

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1578 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/26/07

A Bill

SENATE BILL 854

5 By: Senator Glover
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For An Act To Be Entitled

9 AN ACT CONCERNING THE POWERS OF THE GOVERNOR AND
10 LAW ENFORCEMENT OFFICERS DURING A STATE OF
11 INSURRECTION OR EMERGENCY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT CONCERNING THE POWERS OF THE
15 GOVERNOR AND LAW ENFORCEMENT OFFICERS
16 DURING A STATE OF INSURRECTION OR
17 EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 12-61-115 is amended to read as follows:
24 12-61-115. Proclamation of emergency.

25 (a) Whenever any portion of the militia is employed in aid of the
26 civil authority, the Governor, if in his judgment the maintenance of law and
27 order or preservation of the public health or security will thereby be
28 promoted, may by proclamation declare the county, city, zone, or sector in
29 which the troops are serving, or any specified portion thereof, to be in a
30 state of insurrection or emergency.

31 (b) Should the Governor proclaim a state of insurrection or emergency
32 hereunder and in the event the local courts or law enforcement officers are
33 incapable of functioning, such legal functions in furtherance of the
34 enforcement of the civil laws of the state shall be performed by the militia.

35 (c) This section does not authorize the seizure or confiscation of any



1 firearm or ammunition from any individual who is lawfully carrying or
2 possessing the firearm or ammunition.

3 (d) Any law enforcement officer or member of the militia who seizes or
4 confiscates a firearm or ammunition from an individual under this section
5 shall return the seized or confiscated firearm or ammunition to the
6 individual unless:

7 (1) The individual is arrested for a criminal offense; or

8 (2) The seized firearm or ammunition is needed as evidence in
9 the furtherance of an investigation of a criminal offense.

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/s/ Glover

APPROVED: 4/9/2007