

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 453 OF 1995
SENATE BILL 44

4 **By: Senators Edwards, Bookout, and Bell**

5
6
7

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO CREATE THE CRIMINAL
9 OFFENSE OF POSSESSION OR USE OF WEAPONS BY INCARCERATED
10 PERSONS; AND FOR OTHER PURPOSES."

11

Subtitle

12
13 "TO AMEND THE ARKANSAS CODE TO CREATE
14 THE CRIMINAL OFFENSE OF POSSESSION OR
15 USE OF WEAPONS BY INCARCERATED PERSONS."

16

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

18

19 SECTION 1. Title 5, Chapter 73, Subchapter 1 is amended by inserting an
20 additional section at the end thereof to read as follows:

21 "5-73-131. Possession or use of weapons by incarcerated persons.

22 (a) A person commits the offense of possession or use of weapons by
23 *incarcerated persons if, without approval of custodial authority, he uses,*
24 *possesses, makes, repairs, sells or otherwise deals in, any weapon, including*
25 *but not limited to any bomb, firearm, knife, or other implement for the*
26 *infliction of serious physical injury or death and which serves no common*
27 *lawful purpose, while incarcerated in the Arkansas Department of Correction,*
28 *Arkansas Department of Community Punishment, or a county or municipal jail or*
29 *detention facility.*

30 (b) Possession or use of weapons by incarcerated persons is a Class D
31 felony.

32 (c) *This section shall not be applicable to possession of a weapon by*
33 *an incarcerated person before he completes the standard booking and search*
34 *procedures in a jail facility after arrest."*

35 SECTION 2. All provisions of this act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

2

3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

8

9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

11

12 /s/Edwards et al

13

14 APPROVED: 2-27-95

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34