

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Joint Resolution No. 1018

TO AMEND THE ARKANSAS CONSTITUTION CONCERNING THE APPLICATION OF ARKANSAS LAW
AND UNITED STATES LAW.

Amendment No. 1 to House Joint Resolution No. 1018

Amend House Joint Resolution No. 1018 as originally introduced:

Delete Representative Dotson as a sponsor of the bill

AND

Add Representatives Bell, Dotson, Alexander, D. Altes, Ballinger, Farrer, Harris, Miller, Payton, Scott, Womack as sponsors of the bill

AND

Page 1, delete lines 11 and 12 and substitute the following:
"GRANTED UNDER THE SECOND, NINTH, AND TENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION; TO REQUIRE PUBLIC SERVANTS TO DISREGARD UNCONSTITUTIONAL OVERREACHES OF POWER; TO LIMIT REGULATION OF THE MANUFACTURE, POSSESSION, ASSEMBLY, AND TRADE OF FIREARMS WITHIN THE BORDERS OF ARKANSAS; AND TO CLARIFY THE RESPONSIBILITIES OF MEMBERS OF THE MILITIA UNDER ARTICLE 11, § 1 OF THE ARKANSAS CONSTITUTION."

AND

Page 1, delete the subtitle in its entirety and substitute the following:
Delete the subtitle in its entirety and substitute:
"THE ARKANSAS FIREARMS FREEDOM AMENDMENT OF 2014."

AND

Page 1, delete lines 32 through 35 and substitute the following:
"SECTION 1. This amendment shall be known and may be cited as the Arkansas Firearms Freedom Amendment of 2014."

SECTION 2. Article 19 of the Arkansas Constitution is amended to add additional sections to read as follows:

§ 28. Jurisdiction over firearm regulation.



(a) A personal firearm, a firearm accessory, or ammunition is not subject to any laws, regulations, or registration requirements except as provided under Arkansas law if the personal firearm, firearm accessory, or ammunition is manufactured commercially or privately in Arkansas and remains within the borders of Arkansas, as those items have not traveled in interstate commerce.

(b) The General Assembly shall implement this section by law, including without limitation:

(1) Defining as necessary certain terms used in this section;
and

(2) Providing for exceptions to this section as deemed necessary by the General Assembly.

§ 29. Unlawful enforcement of laws, rules, regulations, or orders.

(a) A law, rule, regulation, or order created or effective on or after the effective date of this section by an authority other than the General Assembly or a lawfully authorized state agency or political subdivision shall be unenforceable within the borders of Arkansas if the law, rule, regulation, or order attempts to:

(1) Prohibit or restrict ownership of a semiautomatic firearm or any magazine of a firearm; or

(2) Require any firearm, magazine, or other firearm accessory to be registered in any manner.

(b) No public servant of the State of Arkansas shall knowingly enforce or attempt to enforce any law, rule, regulation, or order created or effective on or after the effective date of this section relating to a personal firearm, firearm accessory, or ammunition that was enacted by an authority other than the General Assembly or a lawfully authorized state agency or political subdivision so long as that personal firearm, firearm accessory, or ammunition is within the borders of Arkansas.

(c) The General Assembly shall implement this section by law, including without limitation:

(1) Defining as necessary certain terms used in this section;
and

(2) Providing by law for criminal penalties for persons who violate subsection (b) of this section.

§ 30. Defense of an Arkansas resident in firearm cases.

(a) The General Assembly shall provide by law for the defense of a resident of Arkansas who, after the effective date of this section, is prosecuted for the violation of a law, rule, regulation, or order enacted by an authority other than the General Assembly or a lawfully authorized state agency or political subdivision relating to the manufacture, sale, transfer, or possession of a personal firearm, a firearm accessory, or ammunition owned or manufactured in violation of Article 19, §§ 28 and 29.

(b) The General Assembly shall implement this section by law, including without limitation defining as necessary certain terms used in this section.

SECTION 3. Article 11, Section 1 of the Arkansas Constitution is amended to read as follows:

§ 1. Persons liable to military duty.

(a) The militia shall consist of all able-bodied male persons, residents citizens of the State, between the ages of eighteen and forty-five years who have reached the age of majority under Arkansas law; except such as may be exempted by the laws of the United States, or this State; and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

(b) In order to ensure ready and well-equipped forces, a member of the militia under this section may purchase with his or her own resources, maintain, and store at his or her place of residence or other premises under his or her control, such semiautomatic rifles, pistols, shotguns, ammunition, and accessories as considered necessary by the member for the performance of his or her duties.

(c) This section does not permit:

(1) The ownership of possession of a firearm by a person prohibited by Arkansas law from owning or possessing a firearm; or

(2) The use of a duty or privilege under this section to prevent enforcement of the laws of this state.

(d) This section does not supersede an Arkansas statute or rule existing as of the effective date of this amendment.

SECTION 4. SEVERABILITY. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this amendment is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this amendment that shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this amendment.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective on July 1, 2015."

The Amendment was read _____
By: Representative Dotson
MBM/LNS - 03-28-2013 16:41:34
MBM245

Chief Clerk