

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representatives Simon, Courtway and Wren**

A Bill

ACT 1201 OF 1995
HOUSE BILL 1737

For An Act To Be Entitled

8 "AN ACT TO AMEND THE TEAR GAS STATUTE TO MAKE IT APPLY TO
9 PEPPER SPRAY; TO INCREASE THE PENALTY FOR USING TEAR GAS
10 OR PEPPER SPRAY AGAINST A LAW ENFORCEMENT OFFICER; AND FOR
11 OTHER PURPOSES."

Subtitle

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13 "AMEND THE TEAR GAS STATUTE TO INCLUDE
14 PEPPER SPRAY; TO INCREASE THE PENALTY
15 FOR USING TEAR GAS OR PEPPER SPRAY
16 AGAINST A LAW ENFORCEMENT OFFICER."
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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 amended to read as follows:

22 "§ 5-73-124. Tear gas.

23 (a) (1) Except as otherwise provided in this section, any person who
24 shall carry or have in his possession any tear gas or pepper spray in any form
25 whatever, and any person who shall carry or have in his possession any gun,
26 bomb, grenade, cartridge, or other weapon designed for the discharge of tear
27 gas or pepper spray, shall be guilty of a misdemeanor.

28 (2) It is lawful for a person to possess or carry, and use, a
29 small container of tear gas or pepper spray to be used for self-defense
30 purposes only, but the capacity of the cartridge or container shall not exceed
31 one hundred fifty cubic centimeters (150 cc).

32 (b) The provisions of this section shall not apply to any peace officer
33 while engaged in the discharge of his official duties, nor to any banking
34 institution desiring to have possession of tear gas or pepper spray in any
35 form for the purpose of securing funds in its custody from theft or robbery.

36 (c) (1) Any person convicted of a violation of the provisions of this

