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2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011  
5

# A Bill

HOUSE BILL 1487

6 By: Representative King

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

## For An Act To Be Entitled

9  
10 AN ACT TO BE KNOWN AS THE ARKANSAS FIREARMS FREEDOM  
11 ACT; AND FOR OTHER PURPOSES.  
12

### Subtitle

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14  
15 THE ARKANSAS FIREARMS FREEDOM ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 4, Subtitle 2 is amended to create a  
21 new chapter to read as follows:

22 Chapter 21 – Jurisdiction Over Firearm Regulation

23 4-21-101. Scope.

24 (a)(1) The Tenth Amendment to the United States Constitution  
25 guarantees to the states and their people all powers not granted to the  
26 federal government elsewhere in the United States Constitution and reserves  
27 to the State of Arkansas and its people certain powers as they were  
28 understood at the time that Arkansas was admitted to statehood in 1836.

29 (2) The guaranty of those powers is a matter of contract between  
30 the State of Arkansas and its people and the United States as of the time  
31 that the compact with the United States was agreed upon and adopted by  
32 Arkansas and the United States in 1836.

33 (b)(1) The Ninth Amendment to the United States Constitution  
34 guarantees to the people rights not granted in the United States Constitution  
35 and reserves to the people of Arkansas certain rights as they were understood  
36 at the time that Arkansas was admitted into statehood in 1836.

1           (2) The guaranty of those rights is a matter of contract between  
2 the State of Arkansas and its people and the United States as of the time  
3 that the compact with the United States was agreed upon and adopted by  
4 Arkansas and the United States in 1836.

5           (c) The regulation of intrastate commerce is vested in the states  
6 under the Ninth and Tenth Amendments to the United States Constitution.

7           (d) The Second Amendment to the United States Constitution reserves to  
8 the people the right to keep and bear arms as that right was understood at  
9 the time that Arkansas was admitted into statehood in 1836, and the guaranty  
10 of the right is a matter of contract between the State of Arkansas and its  
11 people and the United States as of the time that the compact with the United  
12 States was agreed upon and adopted by Arkansas and the United States in 1836.

13           (e)(1) Arkansas Constitution, Article 2, § 5 clearly secures to  
14 Arkansas citizens and prohibits government interference with the right of  
15 individual Arkansas citizens to keep and bear arms.

16           (2) This constitutional protection is unchanged from the 1836  
17 Arkansas Constitution, which was approved by the United States Congress and  
18 the people of Arkansas, and the right exists as it was understood at the time  
19 that the compact with the United States was agreed upon and adopted by  
20 Arkansas and the United States in 1836.

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22           4-21-102. Definitions.

23           (a) As used in this chapter:

24           (1) "Borders of Arkansas" means the boundaries of Arkansas  
25 described in the Arkansas Constitution, Article 1;

26           (2) "Firearms accessory" means an item that is used in  
27 conjunction with or mounted upon a firearm but is not essential to the basic  
28 function of a firearm, including without limitation telescopic or laser  
29 sights, magazines, flash or sound suppressors, folding or aftermarket stocks  
30 and grips, speedloaders, ammunition carriers, and lights for target  
31 illumination;

32           (3) "Generic and insignificant part" means a small component  
33 used in the manufacture of a firearm including, without limitation a spring,  
34 a screw, a nut, and a pin; and

35           (4) "Manufactured" means that a firearm, a firearm accessory, or  
36 ammunition has been created from basic materials for functional usefulness,

1 including without limitation forging, casting, machining, or other processes  
2 for working materials.

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4 4-21-103. Prohibitions.

5 (a) A personal firearm, a firearm accessory, or ammunition that is  
6 manufactured commercially or privately in Arkansas and that remains within  
7 the borders of Arkansas is not subject to federal law or federal regulation,  
8 including registration, under the authority of the United States Congress to  
9 regulate interstate commerce, as those items have not traveled in interstate  
10 commerce.

11 (b)(1) This chapter applies to a firearm, a firearm accessory, or  
12 ammunition that is manufactured in Arkansas from basic materials and that can  
13 be manufactured without the inclusion of any significant parts imported from  
14 another state.

15 (2) Generic and insignificant parts that have other  
16 manufacturing or consumer product applications are not firearms, firearms  
17 accessories, or ammunition, and their importation into Arkansas and  
18 incorporation into a firearm, a firearm accessory, or ammunition manufactured  
19 in Arkansas does not subject the firearm, firearm accessory, or ammunition to  
20 federal regulation.

21 (3) Basic materials, such as unmachined steel and unshaped wood,  
22 are not firearms, firearms accessories, or ammunition and are not subject to  
23 congressional authority to regulate firearms, firearms accessories, and  
24 ammunition under interstate commerce as if they were actually firearms,  
25 firearms accessories, or ammunition.

26 (4) The authority of United States Congress to regulate  
27 interstate commerce in basic materials does not include authority to regulate  
28 firearms, firearms accessories, and ammunition made in Arkansas from the  
29 materials contained in this subdivision (b)(4) as long as the firearm does  
30 not travel or is not sold outside the boundaries of the state of Arkansas.

31 (c) Firearms accessories that are imported into Arkansas from another  
32 state and that are subject to federal regulation as being in interstate  
33 commerce do not subject a firearm to federal regulation under interstate  
34 commerce because they are attached to or used in conjunction with a firearm  
35 in Arkansas.

36 (d) This section does not apply to:

1           (1) A firearm that cannot be carried and used by one (1) person;

2           (2) A firearm that has a bore diameter greater than one and one-  
3 half inches (1 1/2") and that uses smokeless powder, not black powder, as a  
4 propellant;

5           (3) Ammunition with a projectile that explodes using an  
6 explosion of chemical energy after the projectile leaves the firearm; or

7           (4) Other than shotguns, a firearm that discharges two (2) or  
8 more projectiles with one (1) activation of the trigger or other firing  
9 device.

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11           4-21-104. Marketing of firearms.

12           A firearm manufactured or sold in Arkansas that is subject to this  
13 chapter must have the words "Made in Arkansas" clearly stamped on a central  
14 metallic part, such as the receiver or frame.

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16 Referred by the Arkansas House of Representatives

17 Prepared by: BPG/VJF

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