

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 614

5 By: Senator G. Stubblefield
6 By: Representative Womack
7

For An Act To Be Entitled

9 AN ACT TO ELIMINATE GUN-FREE ZONES; TO REPEAL LAWS IN
10 CONFLICT; AND FOR OTHER PURPOSES.

Subtitle

14 TO ELIMINATE GUN-FREE ZONES; AND TO
15 REPEAL LAWS IN CONFLICT.
16
17

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

20 SECTION 1. DO NOT CODIFY. Legislative intent.

21 The intent of this act is to provide for the safety of the public by
22 eliminating gun-free zones.
23

24 SECTION 2. Arkansas Code § 5-73-119 is amended to read as follows:

25 5-73-119. Handguns – Possession by minor or possession on school
26 property.

27 (a)(1)(A) ~~No~~ A person in this state under eighteen (18) years of age
28 shall not possess a handgun.

29 ~~(2)(A)(B)(i)~~ A violation of subdivision (a)(1)(A) of this
30 section is a Class A misdemeanor.

31 ~~(B)(ii)~~ A violation of subdivision (a)(1)(A) of this
32 section is a Class D felony if the person has previously:

33 ~~(i)(a)~~ Been adjudicated delinquent for a
34 violation of subdivision (a)(1)(A) of this section;

35 ~~(ii)(b)~~ Been adjudicated delinquent for any
36 offense that would be a felony if committed by an adult; or



1 ~~(iii)~~(c) Plead guilty or nolo contendere to or
2 been found guilty of a felony in circuit court while under eighteen (18)
3 years of age.

4 (2)(A) A person shall not possess a firearm inside a public
5 school facility, kindergarten through grade twelve (K-12), except as
6 otherwise provided for in this section.

7 (B) A violation of subdivision (a)(2)(A) of this section
8 is a Class C misdemeanor.

9 ~~(b)(1) No~~ A person in this state less than twenty-one (21) years of
10 age shall not possess a firearm.

11 ~~(A) Upon~~ upon the developed property of a public ~~or~~
12 ~~private~~ school, kindergarten through grade twelve (K-12),.

13 ~~(B) In or upon any school bus; or~~

14 ~~(C) At a designated bus stop as identified on the route~~
15 ~~list published by a school district each year.~~

16 ~~(2)(A) A violation of subdivision (b)(1) of this section is a~~
17 ~~Class D felony.~~

18 ~~(B) No sentence imposed for a violation of subdivision~~
19 ~~(b)(1) of this section shall be suspended or probated or treated as a first~~
20 ~~offense under § 16-93-301 et seq.~~

21 ~~(c)(1) Except as provided in § 5-73-322, a person in this state shall~~
22 ~~not possess a handgun upon the property of any private institution of higher~~
23 ~~education or a publicly supported institution of higher education in this~~
24 ~~state on or about his or her person, in a vehicle occupied by him or her, or~~
25 ~~otherwise readily available for use with a purpose to employ the handgun as a~~
26 ~~weapon against a person.~~

27 ~~(2) A violation of subdivision (c)(1) of this section is a Class~~
28 ~~D felony.~~

29 ~~(d)~~(c) "Handgun" means a firearm capable of firing rimfire ammunition
30 or centerfire ammunition and designed or constructed to be fired with one (1)
31 hand.

32 ~~(e)~~(d) It is permissible to carry a handgun under this section if at
33 the time of the act of possessing a handgun or firearm:

34 (1) The person is in his or her own dwelling or place of
35 business or on property in which he or she has a possessory or proprietary
36 interest, except upon the property of a public or private institution of

1 higher learning;

2 (2) The person is a law enforcement officer, correctional
3 officer, or member of the armed forces acting in the course and scope of his
4 or her official duties;

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

10 (4) The person is a registered commissioned security guard
11 acting in the course and scope of his or her duties;

12 (5) The person is hunting game with a handgun or firearm that
13 may be hunted with a handgun or firearm under the rules and regulations of
14 the Arkansas State Game and Fish Commission or is en route to or from a
15 hunting area for the purpose of hunting game with a handgun or firearm;

16 (6) The person is a certified law enforcement officer;

17 (7) The person is on a journey beyond the county in which the
18 person lives, unless the person is eighteen (18) years of age or less;

19 (8) The person is participating in a certified hunting safety
20 course sponsored by the commission or a firearm safety course recognized and
21 approved by the commission or by a state or national nonprofit organization
22 qualified and experienced in firearm safety;

23 (9) The person is participating in a school-approved educational
24 course or sporting activity involving the use of firearms;

