

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H2/21/97

A Bill

HOUSE BILL 1741

4
5 By: Representatives DeLay, Milum, Fuqua, Magness, Keltner,
6 Rodgers, Faris, Bryant, Wilkinson, Hall and Wood

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-73-120 TO AUTHORIZE THE
10 POSSESSION OF A WEAPON IN A MOTOR VEHICLE; AND FOR OTHER
11 PURPOSES."

Subtitle

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14 "AN ACT TO AMEND ARKANSAS CODE 5-73-120
15 TO AUTHORIZE THE POSSESSION OF A WEAPON
16 IN A MOTOR VEHICLE."

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

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20 SECTION 1. Arkansas Code § 5-73-120 is amended to read as follows:

21 "§ 5-73-120. Carrying a weapon.

22 (a) A person commits the offense of carrying a weapon if he possesses a
23 handgun, knife, or club on or about his person, or otherwise readily available
24 for use with a purpose to employ it as a weapon against a person.

25 (b) As used in this section, unless the context otherwise requires:

26 (1) Handgun means any firearm with a barrel length of less than
27 twelve inches (12") that is designed, made, or adapted to be fired with one
28 (1) hand;

29 (2) Knife means any bladed hand instrument that is capable of
30 inflicting serious physical injury or death by cutting or stabbing. It
31 includes a dirk, sword or spear in a cane, razor, ice pick, and a throwing
32 star, switchblade, and butterfly knife; and

33 (3) Club means any instrument that is specially designed, made,
34 or adapted for the purpose of inflicting serious physical injury or death by
35 striking, including a blackjack, billie, and sap.

36 (c) It is a defense to a prosecution under this section that at the

1 time of the act of carrying:

2 (1) The person is in his own dwelling, place of business, or on
3 property in which he has a possessory or proprietary interest; or

4 (2) The person is a law enforcement officer, prison guard, or
5 member of the armed forces, acting in the course and scope of his official
6 duties; or

7 (3) The person is assisting a law enforcement officer, prison
8 guard, or member of the armed forces acting in the course and scope of
9 official duties pursuant to the direction or request of the law enforcement
10 officer, prison guard, or member of the armed forces; or

11 (4) The person is carrying a weapon when upon a journey; or

12 (5) The person is a licensed security guard acting in the course
13 and scope of his duties; or

14 (6) The person is hunting game with a handgun which may be hunted
15 with a handgun under rules and regulations of the Arkansas State Game and Fish
16 Commission or is en route to or from a hunting area for the purpose of hunting
17 game with a handgun; or

18 (7) The person is a certified law enforcement officer; or

19 (8) The person is in a motor vehicle, ~~and the person has a~~
20 ~~license to carry a concealed weapon pursuant to § 5-73-301 et seq.~~

21 (d)(1) Any person who carries a weapon into an establishment that sells
22 alcoholic beverages shall be deemed guilty of a misdemeanor and subject to a
23 fine of not more than two thousand five hundred dollars (\$2,500) or
24 imprisonment for not more than one (1) year, or both.

25 (2) Otherwise, carrying a weapon is a Class A misdemeanor."
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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.
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1 SECTION 4. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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/s/Rep. DeLay, et al

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