

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1268

4 By: Representatives Beatty, Schexnayder, and M. Wilson

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For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO CREATE THE CRIMINAL
9 OFFENSE OF POSSESSION OR USE OF WEAPONS BY INCARCERATED
10 PERSONS; AND FOR OTHER PURPOSES."

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Subtitle

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13 "TO AMEND THE ARKANSAS CODE TO CREATE
14 THE CRIMINAL OFFENSE OF POSSESSION OR
15 USE OF WEAPONS BY INCARCERATED PERSONS."

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

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19 SECTION 1. Title 5, Chapter 73, Subchapter 1 is amended by inserting
20 an additional section at the end thereof to read as follows:

21 "5-73-131. Possession or use of weapons by incarcerated persons.

22 (a) A person commits the offense of possession or use of weapons by
23 incarcerated persons if, without approval of custodial authority, *he* uses,
24 possesses, makes, repairs, sells or otherwise deals in, any weapon, including
25 but not limited to any bomb, firearm, knife, or other implement for the
26 infliction of serious physical injury or death *and* which serves no common
27 lawful purpose, while incarcerated in the Arkansas Department of Correction,
28 Arkansas Department of Community Punishment, or a county or municipal jail or
29 detention facility.

30 (b) Possession or use of weapons by incarcerated persons is a Class D
31 felony.

32 (c) *This section shall not be applicable to possession of a weapon by*
33 *an incarcerated person before he completes the standard booking and search*
34 *procedures in a jail facility after arrest."*

35 SECTION 2. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
2 Code Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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

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/s/Beatty, et al

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