

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

A Bill

HOUSE BILL 1417

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 *THIRTEEN (13)*
10 YEARS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT REQUIRING PERSONS TO KEEP FIREARMS SECURE AND NOT
14 ACCESSIBLE TO PERSONS UNDER THE AGE OF *THIRTEEN (13)*
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 *thirteen (13)* years.

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

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

32 (1) in a public place; or

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

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

1 (d) Whoever violates subsection (b) by storing or leaving a loaded
2 firearm within the reach or easy access of a child commits, if the child
3 obtains the firearm and uses it to inflict injury or death upon himself or any
4 other person, a *Class A misdemeanor*. However, this subsection does not apply:

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

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

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

11 (4) to members of the Armed Forces, National Guard, State Defense
12 Force, or State Militia, or to police or other law enforcement officers, with
13 respect to firearm possession by a child which occurs during or incidental to
14 *the performance of their official duties*.

15 (e) *When any child is accidentally shot* by another family member, no
16 arrest shall be made pursuant to this subsection prior to seven (7) days after
17 the date of the shooting. With respect to any parent or guardian of any
18 deceased child, the investigating officers shall file all findings and
19 evidence with the prosecuting attorney's office with respect to violations of
20 this subsection. The prosecuting attorney shall evaluate such evidence and
21 shall take such action as he deems appropriate under the circumstances.

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

27 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT TO
28 STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN REACH OR EASY ACCESS OF A
29 PERSON UNDER THE AGE OF *THIRTEEN (13)* YEARS."

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

33 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR
34 EASY ACCESS OF A PERSON UNDER THE AGE OF *THIRTEEN (13)* YEARS."

35 (c) Any person or business knowingly violating a requirement to provide

1 warning under this section commits a Class B misdemeanor.

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

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

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

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

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/s/Jacqueline Roberts

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As Engrossed: 2/19/93

HB 1417

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