

As Engrossed: 8/16/94 8/19/94 8/24/94

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**

A Bill

Call Item No. 6
ACT 63 OF 1994
HOUSE BILL 1006

4 **By: Representatives M. Wilson, Pryor, Fairchild and King**

For An Act To Be Entitled

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8 "AN ACT TO AMEND ARKANSAS CODE 5-73-103 TO INCREASE THE
9 PENALTY FOR UNLAWFUL POSSESSION OF A FIREARM BY A FELON;
10 TO AUTHORIZE THE GOVERNOR TO RESTORE THE RIGHT OF A
11 CONVICTED PERSON TO OWN AND POSSESS A FIREARM WITHOUT
12 GRANTING A PARDON; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES."

Subtitle

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16 "AN ACT TO INCREASE THE PENALTY FOR
17 UNLAWFUL POSSESSION OF A FIREARM BY A
18 FELON."

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

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22 SECTION 1. Arkansas Code 5-73-103 is amended to read as follows:

23 "§ 5-73-103. Possession of firearms by certain persons.

24 (a) Except as provided in subdivision (d) or unless authorized by and
25 subject to such conditions as prescribed by the Governor, or his designee, or
26 the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury
27 Department, or other bureau or office designated by the Treasury Department,
28 no person shall possess or own any firearm who has been:

29 (1) Convicted of a felony; or

30 (2) Adjudicated mentally ill; or

31 (3) Committed involuntarily to any mental institution.

32 (b) A determination by a jury or court that a person committed a
33 felony:

34 (1) Shall constitute a conviction for purposes of subsection (a)
35 of this section even though the court suspended imposition of sentence or
36 placed the defendant on probation; but

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1 (2) Shall not constitute a conviction for purposes of subsection
2 (a) of this section if the person is subsequently granted a pardon explicitly
3 restoring the ability to possess a firearm.

4 (c) A person who violates this section commits a Class B felony if he
5 has been convicted of a felony. Otherwise, he commits a Class A misdemeanor.

6 (d) The Governor shall have authority without granting a pardon to
7 restore the right of a convicted felon or adjudicated delinquent to own and
8 possess a firearm upon recommendation of the chief law enforcement officer in
9 the jurisdiction in which the person resides *so long as the underlying felony*
10 *or delinquency adjudication did not involve the use of a weapon and occurred*
11 *more than eight (8) years ago."*

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13 SECTION 2. All provisions of this act of a general and permanent
14 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
15 Code Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 4. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 SECTION 5. *EMERGENCY. It is hereby found and determined by the*
27 *Seventy-Ninth General Assembly of the State of Arkansas, meeting in the Second*
28 *Extraordinary Session of 1994, that many crimes are committed by felons who*
29 *unlawfully possess firearms and that the penalty for unlawful possession of a*
30 *firearm by a felon should be increased in order to discourage such unlawful*
31 *possession. Therefore, in order to immediately increase the penalty for*
32 *unlawful possession of a firearm by a felon, an emergency is hereby declared*
33 *to exist and this act being necessary for the immediate preservation of the*
34 *public peace, health and safety shall be in full force and effect from and*
35 *after its passage and approval.*

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/s/Rep. M. Wilson, et al

APPROVED: 8-26-94

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HB 1006

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