

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-072

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2184

By: Representative M. Martin

Filed with: House Interim Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT CONCERNING THE LAWFUL OPEN CARRY OF
HANDGUNS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT CONCERNING THE LAWFUL OPEN CARRY
OF HANDGUNS.

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

SECTION 1. This act shall be known as the "Arkansas Open Carry Law".

SECTION 2. Arkansas Code § 5-73-120(a), concerning the offense of carrying a weapon, is amended to read as follows:

5-73-120. Carrying a weapon.

(a) A person commits the offense of carrying a weapon if he or she possesses a handgun, knife, or club on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to offensively employ the handgun, knife, or club as a weapon against a person.

(b) A person is presumed to be openly carrying a weapon defensively unless displaying conduct constituting attempt under § 5-3-201.

SECTION 3. Arkansas Code § 5-73-305 is amended to read as follows:

5-73-305. Criminal penalty.



1 (a) Any A person who knowingly submits a false answer to any question
2 on an application for a license issued pursuant to this subchapter, or who
3 knowingly submits a false document when applying for a license issued
4 pursuant to this subchapter upon conviction is guilty of a Class B
5 misdemeanor.

6 (b) A person who knowingly carries a concealed handgun without a valid
7 license to carry a concealed handgun under this subchapter upon conviction is
8 guilty of a Class A misdemeanor.

9
10 SECTION 4. Arkansas Code Title 5, Chapter 73 is amended to create a
11 new subchapter to read as follows:

12 Subchapter 5 – Arkansas Open Carry Law

13 5-73-501. Definitions.

14 As used in this subchapter, “plain sight” means not hidden or concealed
15 from observation and in open view. “Plain sight” includes a handgun that is
16 holstered as long as the holster is not hidden or concealed from observation
17 and is in open view.

18
19 5-73-502. Open carry

20 Except for those places provided in § 5-73-306, a person who may
21 lawfully possess a handgun may publicly carry in plain sight a handgun on his
22 or her person or in his or her vehicle for the purpose of self-defense
23 regardless of any law to the contrary prohibiting the carrying of a handgun.