25 (10) The person is a minor engaged in lawful marksmanship
26 competition or practice or other lawful recreational shooting under the
27 supervision of his or her parent, legal guardian, or other person twenty-one
28 (21) years of age or older standing in loco parentis or is traveling to or
29 from a lawful marksmanship competition or practice or other lawful
30 recreational shooting with an unloaded handgun or firearm accompanied by his
31 or her parent, legal guardian, or other person twenty-one (21) years of age
32 or older standing in loco parentis;

33 (11) The person has a license to carry a concealed handgun under
34 § 5-73-301 et seq. and is carrying a concealed handgun on the developed
35 property of:

36 (A) A kindergarten through grade twelve (K-12) private

1 school operated by a church or other place of worship that:

2 (i) Is located on the developed property of the
3 kindergarten through grade twelve (K-12) private school;

4 (ii) Allows the person to carry a concealed handgun
5 into the church or other place of worship under § 5-73-306; and

6 (iii) Allows the person to possess a concealed
7 handgun on the developed property of the kindergarten through grade twelve
8 (K-12) private school; or

9 (B) A kindergarten through grade twelve (K-12) private
10 school or a prekindergarten private school that through its governing board
11 or director has set forth the rules and circumstances under which the
12 licensee may carry a concealed handgun into a building or event of the
13 kindergarten through grade twelve (K-12) private school or the
14 prekindergarten private school; or

15 (12)(A) The person has a license to carry a concealed handgun under §
16 5-73-301 et seq. and is carrying a concealed handgun in his or her motor
17 vehicle or has left the concealed handgun in his or her locked and unattended
18 motor vehicle in a publicly owned and maintained parking lot.

19 (B)(i) As used in this subdivision ~~(e)-(12)(d)(12)~~, “parking lot”
20 means a designated area or structure or part of a structure intended for the
21 parking of motor vehicles or a designated drop-off zone for children at a
22 school.

23 (ii) “Parking lot” does not include a parking lot owned,
24 maintained, or otherwise controlled by the Department of Correction or
25 Department of Community Correction.

26

27 SECTION 3. Arkansas Code § 5-73-122 is repealed.

28 ~~5-73-122. Carrying a firearm in publicly owned buildings or facilities.~~

29 ~~(a)(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147,~~
30 ~~and this section, it is unlawful for any person other than a law enforcement~~
31 ~~officer or a security guard in the employ of the state or an agency of the~~
32 ~~state, or any city or county, or any state or federal military personnel, to~~
33 ~~knowingly carry or possess a loaded firearm or other deadly weapon in any~~
34 ~~publicly owned building or facility or on the State Capitol grounds.~~

35 ~~(2) It is unlawful for any person other than a law enforcement~~
36 ~~officer or a security guard in the employ of the state or an agency of the~~

1 ~~state, or any city or county, or any state or federal military personnel, to~~
2 ~~knowingly carry or possess a firearm, whether loaded or unloaded, in the~~
3 ~~State Capitol Building or the Arkansas Justice Building in Little Rock.~~

4 ~~(3) However, this subsection does not apply to a person carrying~~
5 ~~or possessing a firearm or other deadly weapon in a publicly owned building~~
6 ~~or facility or on the State Capitol grounds.~~

7 ~~(A) For the purpose of participating in a shooting match~~
8 ~~or target practice under the auspices of the agency responsible for the~~
9 ~~publicly owned building or facility or State Capitol grounds.~~

10 ~~(B) If necessary to participate in a trade show, exhibit,~~
11 ~~or educational course conducted in the publicly owned building or facility or~~
12 ~~on the State Capitol grounds.~~

13 ~~(C)(i) If the person has a license to carry a concealed~~
14 ~~handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his~~
15 ~~or her motor vehicle or has left the concealed handgun in his or her locked~~
16 ~~and unattended motor vehicle in a publicly owned and maintained parking lot.~~

17 ~~(ii)(a) As used in this subdivision (a)(3)(C),~~
18 ~~“parking lot” means a designated area or structure or part of a structure~~
19 ~~intended for the parking of motor vehicles or a designated drop-off zone for~~
20 ~~children at school.~~

21 ~~(b) “Parking lot” does not include a parking~~
22 ~~lot owned, maintained, or otherwise controlled by the Department of~~
23 ~~Correction or the Department of Community Correction.~~

24 ~~(D) If the person has completed the required training and~~
25 ~~received a concealed carry endorsement under § 5-73-322(g) and the place is~~
26 ~~not.~~

27 ~~(i) A courtroom or the location of an administrative~~
28 ~~hearing conducted by a state agency, except as permitted by § 5-73-306(5) or~~
29 ~~§ 5-73-306(6).~~

