

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
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/26/99 S4/5/99

A Bill

Act 1282 of 1999
HOUSE BILL 1935

5 By: Representatives Glover, *Broadway*
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-73-119 TO PROHIBIT
10 FIREARMS ON SCHOOL PROPERTY, SCHOOL BUSES, OR SCHOOL
11 BUS STOPS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE 5-73-119
14 TO PROHIBIT FIREARMS ON SCHOOL PROPERTY,
15 SCHOOL BUSES, OR SCHOOL BUS STOPS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 5-73-119 is amended to read as follows:

22 "5-73-119. Handguns - Possession by minor or possession on school
23 property.

24 (a)(1)(A) No person in this state under the age of eighteen (18) years
25 shall possess a handgun.

26 (B)(i) Violation of subdivision (a)(1)(A) of this section
27 shall be a Class A misdemeanor.

28 (ii) Violation of subdivision (a)(1)(A) of this
29 section shall be a Class D felony if the person has previously:

30 (a) Been adjudicated delinquent for a violation
31 of subdivision (a)(1)(A) of this section; or

32 (b) Been adjudicated delinquent for any offense
33 which would be a felony if committed by an adult; or

34 (c) Pled guilty or nolo contendere to, or
35 been found guilty of, a felony in circuit court while under the age of
36 eighteen (18) years.

1 (2)(A) No person in this state shall possess a ~~handgun~~ firearm
2 upon the developed property of the public or private schools (K through 12) or
3 in or upon any school bus or at a designated bus stop as identified on the
4 route lists published by school districts each year.

5 (B) Violation of subdivision (a)(2)(A) of this section
6 shall be a Class D felony, and no sentence imposed for violation thereof shall
7 be suspended or probated or treated as a first offense under § 16-93-301 et
8 seq.

9 (3)(A) No person in this state shall possess a handgun upon the
10 property of any private institution of higher education or the publicly
11 supported institutions of higher education in this state on or about his
12 person, in a vehicle occupied by him, or otherwise readily available for use
13 with a purpose to employ it as a weapon against a person.

14 (B) Violation of subdivision (a)(3)(A) shall be a Class D
15 felony.

16 (b) A "handgun" is a firearm capable of firing rimfire ammunition or
17 centerfire ammunition, and which is designed or constructed to be fired with
18 one (1) hand.

19 (c) It is a defense to prosecution under this section that at the time
20 of the act of possessing a handgun or firearm:

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

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

26 (3) The person is assisting a law enforcement officer, prison
27 guard, or member of the armed forces acting in the course and scope of his
28 official duties pursuant to the direction or request of the law enforcement
29 officer, prison guard, or member of the armed forces; or

30 (4) The person is a licensed security guard acting in the course
31 and scope of his duties; or

32 (5) The person is hunting game with a handgun or firearm which
33 may be hunted with a handgun or firearm under rules and regulations of the
34 Arkansas State Game and Fish Commission or is en route to or from a hunting
35 area for the purpose of hunting game with a handgun or firearm; or

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

1 (7) The person is on a journey, unless the person is eighteen
2 (18) years old or less; or

3 (8) The person is participating in a certified hunting safety
4 course sponsored by the Arkansas State Game and Fish Commission or a firearm
5 safety course recognized and approved by the Arkansas State Game and Fish
6 Commission or by a state or national nonprofit organization qualified and
7 experienced in firearm safety; or

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

10 (10) The person is a minor engaged in lawful marksmanship
11 competition or practice or other lawful recreational shooting under the
12 supervision of his parent or legal guardian or is traveling to or from this
13 activity, with an unloaded *handgun or firearm*, accompanied by his parent or
14 legal guardian."

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16 SECTION 2. All provisions of this act of a general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 3. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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

28 /s/ Glover, et al

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31 APPROVED: 4/9/1999
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