

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

SENATE BILL 460

4
5 By: Senators Malone and Mahony

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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