

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Simon, Courtway and Wren

A Bill

HOUSE BILL 1737

For An Act To Be Entitled

8 "AN ACT TO AMEND THE TEAR GAS STATUTE TO MAKE IT APPLY TO
9 PEPPER SPRAY; TO INCREASE THE PENALTY FOR USING TEAR GAS
10 OR PEPPER SPRAY AGAINST A LAW ENFORCEMENT OFFICER; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "AMEND THE TEAR GAS STATUTE TO INCLUDE
15 PEPPER SPRAY; TO INCREASE THE PENALTY
16 FOR USING TEAR GAS OR PEPPER SPRAY
17 AGAINST A LAW ENFORCEMENT OFFICER."

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

21 SECTION 1. Arkansas Code 5-73-124 is amended to read as follows:

22 "§ 5-73-124. Tear gas.

23 (a)(1) Except as otherwise provided in this section, any person who
24 shall carry or have in his possession any tear gas or pepper spray in any
25 form whatever, and any person who shall carry or have in his possession any
26 gun, bomb, grenade, cartridge, or other weapon designed for the discharge of
27 tear gas or pepper spray, shall be guilty of a misdemeanor.

28 (2) It is lawful for a person to possess or carry, and use, a
29 small container of tear gas or pepper spray to be used for self-defense
30 purposes only, but the capacity of the cartridge or container shall not
31 exceed one hundred fifty cubic centimeters (150 cc).

32 (b) The provisions of this section shall not apply to any peace
33 officer while engaged in the discharge of his official duties, nor to any
34 banking institution desiring to have possession of tear gas or pepper spray
35 in any form for the purpose of securing funds in its custody from theft or

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