

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Roberts**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT REQUIRING PERSONS TO KEEP FIREARMS SECURE AND NOT  
9 ACCESSIBLE TO PERSONS UNDER THE AGE OF SIXTEEN (16) YEARS;  
10 AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT REQUIRING PERSONS TO KEEP FIREARMS SECURE AND NOT  
14 ACCESSIBLE TO PERSONS UNDER THE AGE OF SIXTEEN (16)  
15 YEARS."

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. (a) As used in this act, "child" means any person under the  
20 age of sixteen (16) years.

21 (b) A person who stores or leaves a loaded firearm on premises under  
22 his control and who knows or reasonably should know that a child is likely to  
23 gain access to the firearm without permission of a parent or guardian or  
24 without supervision shall keep the firearm in a securely locked box or  
25 container or in a location which a reasonable person would believe to be  
26 secure or shall secure it with a trigger lock.

27 (c) It is a Class B misdemeanor if a person violates subsection (b) by  
28 failing to store or leave a firearm in the required manner and as a result  
29 thereof a child gains access to the firearm, without the permission of a  
30 parent or guardian, and possesses or exhibits it, without supervision:

31 (1) in a public place; or

32 (2) in a rude, careless, angry, or threatening manner.

33 This subsection does not apply if the minor obtains the firearm as a result of  
34 an unlawful entry by any person.

35 (d) Whoever violates subsection (b) by storing or leaving a loaded

1 firearm within the reach or easy access of a child commits, if the child  
2 obtains the firearm and uses it to inflict injury or death upon himself or any  
3 other person, a Class C felony. However, this subsection does not apply:

4           (1) if the firearm was stored or left in a securely locked box or  
5 container or was securely locked with a trigger lock;

6           (2) if the child obtains the firearm as a result of an unlawful  
7 entry by any person;

8           (3) to injuries resulting from target or sport shooting accidents  
9 or hunting accidents; or

10           (4) to members of the Armed Forces, National Guard, State Defense  
11 Force, or State Militia, or to police or other law enforcement officers, with  
12 respect to firearm possession by a child which occurs during or incidental to  
13 the performance of their official duties. When any child is accidentally shot  
14 by another family member, no arrest shall be made pursuant to this subsection  
15 prior to seven (7) days after the date of the shooting. With respect to any  
16 parent or guardian of any deceased child, the investigating officers shall  
17 file all findings and evidence with the prosecuting attorney's office with  
18 respect to violations of this subsection. The prosecuting attorney shall  
19 evaluate such evidence and shall take such action as he deems appropriate  
20 under the circumstances.

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22           SECTION 2. (a) Upon the retail commercial sale or retail transfer of  
23 any firearm, the seller or transferor shall deliver a written warning to the  
24 purchaser or transferee, which warning states, in block letters not less than  
25 one-fourth (1/4) inch in height:

26 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT TO  
27           STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN REACH OR EASY ACCESS OF A  
28           PERSON UNDER THE AGE OF SIXTEEN (16) YEARS."

29           (b) Any retail or wholesale store, shop, or sales outlet which sells  
30 firearms must conspicuously post at each purchase counter the following  
31 warning in block letters not less than one (1) inch in height:

32 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR  
33           EASY ACCESS OF A PERSON UNDER THE AGE OF SIXTEEN (16) YEARS."

34           (c) Any person or business knowingly violating a requirement to provide  
35 warning under this section commits a Class B misdemeanor.

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SECTION 3. In addition to any other criminal penalties under state or federal law, any person who sells or otherwise transfers a firearm to a child as defined in Section 1 in violation of any state or federal law and the child uses it to inflict injury or death upon himself or any other person, shall be guilty of a Class C felony.

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

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