| 1 | State of Arkansas |
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| 2 | 79th General Assembly ABII ACT 674 OF 1993 |
| 3 | Regular Session, 1993 SENATE BILL 628 |
| 4 | By: Senator Keet |
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| 7 | For An Act To Be Entitled |
| 8 | "AN ACT TO AMEND ARKANSAS CODE §5-73-124 TO INCREASE THE |
| 9 | SIZE OF A TEAR GAS CONTAINER THAT A PERSON MAY CARRY FOR |
| 10 | SELF-DEFENSE FROM FIFTY (50) CUBIC CENTIMETERS TO ONE- |
| 11 | HUNDRED AND FIFTY (150) CUBIC CENTIMETERS; AND FOR OTHER |
| 12 | PURPOSES." |
| 13 | |
| 14 | Subtitle |
| 15 | "AN ACT TO INCREASE THE SIZE OF A TEAR GAS CONTAINER THAT |
| 16 | A PERSON MAY CARRY FOR SELF DEFENSE FROM 50 TO 150 CUBIC |
| 17 | CENTIMETERS." |
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| 19 | BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: |
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| 21 | SECTION 1. Arkansas Code § 5-73-124 is hereby amended to read as |
| 22 | follows: |
| 23 | "5-73-124. Tear gas. |
| 24 | (a) Any person who shall carry or have in his possession any tear gas |
| 25 | in any form whatever, and any person who shall carry or have in his possession $\frac{1}{2}$ |
| 26 | any gun, bomb, grenade, cartridge, or other weapon designed for the discharge |
| 27 | of tear gas, shall be guilty of a misdemeanor. |
| 28 | (1) It is lawful for a person to possess or carry, and use, a |
| 29 | small container of tear gas to be used for self-defense purposes only, but the |
| 30 | capacity of the cartridge or container shall not exceed one hundred and fifty |
| 31 | (150) cubic centimeters. |
| 32 | (2) The provisions of this section shall not apply to any peace |
| 33 | officer while engaged in the discharge of his official duties, nor to any |
| 34 | banking institution desiring to have possession of tear gas in any form for |
| 35 | the purpose of securing funds in its custody from theft or robbery. |
| 36 | (b)(1) Any person convicted of a violation of the provisions of this |

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1 section shall be punished by a fine of not less than fifty dollars ($50.00)
 2 nor more than two hundred dollars ($200) or by imprisonment in the county jail
 3 for not less than thirty (30) days nor more than three (3) months, or by both
 4 fine and imprisonment.
               (2) Any person who shall use tear gas in any form against any law
 6 enforcement officer who is on duty and is acting within the scope of his
 7 authority as a law enforcement officer shall be guilty of a misdemeanor and
 8 upon conviction shall be punished by a fine of not less than one hundred
 9 dollars ($100) nor more than one thousand dollars ($1,000) or imprisonment of
10 not more than ninety (90) days, or both."
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         SECTION 2. All provisions of this act of general and permanent nature
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13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.
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         SECTION 3. If any provisions of this act or the application thereof to
17 any person or circumstance is held invalid, the invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provisions or application, and to this end the provisions of this
20 act are declared to be severable.
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         SECTION 4. All laws and parts of laws in conflict with this act are
23 hereby repealed.
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                                  APPROVED: 3/24/93
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