

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

1 robbery.

2 (c)(1) Any person convicted of a violation of the provisions of this
3 section shall be punished by a fine of not less than fifty dollars (\$50.00)
4 nor more than two hundred dollars (\$200) or by imprisonment in the county
5 jail for not less than thirty (30) days nor more than three (3) months, or by
6 both fine and imprisonment.

7 (2) Any person who shall use tear gas or pepper spray in any
8 form against any law enforcement officer who is on duty and is acting within
9 the scope of his authority as a law enforcement officer shall be guilty of a
10 Class A misdemeanor."

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

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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23 hereby repealed.

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26 /s/Rep. Simon, et al

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