

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

A Bill

SENATE BILL 751

5 By: Senator G. Stubblefield
6

For An Act To Be Entitled

8 AN ACT TO CREATE A CAUSE OF ACTION FOR UNAUTHORIZED
9 ACCESS TO ANOTHER PERSON'S PROPERTY; CONCERNING
10 ACCESS TO ANOTHER PERSON'S PROPERTY; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO CREATE A CAUSE OF ACTION FOR
15 UNAUTHORIZED ACCESS TO ANOTHER PERSON'S
16 PROPERTY; AND CONCERNING ACCESS TO
17 ANOTHER PERSON'S PROPERTY.
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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 Title 16, Chapter 118, is amended to add an
24 additional section to read as follows:

25 16-118-113. Civil cause of action for unauthorized access to property.

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

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

32 (c) An act that exceeds a person's authority to enter a nonpublic area
33 of another person's premises includes an employee who knowingly enters a
34 nonpublic area of an employer's premises for a reason other than a bona fide
35 intent of seeking or holding employment or doing business with the employer
36 and without authorization subsequently:



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

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

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

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

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

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

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

19 (1) Equitable relief;

20 (2) Compensatory damages;

21 (3) Costs and fees, including reasonable attorneys’ fees; and

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

26 (f) This section does not:

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

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

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