

As Engrossed: 2/27/95 3/23/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 832 OF 1995
SENATE BILL 277

4 **By: Senators Scott, Hopkins, Walters, Bell, and Hunter**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-73-120 TO PROVIDE AN
9 ADDITIONAL DEFENSE TO PROSECUTION FOR CARRYING A WEAPON;
10 AND FOR OTHER PURPOSES."

11

12

Subtitle

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"TO PROVIDE AN ADDITIONAL DEFENSE FOR
CARRYING A WEAPON"

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

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18 SECTION 1. Arkansas Code Annotated § 5-73-120 is amended to read as
19 follows:

20 "5-73-120. Carrying a weapon.

21 (a) A person commits the offense of carrying a weapon if he possesses a
22 handgun, knife, or club on or about his person *in a vehicle occupied by him*,
23 or otherwise readily available for use with a purpose to employ it as a weapon
24 against a person.

25 (b) As used in this section, unless the context otherwise requires:

26 (1) Handgun means any firearm with a barrel length of less than
27 twelve inches (12_) that is designed, made, or adapted to be fired with one
28 hand;

29 (2) Knife means any bladed hand instrument that is capable of
30 inflicting serious physical injury or death by cutting or stabbing. It
31 includes a dirk, sword or spear in a cane, razor, ice pick, and a throwing
32 star, switchblade, and butterfly knife.

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

36 (c) It is a defense to a prosecution under this section that at the

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1 time of the act of carrying:

2 (1) The person is in his own dwelling, place of business, or on
3 property in which he has a possessory or proprietary interest; or

4 (2) The person is a law enforcement officer, prison guard, or
5 member of the armed forces, acting in the course and scope of his official
6 duties; or

7 (3) The person is assisting a law enforcement officer, prison
8 guard, or member of the armed forces acting in the course and scope of
9 official duties pursuant to the direction or request of the law enforcement
10 officer, prison guard, or member of the armed forces; or

11 (4) The person is carrying a weapon when upon a journey;

12 (5) The person is a licensed security guard acting in the course
13 and scope of his duties; or

14 (6) The person is hunting game with a handgun which may be hunted
15 with a handgun under rules and regulations of the Arkansas Game and Fish
16 Commission or is en route to or from a hunting area for the purpose of hunting
17 game with a handgun; or

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

19 (8) *The person is in a motor vehicle and the person has a license*
20 *to carry a concealed weapon pursuant to Act 411 or 419 of 1995.*

21 (d)(1) Any person who carries a weapon into an establishment that sells
22 alcoholic beverages shall be deemed guilty of a misdemeanor and subject to a
23 fine of not more than two thousand five hundred dollars (\$2,500) or
24 imprisonment for not more than one (1) year, or both.

25 (2) Otherwise, carrying a weapon is a Class A misdemeanor."
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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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

/s/Scott et al

BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 3-31-95

