value for a federal wildlife law or regulation violation shall be equal to the violation point value for the most similar Commission regulation violation. If a court imposes an enhanced penalty pursuant to Code [01.00-J](#), the Commission shall assign corresponding violation points for the higher class of offense.

- A. For administration of this Point System, the Commission shall assign violation points as of the date of a person's conviction for an offense, and such convictions and violation points will remain on a person's AGFC violation record indefinitely. However, violation points associated with an offense for which a conviction resulted will expire 5 years after the date of conviction for that offense and shall not thereafter be considered by the Commission for the purpose of determining a person's eligibility for suspension or revocation under Code 1.00-L.

01.00-L Denial, Suspension, Or Revocation Of Licenses, Permits, Tags, And Stamps

- A. The Director of the Arkansas Game and Fish Commission, or his or her designated representative, is authorized to suspend or revoke the hunting and fishing rights and privileges and any Commission-issued license, permit, tag, or stamp of any person and to deny the application of any applicant in accordance with due process, upon reasonable cause or a showing through the Commission's records or other sufficient evidence that the person has met 1 or more of the following criteria:
1. Accumulated 18 or more violation points within the past 5 years for violations of Commission regulations;
 2. Made a material misrepresentation or practiced fraud or deceit in an attempt to obtain or use a license, permit, tag, or stamp;
 3. Permitted a fraudulent or unlawful use of his license, permit, tag, or stamp;
 4. Under either federal law or another state's law, has received a lifetime revocation of his or her hunting or fishing rights or privileges or any related licenses, or been convicted within the past 5 years of a hunting or fishing violation, which, if the conviction had been pursuant to Arkansas law, would have been grounds for suspension or revocation;
 5. Failed to comply with any term of a license, permit, tag or stamp;
 6. Failed to comply with any term of a citation for a hunting or fishing violation (including, without limitation, failure to appear in court or to otherwise resolve the case such as by paying a fine); or
 7. Has received a suspension or revocation of his or her hunting or fishing rights, privileges, or any related licenses by another state that is a member of the Interstate Wildlife Violator Compact Act (Code [01.00-Q](#)).
- B. The Director of the Arkansas Game and Fish Commission, or his or her designated representative, shall suspend the hunting and fishing rights, privileges, and any related licenses of any person who has accumulated a violation point count of 18 or more within a 5-year period. The length of the suspension shall be based on the point accumulation total as follows:
1. 18 to 24 Points = 1 year suspension
 2. 25 to 48 Points = 2 years suspension
 3. 49 to 72 Points = 3 years suspension
 4. 73 to 98 Points = 5 years suspension
 5. 99 Points or more = 7 years suspension

Any person who receives a hunting suspension shall be ineligible to apply for any Commission permit hunts during the period of suspension; however, an owner of a private inholding (Code [02.02](#)) having a hunting suspension shall be eligible to apply for WMA

Hunting Permits for use only by persons who possess a valid hunting license.

- A. All suspensions under this Code shall run consecutively.
- B. Prior to implementing a suspension or revocation of hunting and fishing rights, privileges, and any related licenses, the Director, or his or her designated representative, shall provide the person affected written notice of the Commission's intent to suspend or revoke hunting and fishing rights, privileges, and related licenses and allow an opportunity for a hearing for the limited purposes of confirming the identity of the person affected and the accuracy of that person's violation record and the violation points assigned under Code [01.00-L](#). The notice shall state the length and scope of the suspension and include the following information for each offense that forms the basis of the suspension: AGFC Code number; date of conviction; and number of points assigned. The Commission shall provide notice by: delivering a copy to the person affected; or leaving a copy with any member of the person's family at least 18 years of age at a place where the person affected resides; or certified mail addressed to the person affected with a return-receipt requested and delivery restricted to the addressee or agent of the addressee. If, after diligent effort, the Commission is unable to make delivery of the notice upon the person affected, then the Commission may make service by warning order that is published weekly for 2 consecutive weeks: (i) in a newspaper of general circulation in the county where the person was last known to reside, and (ii) on the Commission's website.
- C. Except as stated otherwise herein, upon suspension or revocation of any license, permit, tag or stamp, denial of any application or rights and privileges attached thereto, the Director, or his or her designated representative, shall notify the person affected in writing. Such notification shall not be required if the person affected receives a notice of intent to suspend or revoke hunting and fishing rights, privileges, and related licenses and does not request an administrative hearing within the time allowed under Code [01.00-R](#).

01.00-M Reward System

The Director of the Commission, through his or her authorized representative and according to policy, may pay cash rewards of up to \$1,000 for information resulting in the issuance of citations for certain violations of Commission regulations.

