

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1665

5 By: Representatives Vaught, Ballinger, Bentley, Boyd, Brown, Cavanaugh, Coleman, Davis, C. Douglas,  
6 Drown, Eubanks, Fortner, Gates, M. Gray, G. Hodges, Hollowell, Lundstrum, Maddox, McNair,  
7 Pilkington, Richmond, Rye, B. Smith, Sullivan  
8 By: Senator G. Stubblefield  
9

## For An Act To Be Entitled

11 AN ACT TO CREATE A CAUSE OF ACTION FOR UNAUTHORIZED  
12 ACCESS TO ANOTHER PERSON'S PROPERTY; AND FOR OTHER  
13 PURPOSES.  
14  
15

## Subtitle

17 TO CREATE A CAUSE OF ACTION FOR  
18 UNAUTHORIZED ACCESS TO ANOTHER PERSON'S  
19 PROPERTY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add an  
25 additional section to read as follows:

26 16-118-113. Civil cause of action for unauthorized access to property.

27 (a) As used in this section, "nonpublic area" means an area not  
28 accessible to or not intended to be accessed by the general public.

29 (b) A person who knowingly gains access to a nonpublic area of another  
30 person's premises and engages in an act that exceeds the person's authority  
31 to enter the nonpublic area is liable to the owner or operator of the  
32 premises for any damages sustained by the owner or operator.

33 (c) An act that exceeds a person's authority to enter a nonpublic area  
34 of another person's premises includes an employee who knowingly enters a  
35 nonpublic area of an employer's premises for a reason other than a bona fide  
36 intent of seeking or holding employment or doing business with the employer



1 and without authorization subsequently:

2 (1) Captures or removes the employer's data, paper, records, or  
3 any other documents and uses the information contained on or in the  
4 employer's data, paper, records, or any other documents to breach the  
5 person's duty of loyalty to the employer;

6 (2) Records images or sound occurring within an employer's  
7 premises and uses the recording to breach the person's duty of loyalty to the  
8 employer;

9 (3) Places on the employer's premises an unattended camera or  
10 electronic surveillance device and using the unattended camera or electronic  
11 surveillance device to record images or data;

12 (4) Conspires in an organized theft of items belonging to the  
13 employer; or

14 (5) Commits an act that substantially interferes with the  
15 ownership or possession of real property.

16 (d) A person who knowingly directs, assists, compensates, or induces  
17 another person to violate this section is jointly liable.

18 (e) A court may award to a prevailing party in an action brought under  
19 this section one (1) or more of the following remedies:

20 (1) Equitable relief;

21 (2) Compensatory damages;

22 (3) Costs and fees, including reasonable attorneys' fees; and

23 (4) Additional damages as otherwise allowed by state or federal  
24 law in the amount of five thousand dollars (\$5,000) for each day, or portion  
25 of a day, that a defendant has acted in violation of subsection (b) of this  
26 section.

27 (f) This section does not:

28 (1) Diminish the protections provided to employees under state  
29 or federal law; or

30 (2) Limit any other remedy available at common law or provided  
31 by law.

32 (g) This section does not apply to a state agency, a state-funded  
33 institution of higher education, or a law enforcement officer engaged in a  
34 lawful investigation of the premises or the owner or operator of the  
35 premises.

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