

*As Engrossed: 4/7/93*

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Stephens, Wilkins, McJunkin, Henry, McCuiston, B. Wood, Wren,**

5 **Willems, Walker, and McGee**

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## **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-73-119  
10 REGARDING THE POSSESSION OF HANDGUNS ON SCHOOL PROPERTY TO  
11 APPLY IT TO INSTITUTIONS OF HIGHER EDUCATION; AND FOR  
12 OTHER PURPOSES."

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### **Subtitle**

15 "AN ACT REGARDING THE POSSESSION OF HANDGUNS ON SCHOOL  
16 PROPERTY TO APPLY IT TO INSTITUTIONS OF HIGHER EDUCATION."

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

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20 SECTION 1. Arkansas Code Annotated 5-73-119 is amended to read:

21 "5-73-119. Handguns - Possession by minor or possession on school  
22 property.

23 (a) (1) (A) No person in this state under the age of eighteen (18) years  
24 shall possess a handgun.

25 (B) Violation of this section shall be a Class A  
26 misdemeanor.

27 (2) (A) No person in this state shall possess a handgun upon the  
28 property of the public schools or in or upon any school bus.

29 (B) Violation of this section shall be a Class D felony,  
30 and no sentence imposed for violation thereof shall be suspended or probated  
31 or treated as a first offense under §16-93-301 et seq.

32 (3) (A) *No person in this state shall possess a handgun upon the*  
33 *property of the publicly supported institutions of higher education in this*  
34 *state on or about his person, in a vehicle occupied by him or otherwise*  
35 *readily available for use with a purpose to employ it as a weapon against a*

1 person.

2 (B) Violation of this section shall be a Class D felony.

3 (b) A handgun is a firearm capable of firing rimfire ammunition or  
4 centerfire ammunition, and which is designed or constructed to be fired with  
5 one hand.

6 (c) It is a defense to a prosecution under this section that at the  
7 time of the act of possessing a handgun if:

8 (1) The person is in his own dwelling or place of business or on  
9 property in which he has a possessory or proprietary interest; or

10 (2) The person is a law enforcement officer, prison guard, or  
11 member of the armed forces, acting in the course and scope of his official  
12 duties; or

13 (3) The person is assisting a law enforcement officer, prison  
14 guard, or member of the armed forces acting in the course and scope of  
15 official duties pursuant to the direction or request of the law enforcement  
16 officer, prison guard, or member of the armed forces; or

17 (4) The person is a licensed security guard acting in the course  
18 and scope of his duties; or

19 (5) The person is hunting game with a handgun which may be hunted  
20 with a handgun under rules and regulations of the Arkansas Game and Fish  
21 Commission or is en route to or from a hunting area for the purpose of hunting  
22 game with a handgun; or

23 (6) The person is a certified law enforcement officer; or

24 (7) The person is on a journey unless the person is eighteen (18)  
25 years old or less; or

26 (8) The person is participating in a hunting safety course  
27 sponsored by the Arkansas Game and Fish Commission; or

28 (9) The person is participating in a school-approved educational  
29 course or sporting activity."

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31 SECTION 2. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to

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

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

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*/s/Bill Stephens, et al*

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