01.00-N Exemption While Performing Official Duties

Employees of the Arkansas Game and Fish Commission, certified law enforcement officials, U.S. Department of Agriculture, and the U.S. Department of Interior are exempt from applicable regulations if a conflict between these regulations and their official job duties arises.

01.00-O Closure Of Public Access And/Or Zones Due To Emergency Condition

Where the Commission finds that an emergency condition (Code [01.00-C](#)) is affecting a designated zone or area within the State, it may, without prior notice or meeting, or with any abbreviated notice and meeting that it chooses, immediately order the closure of any of the following:

- A. Public access to any Commission-owned or controlled property (including without limitation WMAs and lakes) affected by the emergency condition; and
- B. Hunting, fishing, and/or trapping in any zone or zones affected by the emergency condition. The Director of the Commission, in consultation with the Commission Chair, is authorized to immediately order any such emergency closure on behalf of the Commission, provided that the Director promptly reports such closure to all Game and Fish Commissioners prior to the next regular meeting of the Commission. An emergency closure issued by order of the Director may be effective for no longer than 60 days and shall expire at the earliest of the following:
 - 1. Upon issuance of an order by the Commission or Director finding that need for the emergency closure no longer exists; or
 - 2. Unless expressly extended by decision of the Commission at its next regular meeting, at 12:00 A.M. on the day immediately following such meeting.

Upon prior public notice and meeting, the Commission may extend any emergency closure due to ongoing emergency conditions (Codes [01.00-C](#), [02.05](#)).

01.00-P No Liability For Wildlife Damages

Pursuant to Amendment 35 of the Arkansas Constitution, the Arkansas Game and Fish Commission is responsible for the control, management, restoration, conservation, and regulation of the birds, fish, game, and wildlife resources of the State as trustee for the use and common benefit of the people. The Commission fulfills its responsibilities through legal application and administration of the State's wildlife laws and regulations. However, in doing so, it generally is not within the Commission's ability to control the habits or actions of all of the individual wild animals throughout Arkansas so as to prevent them from causing incidental injury or damage. Therefore, it is the policy of the Arkansas Game and Fish Commission, consistent with the common law of the United States, that neither the Commission while acting in its sovereign capacity as trustee of the State's wildlife resources, nor any of its Commissioners or employees, shall be held liable for any claims for personal injury, death, or property damage caused by the actions or habits of wildlife managed for all of the people.

01.00-Q Interstate Wildlife Violator Compact

Subject to all applicable statutes and the Constitution of the State of Arkansas, the Arkansas Game and Fish Commission has adopted the Interstate Wildlife Violator Compact (Addendum [T1.01](#)) and the Wildlife Violator Compact Operations Manual (Addendum [U1.01](#)). The Compact is a voluntary interstate agreement which provides participating states with a mechanism to participate in a reciprocal program to:

- A. Promote compliance with the statutes, laws, administrative rules and regulations relating to management of wildlife resources in their respective states; and
- B. Provide for the fair and impartial treatment of wildlife violators operating within the participating states in recognition of the individual's right of due process and the sovereign status of a party state.

The Compact Operations Manual establishes the administrative and procedural guidelines for the Commission's participation in the Compact. In accordance with the Compact and Compact Operations Manual, the Commission may:

- A. Recognize the suspension or revocation of a person's hunting and/or fishing license by another Compact member state and use the Commission's own suspension processes in accordance with Code [01.00-L](#) to impose a suspension of the same scope and duration in Arkansas;
- B. Use its own suspension processes in accordance with Code [01.00-L](#) to suspend the Arkansas hunting and fishing licenses of an Arkansas resident who has failed to comply with the terms of a citation for a wildlife offense issued by another Compact member state (including, without limitation, failure to appear in court or to otherwise resolve the case such as by paying a fine), until such time as the resident presents proof of compliance. Any suspension imposed under this provision may be honored by all other Compact member states; and
- C. Treat an Arkansas resident's conviction for a wildlife offense in another Compact member state as if it had occurred in Arkansas and proceed in accordance with Code [01.00-K](#) including, without limitation, assessing the number of points listed for the most similar Arkansas offense and initiating an administrative license suspension as provided in Code [01.00-L](#).

