

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1487

4
5 By: Representative King

For An Act To Be Entitled

8 AN ACT TO BE KNOWN AS THE ARKANSAS FIREARMS FREEDOM
9 ACT; AND FOR OTHER PURPOSES.

Subtitle

12 THE ARKANSAS FIREARMS FREEDOM ACT.

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

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18 SECTION 1. Arkansas Code Title 4, Subtitle 2 is amended to create a
19 new chapter to read as follows:

20 Chapter 21 – Jurisdiction Over Firearm Regulation

21 4-21-101. Scope.

22 (a)(1) The Tenth Amendment to the United States Constitution
23 guarantees to the states and their people all powers not granted to the
24 federal government elsewhere in the United States Constitution and reserves
25 to the State of Arkansas and its people certain powers as they were
26 understood at the time that Arkansas was admitted to statehood in 1836.

27 (2) The guaranty of those powers is a matter of contract between
28 the State of Arkansas and its people and the United States as of the time
29 that the compact with the United States was agreed upon and adopted by
30 Arkansas and the United States in 1836.

31 (b)(1) The Ninth Amendment to the United States Constitution
32 guarantees to the people rights not granted in the United States Constitution
33 and reserves to the people of Arkansas certain rights as they were understood
34 at the time that Arkansas was admitted into statehood in 1836.

35 (2) The guaranty of those rights is a matter of contract between
36 the State of Arkansas and its people and the United States as of the time



1 that the compact with the United States was agreed upon and adopted by
2 Arkansas and the United States in 1836.

3 (c) The regulation of intrastate commerce is vested in the states
4 under the Ninth and Tenth Amendments to the United States Constitution.

5 (d) The Second Amendment to the United States Constitution reserves to
6 the people the right to keep and bear arms as that right was understood at
7 the time that Arkansas was admitted into statehood in 1836, and the guaranty
8 of the right is a matter of contract between the State of Arkansas and its
9 people and the United States as of the time that the compact with the United
10 States was agreed upon and adopted by Arkansas and the United States in 1836.

11 (e)(1) Arkansas Constitution, Article 2, § 5 clearly secures to
12 Arkansas citizens and prohibits government interference with the right of
13 individual Arkansas citizens to keep and bear arms.

14 (2) This constitutional protection is unchanged from the 1836
15 Arkansas Constitution, which was approved by the United States Congress and
16 the people of Arkansas, and the right exists as it was understood at the time
17 that the compact with the United States was agreed upon and adopted by
18 Arkansas and the United States in 1836.

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20 4-21-102. Definitions.

21 (a) As used in this chapter:

22 (1) "Borders of Arkansas" means the boundaries of Arkansas
23 described in the Arkansas Constitution, Article 1;

24 (2) "Firearms accessory" means an item that is used in
25 conjunction with or mounted upon a firearm but is not essential to the basic
26 function of a firearm, including without limitation telescopic or laser
27 sights, magazines, flash or sound suppressors, folding or aftermarket stocks
28 and grips, speedloaders, ammunition carriers, and lights for target
29 illumination;

30 (3) "Generic and insignificant part" means a small component
31 used in the manufacture of a firearm including, without limitation a spring,
32 a screw, a nut, and a pin; and

33 (4) "Manufactured" means that a firearm, a firearm accessory, or
34 ammunition has been created from basic materials for functional usefulness,
35 including without limitation forging, casting, machining, or other processes
36 for working materials.

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2 4-21-103. Prohibitions.

3 (a) A personal firearm, a firearm accessory, or ammunition that is
4 manufactured commercially or privately in Arkansas and that remains within
5 the borders of Arkansas is not subject to federal law or federal regulation,
6 including registration, under the authority of the United States Congress to
7 regulate interstate commerce, as those items have not traveled in interstate
8 commerce.

9 (b)(1) This chapter applies to a firearm, a firearm accessory, or
10 ammunition that is manufactured in Arkansas from basic materials and that can
11 be manufactured without the inclusion of any significant parts imported from
12 another state.

13 (2) Generic and insignificant parts that have other
14 manufacturing or consumer product applications are not firearms, firearms
15 accessories, or ammunition, and their importation into Arkansas and
16 incorporation into a firearm, a firearm accessory, or ammunition manufactured
17 in Arkansas does not subject the firearm, firearm accessory, or ammunition to
18 federal regulation.

19 (3) Basic materials, such as unmachined steel and unshaped wood,
20 are not firearms, firearms accessories, or ammunition and are not subject to
21 congressional authority to regulate firearms, firearms accessories, and
22 ammunition under interstate commerce as if they were actually firearms,
23 firearms accessories, or ammunition.

24 (4) The authority of United States Congress to regulate
25 interstate commerce in basic materials does not include authority to regulate
26 firearms, firearms accessories, and ammunition made in Arkansas from the
27 materials contained in this subdivision (b)(4) as long as the firearm does
28 not travel or is not sold outside the boundaries of the state of Arkansas.

29 (c) Firearms accessories that are imported into Arkansas from another
30 state and that are subject to federal regulation as being in interstate
31 commerce do not subject a firearm to federal regulation under interstate
32 commerce because they are attached to or used in conjunction with a firearm
33 in Arkansas.

34 (d) This section does not apply to:

35 (1) A firearm that cannot be carried and used by one (1) person;

36 (2) A firearm that has a bore diameter greater than one and one-

1 half inches (1 1/2") and that uses smokeless powder, not black powder, as a
2 propellant;

3 (3) Ammunition with a projectile that explodes using an
4 explosion of chemical energy after the projectile leaves the firearm; or

5 (4) Other than shotguns, a firearm that discharges two (2) or
6 more projectiles with one (1) activation of the trigger or other firing
7 device.

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9 4-21-104. Marketing of firearms.

10 A firearm manufactured or sold in Arkansas that is subject to this
11 chapter must have the words "Made in Arkansas" clearly stamped on a central
12 metallic part, such as the receiver or frame.