

Act 649 of the 1989 Regular Session.

Act 649

HB1417

By: Representative Wilson

"AN ACT TO PROHIBIT MINORS FROM CARRYING HANDGUNS UPON SCHOOL PREMISES; AND FOR OTHER PURPOSES."

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

SECTION 1. A handgun is a firearm capable of firing rimfire ammunition or centerfire ammunition, which is designed or constructed to be fired with one hand.

SECTION 2. No person in this State under the age of 18 years shall possess a handgun. Violation of this section shall be a class A misdemeanor.

SECTION 3. No person in this State shall possess a handgun upon the property of the public schools or in or upon any school bus. Violation of this section shall be a class D felony, and no sentence imposed for violation thereof shall be suspended or probated or treated as a first offense under Arkansas Code 16-93-301 et seq.

SECTION 4. It is a defense to a prosecution under this Act that at the time of the act of possessing a handgun if:

- (1) The person is in his own dwelling or place of business or on property in which he has a possessory or proprietary interest; or
- (2) The person is a law enforcement officer, prison guard, or member of the armed forces, acting in the course and scope of his official duties; or
- (3) The person is assisting a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of official duties pursuant to the direction or request of the law enforcement officer, prison guard, or member of the armed forces; or
- (4) The person is a licensed security guard acting in the course and scope of his duties; or
- (5) The person is hunting game with a handgun which may be hunted with a handgun under rules and regulations of the Arkansas Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun;
- (6) The person is a certified law enforcement officer; or
- (7) The person is on a journey unless the person is eighteen (18) years old or less; or
- (8) The person is participating in a hunting safety course sponsored by the Arkansas Game and Fish Commission; or
- (9) The person is participating in a school-approved educational course or sporting activity.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. It is found and determined by the General Assembly that the possession of handguns by young Arkansans contributes substantially to the commission of crimes and injuries to innocent persons, and that the possession of such weapons by persons on school property has resulted in numerous recent injuries and deaths. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 17, 1989

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