

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1320

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5 By: Representative Lendall
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For An Act To Be Entitled

9 AN ACT TO DIRECT THE DEPARTMENT OF ARKANSAS STATE
10 POLICE TO ESTABLISH A BALLISTICS IDENTIFIER
11 PROGRAM AND DATABASE; TO REQUIRE HANDGUNS AND
12 RIFLES TO BE CERTIFIED PRIOR TO SALE; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO DIRECT THE DEPARTMENT OF
16 ARKANSAS STATE POLICE TO ESTABLISH A
17 BALLISTICS IDENTIFIER PROGRAM AND
18 DATABASE; TO REQUIRE HANDGUNS AND RIFLES
19 TO BE CERTIFIED PRIOR TO SALE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. (a) As used in this act:

26 (1) "Ballistics identifier" means a digitized or electronic
27 image of a bullet and shell casing fired by a handgun or rifle and clearly
28 showing the distinctive firing pin, ejection, extraction and landmarks for
29 that particular handgun or rifle and which can be utilized, through
30 comparative computer analysis, for investigative and prosecutorial purposes
31 by law enforcement agencies; and

32 (2) "Qualified database" means a database established and
33 maintained by the Department of Arkansas State Police and which contains
34 individual handgun and rifle information, such as the handgun's or rifle's
35 make, model, caliber, manufacturer's serial number and ballistics identifier,
36 and which is made available to, and may be utilized by, law enforcement



1 agencies for investigative and prosecutorial purposes.

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 3 SECTION 2. (a) The Director of the Department of Arkansas State
 4 Police shall establish a ballistics identifier program and qualified database
 5 which law enforcement agencies may utilize for investigative and
 6 prosecutorial purposes.

7 (b)(1) On and after the effective date of this act, no handgun or
 8 rifle shall be sold and delivered in this state unless a ballistics
 9 identifier has been obtained for that handgun or rifle and made part of the
 10 qualified database.

11 (2) If the manufacturer or wholesaler does not provide
 12 certification that a ballistics identifier has been obtained on a particular
 13 handgun or rifle and has been made part of the qualified database, it shall
 14 be the responsibility of the seller or retail dealer to transport the handgun
 15 or rifle to the Department of Arkansas State Police to obtain a ballistics
 16 identifier for the handgun or rifle to be made part of the qualified
 17 database.

18 (3)(A) At the time of delivery, the purchaser of a handgun or a
 19 rifle shall receive a certification provided by the Department of Arkansas
 20 State Police stating that a ballistics identifier has been obtained for that
 21 particular handgun or rifle and has been made part of the qualified database.

22 (B) Once a certification, or similar proof acceptable to
 23 the Department of Arkansas State Police, for a particular handgun or rifle is
 24 obtained, the owner shall not be required to submit that handgun or rifle for
 25 any ballistics identifier processing prior to a subsequent sale.

26 (c) Any person who sells a handgun or rifle in violation of this
 27 section shall be subject to a civil penalty of not less than \$7,500 or more
 28 than \$15,000, and a fine of not less than \$500 or more than \$1,000 for each
 29 handgun or rifle sold or delivered for which no ballistics identifier has
 30 been obtained and made part of a qualified database.

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 32 SECTION 3. The Director of the Arkansas State Police shall also
 33 establish a voluntary ballistics identifier program for handgun and rifle
 34 owners who wish to voluntarily obtain ballistics identifiers for their
 35 handguns and rifles and to have those identifiers made part of the qualified
 36 database.

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SECTION 4. (a)(1) The Department of Arkansas State Police may establish and charge a reasonable fee to cover the cost of certifying a handgun or rifle.

(2) All fees collected by the Department of Arkansas State Police under this section shall be deposited into the Department of Arkansas State Police Fund to offset the costs of the ballistics identifier program and maintenance of the qualified data base.

(3) The Director of the Department of Arkansas State Police shall have the power to promulgate rules and regulations necessary to implement, enforce, and administer this act.