

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

# **A Bill**

**Call Item 2**  
**ACT 45 OF 1994**  
**HOUSE BILL 1003**

4 **By: Representatives Fairchild, M. Wilson, Blair, B. Wood and Pryor**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE §5-73-109 TO PROVIDE  
9 ENHANCEMENT OF PENALTIES WHEN CERTAIN TYPES OF DEADLY  
10 WEAPONS ARE FURNISHED TO A MINOR; TO DECLARE AN EMERGENCY;  
11 AND FOR OTHER PURPOSES."

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## **Subtitle**

14 "TO PROVIDE ENHANCEMENT OF PENALTIES  
15 WHEN CERTAIN TYPES OF DEADLY WEAPONS ARE  
16 FURNISHED TO A MINOR."

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

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20 SECTION 1. Arkansas Code §5-73-109(b) is amended to read as follows:

21 "(b) Furnishing a deadly weapon to a minor is a Class A misdemeanor  
22 unless the deadly weapon is a handgun, a sawed-off or short barrelled shotgun  
23 as defined in Arkansas Code Annotated 5-1-102, a sawed-off or short-barrelled  
24 rifle as defined in Arkansas Code Annotated 5-1-102, a firearm that has been  
25 specially made or specially adapted for silent discharge, a machine gun,  
26 explosive or incendiary device as defined in Arkansas Code Annotated 5-71-301,  
27 metal knuckles, a defaced firearm as defined in Arkansas Code §5-73-107, or  
28 other implement for the infliction of serious physical injury or death that  
29 serves no common lawful purpose, in which case it is a Class B felony."

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31 SECTION 2. Arkansas Code Annotated 5-1-102 is hereby amended to add the  
32 following new subsections:

33 "(21) 'Sawed-off or short-barrelled shotgun' means a shotgun having one  
34 or more barrels less than eighteen (18) inches in length and any weapon made  
35 from a shotgun (whether by alteration, modification, or otherwise) if such  
36 weapon as modified has an overall length of less than twenty-six (26) inches.

1           (22) 'Sawed-off or short-barrelled rifle' means a rifle having one or  
2 more barrels less than sixteen (16) inches in length and any weapon made from  
3 a rifle (whether by alteration, modification, or otherwise) if such weapon as  
4 modified has an overall length of less than twenty-six (26) inches."

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6           SECTION 3. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10          SECTION 4. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16          SECTION 5. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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19          SECTION 6. EMERGENCY. It is hereby found and determined by the  
20 Seventy-Ninth General Assembly of the State of Arkansas, meeting in the Second  
21 Extraordinary Session of 1994, that minors commit many serious criminal  
22 offenses by the use of deadly weapons or by the use of prohibited weapons.  
23 The criminal penalties for furnishing deadly weapons to minors and for  
24 furnishing prohibited weapons, must be increased in order to decrease the  
25 availability of such weapons. Therefore, in order to immediately enhance the  
26 penalties for furnishing a deadly weapon to a minor and for furnishing a  
27 prohibited weapon, an emergency is hereby declared to exist and this act being  
28 necessary for the preservation of the public peace, health and safety shall be  
29 in full force and effect from and after its passage and approval.

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*/s/Rep. Fairchild, et al*

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APPROVED: 8-25-94

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