30 ~~(ii) A public school kindergarten through grade~~
31 ~~twelve (K-12), a public prekindergarten, or a public daycare facility, except~~
32 ~~as permitted under subdivision (a)(3)(C) of this section.~~

33 ~~(iii) A facility operated by the Department of~~
34 ~~Correction or the Department of Community Correction; or~~

35 ~~(iv) A posted firearm sensitive area, as approved by~~
36 ~~the Department of Arkansas State Police under § 5-73-325, located at.~~

1 ~~(a) The Arkansas State Hospital;~~
2 ~~(b) The University of Arkansas for Medical~~
3 ~~Sciences; or~~

4 ~~(c) A collegiate athletic event; or~~
5 ~~(E) If the person has a license to carry a concealed~~
6 ~~handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a~~
7 ~~judge on the Court of Appeals, and is carrying a concealed handgun in the~~
8 ~~Arkansas Justice Building.~~

9 ~~(4) As used in this section, "facility" means a municipally~~
10 ~~owned or maintained park, football field, baseball field, soccer field, or~~
11 ~~another similar municipally owned or maintained recreational structure or~~
12 ~~property.~~

13 ~~(b) However, a law enforcement officer, officer of the court, bailiff,~~
14 ~~or any other person authorized by the court is permitted to possess a handgun~~
15 ~~in the courtroom of any court or a courthouse of this state.~~

16 ~~(c) A person violating this section upon conviction is guilty of a~~
17 ~~prohibit the possession of a firearm on the private landowner's property; or~~
18 ~~Class C misdemeanor.~~

19
20 SECTION 4. Arkansas Code § 5-73-127 is repealed.

21 ~~5-73-127. Possession of loaded center fire weapons in certain areas.~~

22 ~~(a) It is unlawful to possess a loaded center fire weapon, other than~~
23 ~~a shotgun and other than in a residence or business of the owner, in the~~
24 ~~following areas:~~

25 ~~(1) Baxter County:~~

26 ~~(A) That part bounded on the south by Highway 178, on the~~
27 ~~west and north by Bull Shoals Lake, and on the east by the Central Electric~~
28 ~~Power Corporation transmission line from Howard Creek to Highway 178;~~

29 ~~(B) That part of Bidwell Point lying south of the east-~~
30 ~~west road which crosses Highway 101 at the Presbyterian Church;~~

31 ~~(C) That part of Bidwell Point lying west of Bennett's~~
32 ~~Bayou and north of the east-west road which crosses Highway 101 at the~~
33 ~~Presbyterian Church;~~

34 ~~(D) That part of Baxter County between:~~

35 ~~(i) County Road 139 and Lake Norfolk to the north~~
36 ~~and west;~~

1 (ii) ~~County Road 151 and Lake Norfolk to the north,~~
2 ~~west, and south in the Diamond Bay area;~~

3 (iii) ~~The Bluff Road and Lake Norfolk to the west;~~

4 (iv) ~~John Lewis Road (Timber Lake Manor) and Lake~~
5 ~~Norfolk to the west and south;~~

6 (v) ~~The south end of County Road 91 south of its~~
7 ~~intersection with John Lewis Road and Lake Norfolk to the south and east; and~~

8 (vi) ~~County Road 150 from its intersection with~~
9 ~~County Road 93 south and Lake Norfolk to the south and east but not east of~~
10 ~~County Road 93;~~

11 (2) ~~Benton County:~~

12 (A) ~~That part of the Hobbs Estate north of State Highway~~
13 ~~12, west of Rambo Road, and south and east of Van Hollow Creek and the Van~~
14 ~~Hollow Creek arm of Beaver Lake;~~

15 (B) ~~All of Bella Vista Village; and~~

16 (C) ~~That part bounded on the north by Beaver Lake, on the~~
17 ~~east by Beaver Lake, on the south by the Hobbs State Management Area boundary~~
18 ~~from the intersection of State Highway 12 eastward along the boundary to its~~
19 ~~intersection with the Van Hollow Creek arm of Beaver Lake;~~

20 (3) ~~Benton and Carroll Counties: That part bounded on the north~~
21 ~~by Highway 62, on the east by Highway 187 and Henry Hollow Creek, and the~~
22 ~~south and west by Beaver Lake and the road from Beaver Dam north to Highway~~
23 ~~62;~~

24 (4) ~~Conway County: That part lying above the rimrock of Petit~~
25 ~~Jean Mountain;~~

26 (5) ~~Garland County: All of Hot Springs Village and Diamondhead;~~

27 (6) ~~Marion County:~~

28 (A) ~~That part known as Bull Shoals Peninsula, bounded on~~
29 ~~the east and north by White River and Lake Bull Shoals, on the west by the~~
30 ~~Jimmie Creek arm of Lake Bull Shoals, and on the south by the municipal~~
31 ~~boundaries of the City of Bull Shoals;~~

