

1 State of Arkansas *As Engrossed: H3/12/13 H3/20/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1700

4

5 By: Representatives D. Altes, *Alexander, Ballinger, Barnett, Bell, Bragg, Carnine, Cozart, Dale,*

6 *Deffenbaugh, C. Douglas, Hammer, Hobbs, Lea, S. Meeks, Rice, Scott, Westerman, Word*

7 *By: Senators Files, A. Clark, B. King, J. Woods*

8

9

For An Act To Be Entitled

10

AN ACT MAKING TECHNICAL CORRECTIONS CONCERNING THE

11

POSSESSION OF A HANDGUN AND OTHER WEAPONS IN CERTAIN

12

PLACES; AND FOR OTHER PURPOSES.

13

14

15

Subtitle

16

MAKING TECHNICAL CORRECTIONS CONCERNING

17

THE POSSESSION OF A HANDGUN AND OTHER

18

WEAPONS IN CERTAIN PLACES.

19

20

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

22

23

SECTION 1. Arkansas Code § 5-73-119(e), concerning defense to
24 prosecution for possession of a handgun in certain places, is amended to read
25 as follows:

26

(e) ~~It is a defense to prosecution under~~ It is permissible to carry a
27 handgun under this section ~~that~~ if at the time of the act of possessing a
28 handgun or firearm:

29

(1) The person is in his or her own dwelling or place of
30 business or on property in which he or she has a possessory or proprietary
31 interest, except upon the property of a public or private institution of
32 higher learning;

33

(2) The person is a law enforcement officer, correctional
34 officer, or member of the armed forces acting in the course and scope of his
35 or her official duties;

36

(3) The person is assisting a law enforcement officer,



1 correctional officer, or member of the armed forces acting in the course and
2 scope of his or her official duties pursuant to the direction or request of
3 the law enforcement officer, correctional officer, or member of the armed
4 forces;

5 (4) The person is a ~~licensed~~ registered commissioned security
6 guard acting in the course and scope of his or her duties;

7 (5) The person is hunting game with a handgun or firearm that
8 may be hunted with a handgun or firearm under the rules and regulations of
9 the Arkansas State Game and Fish Commission or is en route to or from a
10 hunting area for the purpose of hunting game with a handgun or firearm;

11 (6) The person is a certified law enforcement officer;

12 (7) The person is on a journey beyond the county in which the
13 person lives, unless the person is eighteen (18) years of age or less~~+~~.

14 (8) The person is participating in a certified hunting safety
15 course sponsored by the commission or a firearm safety course recognized and
16 approved by the commission or by a state or national nonprofit organization
17 qualified and experienced in firearm safety;

18 (9) The person is participating in a school-approved educational
19 course or sporting activity involving the use of firearms; or

20 (10) The person is a minor engaged in lawful marksmanship
21 competition or practice or other lawful recreational shooting under the
22 supervision of his or her parent, legal guardian, or other person twenty-one
23 (21) years of age or older standing in loco parentis or is traveling to or
24 from ~~this activity~~ a lawful marksmanship competition or practice or other
25 lawful recreational shooting with an unloaded handgun or firearm accompanied
26 by his or her parent, legal guardian, or other person twenty-one (21) years
27 of age or older standing in loco parentis.

28

29 *SECTION 2.* Arkansas Code § 5-73-120 is amended to read as follows:
30 5-73-120. Carrying a weapon.

31 (a) A person commits the offense of carrying a weapon if he or she
32 *possesses* a handgun, knife, or club on or about his or her person, in a
33 vehicle occupied by him or her, or otherwise readily available for use with a
34 purpose to attempt to unlawfully employ the handgun, knife, or club as a
35 weapon against a person.

36 (b) As used in this section:

1 (1) "Club" means any instrument that is specially designed,
2 made, or adapted for the purpose of inflicting serious physical injury or
3 death by striking, including a blackjack, billie, and sap;

4 (2) "Handgun" means any firearm with a barrel length of less
5 than twelve inches (12") that is designed, made, or adapted to be fired with
6 one (1) hand; ~~and~~

7 (3) "Journey" means travel beyond the county in which a person
8 lives; and

9 ~~(3)(A)(4)~~ "Knife" means any bladed hand instrument three inches
10 (3") or longer that is capable of inflicting serious physical injury or death
11 by cutting or stabbing;

12 ~~(B) "Knife" includes including~~ a dirk, a sword or spear in
13 a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly
14 knife.

15 (c) It is ~~a defense to a prosecution~~ permissible to carry a handgun
16 under this section ~~that~~ if at the time of the act of carrying a weapon:

17 (1) The person is in his or her own dwelling, or place of
18 business, or on property in which he or she has a possessory or proprietary
19 interest;

20 (2) The person is a law enforcement officer, correctional
21 officer, or member of the armed forces acting in the course and scope of his
22 or her official duties;

23 (3) The person is assisting a law enforcement officer,
24 correctional officer, or member of the armed forces acting in the course and
25 scope of his or her official duties pursuant to the direction or request of
26 the law enforcement officer, correctional officer, or member of the armed
27 forces;

28 (4) The person is carrying a weapon when upon a journey, unless
29 the journey is through a commercial airport when presenting at the security
30 checkpoint in the airport or is in the person's checked baggage and is not a
31 lawfully declared weapon;

32 (5) The person is a ~~licensed~~ registered commissioned security
33 guard acting in the course and scope of his or her duties;

34 (6) The person is hunting game with a handgun that may be hunted
35 with a handgun under rules and regulations of the Arkansas State Game and
36 Fish Commission or is en route to or from a hunting area for the purpose of

1 hunting game with a handgun;

2 (7) The person is a certified law enforcement officer; ~~or~~

3 (8) The person ~~is in a motor vehicle~~ is in possession of a
4 concealed handgun and ~~the person~~ has a valid license to carry a concealed
5 ~~weapon pursuant to handgun under § 5-73-301 et seq., or recognized under § 5-~~
6 73-321 and is not in a prohibited place as defined by § 5-73-306; or

7 (9) The person is in possession of a handgun and is a retired
8 law enforcement officer with a valid concealed carry authorization issued
9 under federal or state law.

10 ~~(d)(1) Any person who carries a weapon into an establishment that~~
11 ~~sells alcoholic beverages is guilty of a misdemeanor and subject to a fine of~~
12 ~~not more than two thousand five hundred dollars (\$2,500) or imprisonment for~~
13 ~~not more than one (1) year, or both.~~

14 ~~(2) Otherwise, carrying~~ Carrying a weapon is a Class A misdemeanor.

15

16 /s/D. Altes

17

18

19 **APPROVED: 04/04/2013**

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36