

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1571

5 By: Representatives Wright, Steel  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY THE AUTHORITY OF A PROSECUTING  
9 ATTORNEY AND HIS OR HER DESIGNATED DEPUTY PROSECUTING  
10 ATTORNEYS TO CARRY A FIREARM; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO CLARIFY THE AUTHORITY OF A PROSECUTING  
15 ATTORNEY AND HIS OR HER DESIGNATED DEPUTY  
16 PROSECUTING ATTORNEYS TO CARRY A FIREARM;  
17 AND TO DECLARE AN 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 § 5-73-104(b)(1), concerning defenses to  
24 prosecution under the possession of a prohibited weapon statute, is amended  
25 to read as follows:

26 (1) The defendant was a law enforcement officer, prosecuting  
27 attorney, deputy prosecuting attorney, prison guard, or member of the armed  
28 forces acting in the course and scope of his or her duty at the time he or  
29 she used or possessed the prohibited weapon; or  
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31 SECTION 2. Arkansas Code § 5-73-120(c), concerning defenses to  
32 prosecution under the carrying a weapon statute, is amended to add a new  
33 subdivision to read as follows:

34 (9) The person is a prosecuting attorney or deputy prosecuting  
35 attorney carrying a firearm under § 16-21-147.  
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1 SECTION 3. Arkansas Code § 12-15-202(a), concerning the eligibility to  
 2 carry a concealed handgun, is amended to read as follows:

3 (a) Any certified law enforcement officer, prosecuting attorney, or  
 4 deputy prosecuting attorney designated by the prosecuting attorney may carry  
 5 a concealed handgun if that certified law enforcement officer, prosecuting  
 6 attorney, or deputy prosecuting attorney designated by the prosecuting  
 7 attorney is:

8 (1) Presently in the employ of a public law enforcement  
 9 department, office, or agency;

10 (2) Authorized by the public law enforcement department, office,  
 11 or agency to carry a firearm in the course and scope of his or her duties;

12 (3) Not subject to any disciplinary action by the public law  
 13 enforcement department, office, or agency;

14 (4) Carrying a badge and appropriate written identification  
 15 issued by the public law enforcement department, office, or agency  
 16 identifying him or her as a certified law enforcement officer, prosecuting  
 17 attorney, or deputy prosecuting attorney designated by the prosecuting  
 18 attorney; and

19 (5) Not otherwise prohibited under federal law.  
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21 SECTION 4. Arkansas Code § 16-21-147(b), concerning powers of a deputy  
 22 prosecuting attorney, is amended to read as follows:

23 (b)(1) A prosecuting attorney and those deputy prosecuting attorneys  
 24 and other staff members he or she designates shall be considered law  
 25 enforcement officers for the purposes of utilizing emergency, protective, and  
 26 communication equipment in coordination with interagency cooperative  
 27 investigations and operations.

28 (2) ~~Provided, that~~ However, the prosecuting attorney and all  
 29 members of his or her office shall have no greater arrest powers than those  
 30 accorded all citizens under the Arkansas Constitution and the Arkansas Code.

31 (3) A prosecuting attorney and those deputy prosecuting  
 32 attorneys designated by the prosecuting attorney may carry firearms.

33 (4) A prosecuting attorney who elects to carry a firearm or  
 34 authorize his or her deputy prosecuting attorneys to carry a firearm shall  
 35 adopt a weapons policy and a use of force policy.  
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1           SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
 2 General Assembly of the State of Arkansas that a prosecuting attorney and his  
 3 or her deputy prosecuting attorneys perform a vital public function and often  
 4 are in dangerous situations due to the nature of the crimes they prosecute;  
 5 and that this act is immediately necessary because allowing a prosecuting  
 6 attorney and his or her deputy prosecuting attorneys to carry a firearm or  
 7 concealed handgun is essential to the safe operation of criminal justice in  
 8 this state. Therefore, an emergency is declared to exist, and this act being  
 9 immediately necessary for the preservation of the public peace, health, and  
 10 safety shall become effective on:

11                   (1) The date of its approval by the Governor;

12                   (2) If the bill is neither approved nor vetoed by the Governor,  
 13 the expiration of the period of time during which the Governor may veto the  
 14 bill; or

15                   (3) If the bill is vetoed by the Governor and the veto is  
 16 overridden, the date the last house overrides the veto.

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