

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

# A Bill

SENATE BILL

44

4 By: Senators Edwards, Bookout, and Bell  
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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."  
11

## Subtitle

12 "TO AMEND THE ARKANSAS CODE TO CREATE  
13 THE CRIMINAL OFFENSE OF POSSESSION OR  
14 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/Edwards et al*

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