32 (B) ~~That part of Marion County bounded on the north, west,~~
33 ~~and south by Bull Shoals Lake and on the east by County Roads 355 and 322~~
34 ~~from their intersections with State Highway 202 to the points where they~~
35 ~~respectively dead end at arms of Bull Shoals Lake;~~

36 (C) ~~The Yocum Bend Peninsula of Bull Shoals Lake bounded~~

1 on the north and east by Bull Shoals Lake, on the west by Pine Mountain and
2 Bull Shoals Lake, and on the south by County Road 30; and

3 (D) Those lands situated in Marion County known as the
4 Frost Point Peninsula, not inundated by the waters of Bull Shoals Lake, being
5 more particularly described as follows:

6 (i) Section Six, Township Twenty North, Range
7 Fifteen West, (Sec. 6 T.20 N. R.15 W.), lying south of the White River
8 channel;

9 (ii) Section One, Township Twenty North, Range
10 Sixteen West, (Sec. 1 T.20 N. R.16 W.); and

11 (iii) East Half of Section Two, Township Twenty
12 North, Range Sixteen West, (E 1/2 Sec. 2 T.20 N. R.16 W.); North Half of
13 the Northeast Quarter of Section Eleven, Township Twenty North, Range Sixteen
14 West (N 1/2 NE 1/4 Sec. 11 T.20 N. R.16 W.); and

15 (7) A platted subdivision located in an unincorporated area.

16 (b) Nothing contained in this section shall be construed to limit or
17 restrict or to make unlawful the discharge of a firearm in defense of a
18 person or property within the areas described in this section.

19 (c) A person who is found guilty or who pleads guilty or nolo
20 contendere to violating this section is guilty of a violation and shall be
21 fined no less than twenty five dollars (\$25.00) nor more than five hundred
22 dollars (\$500).

23 (d) This section does not apply to a:

24 (1) Law enforcement officer in the performance of his or her
25 duties;

26 (2) Discharge of a center fire weapon at a firing range
27 maintained for the discharging of a center fire weapon; or

28 (3) Person possessing a valid concealed handgun license under §
29 5-73-301 et seq.

30
31 SECTION 5. Arkansas Code § 5-73-130(c), concerning definitions used
32 concerning seizure and forfeiture of a firearm or motor vehicle, is amended
33 to read as follows:

34 (c) As used in this section, "unlawfully in possession of a firearm"
35 does not include any act of possession of a firearm that is prohibited only
36 by:

1 ~~(1) Section 5-73-127, unlawful to possess loaded center fire~~
2 ~~weapons in certain areas; or~~

3 ~~(2) A a regulation of the Arkansas State Game and Fish~~
4 ~~Commission.~~

5
6 SECTION 6. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended
7 to add an additional section to read as follows:

8 5-73-134. Possession of a firearm on public property.

9 (a) A person may carry a firearm in a publicly owned, leased, or
10 rented building or facility, on public land, on a public roadway, and on a
11 public sidewalk.

12 (b) This section does not authorize a person to carry a firearm:

13 (1) Where prohibited by federal law;

14 (2) Into a facility operated by the Department of Correction,
15 the Department of Community Correction, or the Division of Youth Services, or
16 a county jail;

17 (3)(A) Into a courtroom without authorization from the presiding
18 judge.

19 (B) However, a law enforcement officer, officer of the
20 court, bailiff, or any other person who is not a party to the case and
21 authorized by the presiding judge is permitted to possess a handgun in the
22 courtroom of any court or a courthouse of this state;

23 (4) At a public college or public university sporting event;

24 (5) Into the Arkansas State Hospital;

25 (6) Into a facility on the campus of the University of Arkansas
26 for Medical Sciences; or

27 (7) The Arkansas Justice Building.

28 (c) This section does not:

29 (1) Apply to the rights of a private landowner to allow or
30 prohibit the possession of a firearm on the private landowner's property;

31 (2) Prohibit a public college or public university from
32 developing a policy concerning possession of an unconcealed handgun; or

33 (3) Supersede any law prohibiting certain persons from
34 possessing a firearm.

35 (d)(1) To the extent that the requirements or prohibitions under § 5-
36 73-301 et seq. are more restrictive than this section, the Department of

1 Arkansas State Police may waive the requirements or prohibitions in order to
2 conform with this section.

3 (2) A restriction under § 5-73-301 et seq. shall not apply to a
4 person who does not hold a license to carry a concealed handgun under § 5-73-
5 301 et seq.

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