

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

A Bill

HOUSE BILL 1108

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-73-119 TO
9 REQUIRE PROSECUTING ATTORNEYS TO FILE CHARGES IN CIRCUIT
10 COURT AGAINST ANY PERSON FOR POSSESSING A HANDGUN OR OTHER
11 WEAPON UPON THE PROPERTY OF THE PUBLIC SCHOOLS OR IN OR
12 UPON ANY SCHOOL BUS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO REQUIRE PROSECUTORS TO FILE CHARGES IN CIRCUIT
15 COURT AGAINST PERSONS WHO POSSESS HANDGUNS ON SCHOOL
16 PROPERTY."

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

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21 SECTION 1. Arkansas Code Annotated 5-73-119 is amended to read as
22 follows:

23 "5-73-119. Weapon - Possession by minor or possession on school
24 property.

25 (a) (1) (A) No person in this state under the age of eighteen (18) years
26 shall possess a weapon, as defined by Arkansas Code Annotated 5-73-120
27 including handguns, knives and clubs.

28 (B) Violation of this section shall be a Class A
29 misdemeanor.

30 (2) (A) No person in this state shall possess a weapon, as defined
31 by Arkansas Code Annotated 5-73-120 including handguns, knives and clubs upon
32 the property of the public schools or in or upon any school bus.

33 (B) Violation of subdivision (a) (2) (A) shall be a Class D
34 felony, and no sentence imposed for violation thereof shall be suspended or
35 probated or treated as a first offense under §16-93-301 et seq. The

1 prosecuting attorney, if he determines there is sufficient evidence to file
2 charges, may file charges in circuit court against any person for a violation
3 of subdivision (a) (2) (A).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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/s/M. Wilson

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