

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

A Bill

HOUSE BILL 1990

4 By: Representatives Roberts, Madison, Booker and Ferrell

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For An Act To Be Entitled

8 "AN ACT TO MAKE IT UNLAWFUL TO LEAVE A LOADED FIREARM
9 WITHIN REACH OF A CHILD; AND FOR OTHER PURPOSES."

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Subtitle

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12 "TO MAKE IN UNLAWFUL TO LEAVE A LOADED
13 FIREARM WITHIN REACH OF A CHILD."

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

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17 SECTION 1. (a) In this section "child" means a person who has not
18 attained the age of fourteen (14) years.

19 (b) Whoever recklessly stores or leaves a loaded firearm within reach
20 or easy access of a child is guilty of a Class A misdemeanor if all of the
21 following occur:

22 (1) A child obtains the firearm without the lawful permission of
23 his or her parent or guardian or the person having charge of the child;

24 (2) The child discharges the firearm and the discharge causes
25 bodily harm or death to himself, herself or another.

26 (c) Whoever recklessly stores or leaves a loaded firearm within reach
27 or easy access of a child is guilty of a Class C misdemeanor if all the
28 following occur:

29 (1) A child obtains the firearm without the lawful permission of
30 his or her parent or guardian or the person having charge of the child;

31 (2) The child possesses or exhibits the firearm in a public
32 place.

33 (d) Subsections (b) and (c) do not apply under any of the following
34 circumstances:

35 (1) The firearm is stored or left in a securely locked box or

1 container or in a location that a reasonable person would believe to be
2 secure;

3 (2) The firearm is securely locked with a trigger lock;

4 (3) The firearm is left on the person_s body or in such
5 proximity to the person_s body that he or she could retrieve it as easily and
6 quickly as if carried on his or her body;

7 (4) The person is a peace officer or a member of the armed
8 forces or national guard and the child obtains the firearm during or
9 incidental to the performance of the person_s duties;

10 (5) The child obtains the firearm as a result of an illegal
11 entry by any person;

12 (6) The person who stores or leaves a loaded firearm reasonably
13 believes that a child is not likely to be present where the firearm is stored
14 or left;

15 (7) The firearm is rendered inoperable by the removable of an
16 essential component of the firing mechanism such as the bolt in a breech-
17 loading firearm.

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

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

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

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/s/Rep. Roberts, et al

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As Engrossed: 3/21/95

HB 1990

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