

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas As Engrossed: S3/10/99 S3/25/99 S3/26/99 S3/30/99 S4/6/99

2 82nd General Assembly

# A Bill

Act 1558 of 1999

3 Regular Session, 1999

SENATE BILL 818

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5 By: Senator Bradford

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## For An Act To Be Entitled

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"AN ACT TO DEVELOP A DATABASE FOR TRACING

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FIREARMS USED IN THE COMMISSION OF

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CRIME; AND FOR OTHER PURPOSES. "

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## Subtitle

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"AN ACT TO DEVELOP A DATABASE FOR TRACING

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FIREARMS USED IN THE COMMISSION OF

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CRIME; AND FOR OTHER PURPOSES. "

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

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SECTION 1. (a) All firearms which come into the custody of any law enforcement agency in this state shall be delivered to the State Crime Laboratory within thirty (30) calendar days for ballistics testing. However, if the firearm is being used as evidence in a criminal case, then delivery shall take place within thirty (30) calendar days after the final adjudication of the criminal proceeding. If it would place an unreasonable burden on the law enforcement agency to transport the firearm to the State Crime Laboratory the person responsible for delivery may contact the Department of Arkansas State Police and the department will, if possible, accomplish delivery to the State Crime Laboratory.

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(b) The State Crime Laboratory shall conduct ballistics tests on all firearms received and input the resulting data into the National Integrated Bullet Identification Network (NIBIN) of the Federal Bureau of Investigation. The tests shall include but not be limited to firing the weapon and photographing bullets and casings. The State Crime Laboratory shall coordinate with all participating agencies when investigations require the use

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1 of the NIBIN computer database. The State Crime Laboratory shall provide  
2 written analysis reports and experts for testimony when feasible. After  
3 completion of the testing, the firearms shall be returned to the law  
4 enforcement agencies.

5 (c) Law enforcement agencies in this state may request the assistance  
6 of the Department of Arkansas State Police in tracing firearms.

7 (d) The Department of Arkansas State Police shall coordinate and  
8 participate in statewide enforcement programs connected with investigations  
9 intended to result in seizure of crime guns and the arrest of violators. The  
10 department shall assist and coordinate with all law enforcement agencies  
11 involved in the tracing of firearms from the suspect back to sources.

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13 SECTION 2. Firearms seized by the Game and Fish Commission for  
14 violation of the Arkansas Wildlife Code are exempt from this act.

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16 SECTION 3. (a) A person shall not sell, rent, or transfer a firearm to  
17 any person whom he knows is prohibited by state or federal law from possessing  
18 the firearm.

19 (b)(1) Violation of this section is a Class A misdemeanor, unless the  
20 firearm is:

21 (A) A handgun;

22 (B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-  
23 102(21);

24 (C) A sawed-off or short-barrelled rifle, as defined in § 5-1-  
25 102(22);

26 (D) A firearm that has been specially made or specially adapted  
27 for silent discharge;

28 (E) A machine gun;

29 (F) An explosive or incendiary device, as defined in § 5-71-301;

30 (G) A defaced firearm, as defined in § 5-73-107; or

31 (H) Other implement for the infliction of serious physical injury  
32 or death that serves no common lawful purpose.

33 (2) If the firearm is listed in (b)(1) the violation of this section is  
34 a Class B felony.

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36 SECTION 4. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 5. If any provision of this act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 act are declared to be severable.

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10 SECTION 6. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

12 /s/ Bradford

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15 APPROVED: 4/15/1999  
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