

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 1338**

"AN ACT TO AMEND THE CRIMINAL OFFENSE OF POSSESSION OF EXPLOSIVES BY  
CERTAIN PERSONS, TO ADD PROHIBITED CATEGORIES, AND TO CREATE A  
DEFENSE TO PROSECUTION."

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**Amendment No. 1 to House Bill No. 1338.**

Amend House Bill No. 1338 as originally introduced:

Page 2, delete lines 8 through 36

AND

Page 3, delete lines 1 through 10 and substitute the following:

~~"(B) Is under indictment or has been formally charged for  
a crime punishable by imprisonment for a term exceeding one (1) year;~~  
~~(C)(B) Is a fugitive from justice;~~  
~~(D)(C) Is an unlawful user of or addicted to any  
controlled substance; or~~  
~~(E)(D) Has been adjudicated as having a mental disease or  
defect or has been committed to an institution or residential treatment  
facility because of a mental disease or defect mentally incompetent.;~~  
(E) Is under twenty-one (21) years of age;  
(F) Is an alien, other than an alien who is:  
(i) Lawfully admitted for permanent residence as  
defined in 8 U.S.C. § 1101(a)(20), as it existed on January 1, 2009;  
(ii) In lawful nonimmigrant status, a refugee  
admitted under 8 U.S.C. § 1157, as it existed on January 1, 2009, or in  
asylum status under 8 U.S.C. § 1158, as it existed on January 1, 2009, and  
either:  
(a) A foreign law enforcement officer of a  
friendly foreign government, as determined by the Secretary of State under 18  
U.S.C. § 842, entering the United States on official law enforcement  
business, and the distribution of explosive material is in furtherance of  
this official law enforcement business; or  
(b) A person having the power to direct or  
cause the direction of the management and policies of a corporation,  
partnership, or association licensed under 18 U.S.C. § 843, as it existed on  
January 1, 2009, and the distribution of explosive material is in furtherance



of the person's power;

(iii) A member of a North Atlantic Treaty Organization or other friendly foreign military force, as determined by the Attorney General of the United States in consultation with the Secretary of Defense under 18 U.S.C. § 842, who is present in the United States under military orders for training or other military purpose authorized by the United States and distribution of explosive material is in furtherance of the military orders for training or authorized military purpose; or

(iv) Lawfully present in the United States in cooperation with the Director of the Central Intelligence Agency, and the distribution of explosive material is in furtherance of the cooperation;

(G) Has been dishonorably discharged from any branch of the United States armed forces; or

(H) Has renounced his or her United States citizenship."

AND

Page 3, delete lines 27 through 36

AND

Page 4, delete lines 1 through 30 and substitute the following:

"(B) Is a fugitive from justice;

(C) Is an unlawful user of or addicted to any controlled substance;

(D) Has been adjudicated to have a mental disease or defect or has been committed to an institution or residential treatment facility because of a mental disease or defect;

(E) Is under twenty-one (21) years of age;

(F) Is an alien, other than an alien who is:

(i) Lawfully admitted for permanent residence as defined in 8 U.S.C. § 1101(a)(20), as it existed on January 1, 2009; or

(ii) In lawful nonimmigrant status, a refugee admitted under 8 U.S.C. § 1157, as it existed on January 1, 2009, or in asylum status under 8 U.S.C. § 1158, as it existed on January 1, 2009, and either:

(a) A foreign law enforcement officer of a friendly foreign government, as determined by the Secretary of State under 18 U.S.C. § 842, entering the United States on official law enforcement business, and the receipt or possession of the explosive material is in furtherance of this official law enforcement business; or

(b) A person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed under 18 U.S.C. § 843, as it existed on January 1, 2009, and the receipt or possession of the explosive material is in furtherance of the person's power;

(iii) A member of a North Atlantic Treaty Organization or other friendly foreign military force, as determined by the Attorney General of the United States in consultation with the Secretary of Defense under 18 U.S.C. § 842, who is present in the United States under military orders for training or other military purpose authorized by the United States, and the receipt or possession of the explosive material is in

furtherance of the military orders for training or authorized military purpose; or

(iv) Lawfully present in the United States in cooperation with the Director of the Central Intelligence Agency, and the receipt or possession of the explosive material is in furtherance of the cooperation;

(G) Has been dishonorably discharged from any branch of the United States armed forces; or

(H) Has renounced his or her United States citizenship."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator R. Thompson

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Secretary