

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Snyder**

# A Bill

**ACT 1325 OF 1995**  
**SENATE BILL 794**

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 5-73-103 PERTAINING TO  
POSSESSION OF FIREARMS BY CERTAIN PERSONS; AND FOR OTHER  
PURPOSES."

### Subtitle

"AN ACT TO AMEND ARKANSAS CODE 5-73-103  
PERTAINING TO POSSESSION OF FIREARMS BY  
CERTAIN PERSONS."

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

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

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

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

(1) Convicted of a felony; or

(2) Adjudicated mentally ill; or

(3) Committed involuntarily to any mental institution.

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

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

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

1 (c) (1) A person who violates this section commits a Class B felony if  
2 he has been convicted of a felony unless the prior felony(s) was for a non-  
3 violent offense and the possession of the firearm did not involve the  
4 commission of another crime, then it is a Class D felony.

5 (2) 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 an adjudicated delinquent to own and  
8 possess a firearm upon the recommendation of the chief law enforcement officer  
9 in the jurisdiction in which the person resides, so long as the underlying  
10 felony or delinquency adjudication:

11 (1) Did not involve the use of a weapon; and

12 (2) Occurred more than eight (8) years ago."

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

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

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

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28 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-17-95

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