

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

# A Bill

HOUSE BILL 1750

4  
5 By: Representative Jeffress

## For An Act To Be Entitled

9 "AN ACT TO CREATE THE CRIMINAL OFFENSE OF POSSESSION OF A  
10 FIREARM ON OR WITHIN 1,000 FEET OF THE REAL PROPERTY OF A  
11 SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION; TO DECLARE  
12 AN EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO CREATE THE CRIMINAL OFFENSE OF  
16 POSSESSION OF A FIREARM ON OR WITHIN  
17 1,000 FEET OF THE REAL PROPERTY OF A  
18 SCHOOL OR AN INSTITUTION OF HIGHER  
19 EDUCATION."

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

23 SECTION 1. Title 5, Chapter 73, Subchapter 1 of the Arkansas Code  
24 Annotated is amended by adding a new section to read as follows:

25 "5-73-133. Possession of a firearm in a school zone.

26 (a) The General Assembly recognizes that an intentional or accidental  
27 discharge of a firearm close to school property could result in the injury or  
28 death of students and school personnel and that it is imperative for the State  
29 of Arkansas to take a strong stand against violence by enacting legislation to  
30 supplement new federal law banning the possession of a firearm within one  
31 thousand feet (1,000 ) of a school so as to protect Arkansas students and  
32 school personnel and to authorize prosecution of violators of this act in the  
33 States circuit courts.

34 (b)(1) It shall be unlawful for any person knowingly to possess a  
35 firearm on or within one thousand feet (1,000 ) of the real property of a  
36 public or private school or a public or private institution of higher

1 education.

2 (2) Firearm has the meaning specified in § 5-1-102(6).

3 (3) Violation of this subsection shall be a Class D felony.

4 (c) It is a defense to prosecution under this section that at the time  
 5 of the act of possessing a firearm:

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

8 (2) The person is a law enforcement officer, prison guard,  
 9 licensed security guard, or member of the armed forces, acting in the course  
 10 and scope of his official duties; or

11 (3) The person is assisting a law enforcement officer, prison  
 12 guard, licensed security guard, or member of the armed forces acting in the  
 13 course and scope of his official duties; or

14 (4) The person is a certified law enforcement officer; or

15 (5) The person is licensed to carry a firearm under § 5-73-301 et  
 16 seq. or § 12-15-201, et seq.; or

17 (6) The person is participating in a certified hunting safety  
 18 course sponsored by the Arkansas Game and Fish Commission or a firearm safety  
 19 course recognized and approved by the Arkansas Game and Fish Commission or by  
 20 a state or national nonprofit organization qualified and experienced in  
 21 firearm safety; or

22 (7) The person is carrying a Civil-War era weapon under § 6-5-501  
 23 et seq. to or from school property; or

24 (8) The person is participating in a course or sporting activity  
 25 approved by the school or institution of higher education involving the use of  
 26 firearms.

27 (d) Property covered by this section shall have a notice posted at the  
 28 entrances to the property stating:

29 THE POSSESSION OF A FIREARM UPON OR WITHIN ONE THOUSAND FEET (1,000 ) OF  
 30 THIS PROPERTY IS A CLASS D FELONY UNDER THE LAWS OF ARKANSAS. "

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

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36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
 2 other provisions or applications of the act which can be given effect without  
 3 the invalid provision or application, and to this end the provisions of this  
 4 act are declared to be severable.

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

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9 SECTION 5. EMERGENCY. It is found and determined by the General  
 10 Assembly of the State of Arkansas that it is imperative to immediately enhance  
 11 the safety of students and personnel in the public and private schools and  
 12 institutions of higher education in Arkansas by creating a so-called "Gun Free  
 13 Zone" around the schools and institutions; that to supplement new federal law  
 14 banning the possession of a firearm within one thousand feet (1,000 ) of a  
 15 school so as to protect Arkansas students and school personnel and to  
 16 authorize prosecution of violators of this act in state courts an emergency is  
 17 declared to exist and this act being immediately necessary for the  
 18 preservation of the public peace, health and safety shall become effective on  
 19 the date of its approval by the Governor. If the bill is neither approved nor  
 20 vetoed by the Governor, it shall become effective on the expiration of the  
 21 period of time during which the Governor may veto the bill. If the bill is  
 22 vetoed by the Governor and the veto is overridden, it shall become effective  
 23 on the date the last house overrides the veto.

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