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2	2 90th General Assembly A Bil	l
3	3 Regular Session, 2015	HOUSE BILL 1488
4	4	
5	5 By: Representatives Lemons, Tosh, Baine, Ballinger, Bell,	Bentley, Brown, Copeland, Cozart, Dotson,
6	Eads, Eaves, Farrer, M. Gray, Henderson, Holcomb, Jean, Johnson, Ladyman, Lampkin, Lowery,	
7	7 Lundstrum, Magie, Nicks, Richmond, Rushing, B. Smith,	Sorvillo, Speaks, Vaught, Wallace, J. Mayberry
8	By: Senator E. Williams	
9	9	
10	For An Act To Be Entitled	
11	AN ACT CONCERNING THE REQUIREME	NT THAT THE CHIEF LAW
12	12 ENFORCEMENT OFFICER OF A JURISD	ICTION MAKE CERTAIN
13	CERTIFICATIONS CONCERNING THE R	ECEIPT OR MANUFACTURE
14	OF A FIREARM; AND FOR OTHER PUR	POSES.
15	15	
16	16	
17	Subtitle Subtitle	
18	18 CONCERNING THE REQUIREMENT	THAT THE CHIEF
19	19 LAW ENFORCEMENT OFFICER OF	A JURISDICTION
20	20 MAKE CERTAIN CERTIFICATION	IS CONCERNING
21	THE RECEIPT OR MANUFACTURE	C OF A FIREARM.
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23	23	
24	BE IT ENACTED BY THE GENERAL ASSEMBLY OF TH	E STATE OF ARKANSAS:
25	25	
26	SECTION 1. Arkansas Code Title 5, Ch	apter 73, Subchapter 1, is amended
27	to add an additional section to read as fol	lows:
28	5-73-112. Certification by a chief 1	aw enforcement officer regarding
29	receipt or manufacture of a firearm.	
30	(a) As used in this section:	
31	(1) "Certification" means the	participation and assent of the
32	32 <u>chief law enforcement officer or his or her</u>	designee necessary under federal
33	law for the approval of an application to t	ransfer or manufacture a firearm;
34	34 <u>and</u>	
35	35 <u>(2) "Firearm" means the same a</u>	s defined in the National Firearms
36	36 Act, 26 U.S.C. § 5845(a) as it existed on J	anuary 1, 2015.

As Engrossed: H3/5/15 HB1488

1	(b)(1) When certification by the chief law enforcement officer of a
2	jurisdiction is required by federal law or regulation for the transfer or
3	manufacture of a firearm within fifteen (15) days of receipt of a request for
4	certification, the chief law enforcement officer or his or her designee shall
5	provide the certification if the applicant is not prohibited by law from
6	receiving or manufacturing the firearm or is not the subject of a proceeding
7	that could result in the applicant's being prohibited by law from receiving
8	or manufacturing the firearm.
9	(2) If the applicant is prohibited by law from receiving or
10	manufacturing the firearm or is the subject of a proceeding that could result
11	in a prohibition against his or her receiving or manufacturing the firearm,
12	the chief law enforcement officer or his or her designee shall provide
13	written notification to the applicant that states the reasons for his or her
14	findings and that the certification is denied.
15	(c)(l) An applicant whose request for certification is denied may
16	appeal the denial to the circuit court where the applicant resides.
17	(2) The circuit court shall review the denial de novo.
18	(3) If the circuit court finds that the applicant is not
19	prohibited by law from receiving or manufacturing the firearm or is not the
20	subject of a proceeding that could result in a prohibition against his or her
21	receiving or manufacturing the firearm, the circuit court shall order the
22	chief law enforcement officer to issue the certification to the applicant.
23	(d) Except as provided in subdivision (c)(3) of this section, the
24	chief law enforcement officer of a jurisdiction and his or her employees who
25	act in good faith are immune from civil liability arising from any act or
26	omission in making a certification under this section.
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28	/s/Lemons
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