This code shall not apply to any suspensions or convictions that a person received prior to the effective date of Arkansas joining the Compact on July 1, 2014. To fulfill its obligations under the Compact, the Commission may share information with the other Compact member states including, without limitation, the following: person's name, date of birth, sex, physical description, and last known address, as well as the details of any citations and convictions for wildlife offenses (copy of the citation, citation number, description of the offense, fine assessed, etc.), the scope of any suspension (i.e. fishing, hunting, trapping, or all licenses), and the effective dates of any

suspensions. By purchasing a hunting and/or fishing license from the Commission, all purchasers consent to the Commission sharing such information with Compact member states and others as required by law

01.00-R Administrative Hearing Procedure

- A. Any person whose hunting and fishing rights, privileges, or related licenses have been suspended or revoked by the Commission; who has been denied a Commission-issued license, permit, tag or stamp, or application or rights and privileges attached thereto; or who has received notice of intent to suspend, revoke, or deny the same may request an administrative review hearing only by notifying the Commission in writing within 20 calendar days after receipt of the notice of suspension, revocation, denial, or notice of intent thereof. The request for a hearing must include a valid, current mailing address (or email address) at which the person will receive notice of the date and time of the hearing and any other notices, and the person must notify the Commission of any change of address during pendency of the hearing. The Commission will presume delivery of all notices correctly addressed and mailed to any address that is provided pursuant to a hearing request or, if none is provided, to the address to which the original notice was mailed. Otherwise, the suspension, revocation or denial shall, without further notice, become effective on the 21st calendar day after the receipt of the notice described herein.
- B. Upon timely receipt of the hearing request, the Commission shall appoint a hearing officer and notify the person requesting the hearing hearing (at the address provided or, if none was provided, to the address to which the original notice was mailed) of the date, time, location, and nature of the hearing. Hearing requests received after the deadline for receipt shall be denied unless the person requesting the hearing can show good cause in writing for the untimeliness of the hearing request, in which case the Commission shall appoint a hearing officer and notify the person requesting the hearing of the date, time, location, and nature of a hearing for the limited purpose of determining the person's eligibility for an administrative review hearing. If the hearing officer determines that the hearing request was timely or was untimely but for good cause, the requested hearing shall be held immediately thereafter.
- C. All hearings shall be conducted in-person at the Commission's main headquarters unless the hearing officer determines an exception is necessary for compelling reasons demonstrated in writing at the time the request for hearing is submitted. The Commission shall cause a record to be made of the proceedings.
- D. Hearings shall be conducted in an informal manner and without necessity of adherence to the rules of evidence required in judicial proceedings. Both the Commission and the person requesting the hearing shall have the right to be represented by counsel, to submit evidence in open hearing, compel the attendance of witnesses and to cross-examine any witness at the hearing. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the hearing officer. Notice may be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge, and the

Commission's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

- E. Except as stated otherwise herein, the hearing officer shall suspend hunting and fishing licenses, rights, and privileges as set forth in Code [01.00-L](#) beginning on the date specified in the hearing officer's final decision.
1. The hearing officer may reduce the suspension term by up to 1/2 if, after consideration of the person's violation record and evidence admitted at the hearing, the hearing officer makes all of the following findings of fact:
 - i. The person's hunting or fishing rights, privileges, or any related licenses have not been suspended or revoked by the Commission or a court of competent jurisdiction within the previous 15 years; and
 - ii. The person's suspension is not based on any Class 5 offense.
 2. Any reduction granted shall be contingent upon the person successfully completing a Commission-approved hunter education course, boating education course, or both, and submitting written proof of the same to the Commission no later than 120 calendar days after suspension. The suspension reduction shall not become effective unless and until the Commission has received proof of completion of the courses.
 3. The hearing officer may modify the suspension to allow the person to retain licenses, rights, and privileges to (a) hunt, if no hunting-related offenses formed the basis of the suspension or (b) fish, if no fishing-related offenses formed the basis of the suspension, provided that the person's hunting and fishing licenses, rights, and privileges have never been suspended or revoked by the Commission or a court of competent jurisdiction for fishing- or hunting-related offenses.
- F. In matters not concerning the suspension or revocation of hunting and fishing rights, privileges, and related licenses, the hearing officer shall affirm, rescind, or modify the suspension or revocation of the license, permit, tag or stamp, or the denial of the application based upon the evidence admitted in the record of the proceedings.
- G. Decisions of the hearing officer shall be final and shall include findings of fact, conclusions of law, and a final decision. The parties shall be served either personally or by mail delivery to the address used to mail the hearing notice (or to any updated address a party provided during the hearing) with a copy of the final decision, which shall become effective immediately upon delivery.
- H. Any aggrieved party may, within 30 days after service of the final decision, file a petition for review in the circuit court of Pulaski County or the county in which they reside if they reside in Arkansas. Unless ordered by a court of competent jurisdiction, the Commission shall not stay implementation of the final decision during the pendency of any appeal of that decision.