

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 2160

"THE De AUNTA FARROW IMITATION FIRE ARMS ACT."

Amendment No. 2 to House Bill No. 2160.

Amend House Bill No. 2160 as engrossed, H3/16/09 (version: 03-16-2009 10:11):

Add Representatives T. Baker, Blount, Davis, J. Edwards, W. Lewellen, Rainey, Shelby, Williams, Word as cosponsors of the bill

AND

Add Senator Steele as a cosponsor of the bill

AND

Page 1, lines 9 through 13 of the title and substitute the following:
"AN ACT TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ARKANSAS CITIZENS BY
REDUCING THE POSSIBILITY THAT IMITATION FIREARMS ARE MISTAKEN AS REAL
FIREARMS; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 16 and 17 of the subtitle and substitute the following:
"THE De AUNTA FARROW IMITATION FIREARMS ACT."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. The General Assembly finds that:

(1) When police officers, school officials, and others mistake replica weapons carried by young people as real weapons the health and safety of Arkansans is jeopardized;

(2) Citizens, including children, are killed in Arkansas and other states when a toy gun is mistaken for a real gun, or a real gun is mistaken for a toy;

(3) There is a real risk of an individual being shot by officers who are unable to establish the exact nature of the weapon; and

(4) Valuable time and resources are being used up when armed response teams have to be sent to incidents involving imitation firearms.



SECTION 2. Arkansas Code Title 20, Chapter 27, is amended to add an additional subchapter to read as follows:

20-27-2101. Definition.

(a) As used in this section, "imitation firearm" means a toy that is identical in appearance to an original firearm that was manufactured, designed, and produced after 1898, including only:

- (1) Air-soft guns firing nonmetallic projectiles;
- (2) Replica nonguns; and
- (3) Water guns.

(b) "Imitation firearm" does not include:

- (1) A nonfiring, collector replica of an antique firearm developed before 1898;
- (2) Traditional BB, paintball, or pellet-firing air guns that expel a projectile through the force of air pressure; or
- (3) A device:
 - (A) For which an orange solid plug or marking is permanently affixed to the muzzle end of the barrel for a depth of not more than six millimeters (6 mm);
 - (B) For which the entire exterior surface is colored white, bright red, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or
 - (C) That is construed of transparent or translucent materials that permit unmistakable observation of the complete contents of the device.

20-27-2102. Sale of imitation firearms prohibited -- Penalty.

(a) Except as provided under subsection (b) of this section, it is unlawful to sell or offer for sale within this state, by mail or in any other manner, an imitation firearm.

(b) A person may sell or offer for sale an imitation firearm if the device is sold solely for purposes of:

- (1) Export in interstate or foreign commerce;
- (2) Lawful use in a theatrical production;
- (3) Use in a certified or regulated sporting event or competition;
- (4) Use in a military or civil defense activity or ceremonial activity; or
- (5) A public display authorized by a public or private school.

(c) A person who violates subsection (a) of this section is subject in an action brought by the city attorney or prosecuting attorney to a civil penalty of not more than one thousand dollars (\$1,000) for each violation."

The Amendment was read _____
By: Representative Allen
MGF/KSW - 03-19-2009 14:58
MGF350

Chief Clerk