

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of House Bill No. 1013

TO ESTABLISH A PATH TO RESTORATION OF THE RIGHT TO POSSESS A FIREARM; AND TO PROVIDE FOR THE DISCHARGE, DISMISSAL, AND SEALING OF A FELONY CONVICTION.

Amendment No. 1 to House Bill 1013

Amend House Bill No. 1013 as originally introduced:

Add Representatives F. Allen, Crawford, Duffield, K. Ferguson, Hudson, Milligan, Nicks, J. Richardson, Scott, Tosh, Vaught, Watson as cosponsors of the bill

AND

Add Senators Irvin, G. Leding, R. Murdock as cosponsors of the bill

AND

Page 1, delete lines 10 through 14, and substitute the following:

"TEN (10) YEAR PERIOD HAS PASSED SINCE A PERSON CONVICTED OF CERTAIN NONVIOLENT FELONIES HAS COMPLETED HIS OR HER SENTENCE; TO PROVIDE FOR THE DISCHARGE, DISMISSAL, AND SEALING OF A NONVIOLENT FELONY CONVICTION; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO ESTABLISH A PATH TO RESTORATION OF THE RIGHT TO POSSESS A FIREARM; AND TO PROVIDE FOR THE DISCHARGE, DISMISSAL, AND SEALING OF A NONVIOLENT FELONY CONVICTION."

AND

Page 1, delete line 26, and substitute the following:

"SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT.



(a)(1) One (1) in three (3) United States adults, or seventy nine million (79,000,000) adults holds a criminal record.

(2) Approximately twenty four percent (24%) of them, or approximately nineteen million (19,000,000), have been convicted of a felony, and ten percent (10%) of them, or approximately seven million seven hundred thousand (7,700,000), have been imprisoned at least once in their lifetimes.

(b) Both federal and Arkansas law prohibit the purchase or possession of a firearm by a person who has been convicted of a felony.

(c)(1) Tens of thousands of Arkansans who have committed nonviolent felonies have not only paid their debts to society but have since lived law-abiding lives for over a decade.

(2) Yet, those Arkansans are prohibited from purchasing and possessing a firearm to hunt, to protect their businesses, and to protect their families.

(d) Criminologists studying recidivism have found that felons usually have to stay out of trouble for about a decade before their risk of committing a crime equals that of other people with no criminal record.

(e)(1) Twenty-four (24) states provide nonviolent felons a pathway to restore their right to purchase and possess a firearm.

(2) In five (5) states, some nonviolent felons never lose their rights, while other states establish time frames for automatic restoration, and still others provide processes through the courts, boards, commissions, and other administrative avenues.

(f) With sparse research data available, an April 2008 report by the Washington State Sentencing Guidelines Commission suggests that offenders with restored gun rights in Washington state are roughly five (5) times less likely to recidivate than other offenders.

SECTION 2. Arkansas Code § 5-73-103(a) and (b), concerning the offense"

AND

Page 5, delete lines 32 through 36, and substitute the following:

"(4) Terroristic threats and acts, § 5-13-301 et seq.;

(5) Sexual offenses, § 5-14-101 et seq.;

(6) Voyeurism offenses, § 5-16-101 et seq.;

(7) Death threats, § 5-17-101 et seq.;

(8) The Human Trafficking Act of 2013, § 5-18-101 et seq.;

(9) Domestic battering and assault, § 5-26-301 et seq.;

(10) Custody and visitation, § 5-26-501 et seq.;

(11) The Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-301 et seq.;

(12) Use of children in sexual performances, § 5-27-401 et seq.;

(13) Computer crimes against minors, § 5-27-601 et seq.;

(14) Abuse of adults, § 5-28-101 et seq.;

(15) Damage or destruction of property, § 5-38-101 et seq.;

(16) Causing a catastrophe, § 5-38-202;

(17) Residential burglary, § 5-39-201;

(18) Aggravated residential burglary, § 5-39-204;

(19) First degree escape, § 5-54-110, second degree escape, § 5-54-111, third degree escape, § 5-54-112, and permitting escape in the first degree, § 5-54-113;

(20) Fleeing, § 5-54-125;

(21) Killing or injuring animals used by law enforcement or search and rescue dogs, § 5-54-126;

(22) Terrorism, § 5-54-201 et seq.;

(23) Animals, § 5-62-101 et seq.;

(24) Trafficking a controlled substance, § 5-64-440;

(25) Aggravated riot, § 5-71-202;

(26) Stalking, § 5-71-229;

(27) Weapons, § 5-73-101 et seq.;

(28) The Arkansas Criminal Gang, Organization, or Enterprise Act, § 5-74-101 et seq.;

(29) A felony that requires a person to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(30) A serious felony involving violence as defined in § 5-4-501(c)(2) or a felony involving violence as defined in § 5-4-501(d)(2); or

(31) An attempt, solicitation, or conspiracy to commit any of the felonies listed in subdivisions (a)(1)-(30) of this section, if the attempt, solicitation, or conspiracy itself is a felony.

(b)(1) A person may file only one (1) uniform petition during his or her lifetime, with regard to a felony.

(2) A person filing a uniform petition may petition to discharge, dismiss, and seal a felony and any related felonies that occurred out of the same course of conduct or criminal episode not listed in subsection (a) of this section and may not petition to discharge, dismiss, and seal multiple felonies that have no causal connection.

(3) A person is eligible to file a uniform petition even if the person had his or her conviction sealed under other law before the effective date of this act."

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete line 1

AND

Page 7, delete line 18 and substitute the following:

"petition not otherwise covered under this subchapter.

(3) If an order of protection was entered in a proceeding against the person and remains in effect at the time of the uniform petition, the person is not eligible to file a uniform petition."

AND

Page 7, delete line 24 and substitute the following:

"party to the action.

(C)(i) If the felony conviction the petitioner is seeking to have discharged, dismissed, and sealed is for a violent or a sexual offense, the prosecuting attorney shall notify the victim of the violent or sexual offense or his or her next of kin at the last known address and telephone number of the victim or his or her next of kin if the victim requested notification of a proceeding under this subchapter.

(ii) It is the responsibility of the victim or his or her next of kin to notify the prosecuting attorney of any change in:

(a) Address or phone number; or

(b) His or her desire to be notified of any proceeding under this subchapter in the future."

AND

Page 9, delete lines 21 through 23 and substitute the following:

"federal court and the status of the pending felony charges, whether the person is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and whether the person is currently subject to an order of protection in this state or a similar order in any other state."

The Amendment was read

By: Representative V. Flowers

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Chief Clerk