

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives M. Wilson and McJunkin

A Bill

HOUSE BILL 1235

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-73-119 TO
PROHIBIT THE POSSESSION OF HANDGUNS OR OTHER FIREARMS BY
MINORS OR ON SCHOOL PROPERTY; AND FOR OTHER PURPOSES."

Subtitle

"TO PROHIBIT POSSESSION OF HANDGUNS OR
OTHER FIREARMS BY MINORS OR ON SCHOOL
PROPERTY"

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

SECTION 1. Arkansas Code Annotated 5-73-119 is amended to read as follows:

"5-73-119. Handguns/Firearms - Possession by minor or possession on school property.

(a)(1)(A) No person in this state under the age of eighteen (18) years shall possess a handgun or other firearm except as provided under subsection (d).

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

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

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

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

(c) Pleaded guilty or nolo contendere to, or been found guilty of, a felony in circuit court while under the age of

1 eighteen (18) years.

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

6 (B) Violation of subdivision (a)(2)(A) of this section
7 *shall be a Class D felony.*

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

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

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

18 (c) Firearm means any device designed, made, or adapted to expel a
19 projectile by the action of an explosive or any device readily convertible to
20 that use, including such a device that is not loaded or lacks a clip or other
21 component to render it immediately operable, and components that can readily
22 be assembled into such a device.

23 (d) It is a defense to prosecution under this section that at the time
24 of the act of possessing a handgun or other firearm:

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

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

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

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

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

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

7 (7) The person is eighteen (18) years of age or older and is on
8 a journey; or

9 (8) The person is participating in a certified hunting safety
10 course sponsored by the Arkansas State Game and Fish Commission or a firearm
11 safety course recognized and approved by the Arkansas State Game and Fish
12 Commission or by a state or national nonprofit organization qualified and
13 experienced in firearm safety; or

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

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

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

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26 SECTION 3. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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

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/s/M. Wilson, et al

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