

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4 By: Representative Broadway

As Engrossed: H3/11/99

A Bill

HOUSE BILL 1543

For An Act To Be Entitled

8 "AN ACT TO REPEAL ARKANSAS CODE 5-73-119 AND TO ENACT
9 SIMILAR LANGUAGE UNDER ANOTHER CODE SECTION THERE IN
10 INCREASING THE PROHIBITION OF POSSESSION OF HANDGUNS
11 ON SCHOOL PROPERTY TO A PROHIBITION OF POSSESSION OF A
12 DEADLY WEAPON ON PUBLIC OR PRIVATE SCHOOL PROPERTY OR
13 ON SCHOOL BUSES OR AT SCHOOL BUS STOPS OR ON THE
14 PROPERTY OF ANY PUBLIC OR PRIVATE INSTITUTION OF
15 HIGHER EDUCATION; AND FOR OTHER PURPOSES. "

Subtitle

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17
18 "AN ACT TO PROHIBIT POSSESSION OF A
19 DEADLY WEAPON ON PUBLIC OR PRIVATE
20 SCHOOL PROPERTY OR ON SCHOOL BUSES OR AT
21 SCHOOL BUS STOPS OR ON THE PROPERTY OF
22 ANY PUBLIC OR PRIVATE INSTITUTION OF
23 HIGHER EDUCATION. "

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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1.

29 (a) For purposes of this act:

30 (1) 'Deadly weapon' means:

31 (A) A firearm or anything manifestly designed, made, or
32 adapted for the purpose of inflicting death or serious physical injury;

33 or

34 (B) Anything that in the manner of its use or intended use
35 is capable of causing death or serious physical injury;

36 (2) 'Firearm' means any device designed, made, or adapted to

1 expel a projectile by the action of an explosive or any device readily
2 convertible to that use, including such a device that is not loaded or lacks a
3 clip or other component to render it immediately operable, and components that
4 can readily be assembled into such a device;

5 (3) 'Handgun' means a firearm capable of firing rimfire
6 ammunition or centerfire ammunition, and which is designed or constructed to
7 be fired with one (1) hand; and

8 (4) 'Minor' means a person under the age of eighteen (18) years.

9 (b)(1) No person in this state under the age of eighteen (18) years
10 shall possess a handgun.

11 (2) Except as provided in subdivision (b)(1)(3), violation of
12 subdivision (b)(1) of this section shall be a Class A misdemeanor.

13 (3) Violation of subdivision (b)(1) of this section shall be a
14 Class D felony if the person has previously:

15 (A) Been previously adjudicated delinquent for unlawful
16 possession of a handgun; or

17 (B) Been adjudicated delinquent for any offense which would
18 be a felony if committed by an adult; or

19 (C) Pleading guilty or nolo contendere to, or been found
20 guilty of, a felony in circuit court while under the age of eighteen (18)
21 years.

22 (4) It is a defense to prosecution under subsection (b) of this
23 act that at the time of the act of possessing a handgun:

24 (A) The minor is in the minor's own dwelling or place of
25 business or on property in which the minor or the minor's parent or legal
26 guardian has a possessory or proprietary interest; or

27 (B) The minor is member of the armed forces, acting in the
28 course and scope of the minor's official duties; or

29 (C) The minor is assisting a law enforcement officer,
30 prison guard, or member of the armed forces acting in the course and scope of
31 the minor's official duties pursuant to the direction or request of the law
32 enforcement officer, prison guard, or member of the armed forces; or

33 (D) The minor is hunting game which may be hunted with a
34 handgun under rules and regulations of the Arkansas State Game and Fish
35 Commission or is en route to or from a hunting area, with an unloaded handgun,
36 for the purpose of hunting game with a handgun; or

1 (E) The minor is participating in a certified hunting
2 safety course sponsored by the Arkansas State Game and Fish Commission or a
3 firearm safety course recognized and approved by the Arkansas State Game and
4 Fish Commission or by a state or national nonprofit organization qualified and
5 experienced in firearm safety; or

6 (F) The minor is participating in a school-approved
7 educational course or sporting activity involving the use of firearms; or

8 (G) The minor is engaged in lawful marksmanship competition
9 or practice or other lawful recreational shooting under the supervision of the
10 minor's parent or legal guardian or is traveling to or from this activity,
11 with an unloaded handgun, accompanied by the minor's parent or legal guardian;
12 or

13 (H) The minor is participating in a reenactment of a
14 historic military battle.

15 (c)(1) No person in this state shall possess a deadly weapon upon the
16 property of any public or private school or in or upon any school bus or at
17 any designated bus stop as identified on the route lists published by school
18 districts each year.

19 (2) No person in this state shall possess a deadly weapon upon
20 the property of any private institution of higher education or the publicly
21 supported institutions of higher education in this state on or about his
22 person, in a vehicle occupied by him while upon the property of any private
23 institution of higher education or the publicly supported institutions of
24 higher education in this state, or otherwise readily available for use with a
25 purpose to employ it as a weapon against a person while upon the property of
26 any private institution of higher education or the publicly supported
27 institutions of higher education in this state.

28 (3) Violation of (c)(1) or (2) shall be a Class D felony, and no
29 sentence imposed for violation thereof shall be suspended or probated or
30 treated as a first offense under §§ 16-93-301 through 16-93-303.

31 (4) It is a defense to prosecution under subsection (c)(1) or (2)
32 that at the time of the act of possessing a deadly weapon:

33 (A) The person is a law enforcement officer, prison guard,
34 or member of the armed forces, acting in the course and scope of his official
35 duties; or

36 (B) The person is assisting a law enforcement officer,

1 prison guard, or member of the armed forces acting in the course and scope of
2 his official duties pursuant to the direction or request of the law
3 enforcement officer, prison guard, or member of the armed forces; or

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

6 (D) The person, with an unloaded firearm, is en route to or
7 from a hunting area for the purpose of hunting game with a firearm; or

8 (E) The person is a certified law enforcement officer; or

9 (F) The person is participating in a certified hunting
10 safety course sponsored by the Arkansas State Game and Fish Commission or a
11 firearm safety course recognized and approved by the Arkansas State Game and
12 Fish Commission or by a state or national nonprofit organization qualified and
13 experienced in firearm safety; or

14 (G) The person is participating in a school-approved
15 educational course or sporting activity involving the use of firearms; or

16 (H) The person is a minor engaged in lawful marksmanship
17 competition or practice or other lawful recreational shooting under the
18 supervision of his parent or legal guardian or is traveling to or from this
19 activity, with an unloaded firearm, accompanied by his parent or legal
20 guardian; or

21 (I) The person is participating in a reenactment of a
22 historic military battle; or

23 (J) The person has a valid license issued pursuant to Arkansas
24 Code §§ 5-73-301 through 5-73-402 authorizing the person to carry the
25 concealed handgun; or

26 (K) The person is participating in an agriculture extension
27 service program."

28
29 SECTION 2. Arkansas Code 5-73-119 is repealed.

30 ~~5-73-119. Handguns - Possession by minor or possession on school property.~~

31 ~~_____ (a)(1)(A) No person in this state under the age of eighteen (18) years~~
32 ~~shall possess a handgun.~~

33 ~~_____ (B)(i) Violation of subdivision (a)(1)(A) of this section~~
34 ~~shall be a Class A misdemeanor.~~

35 ~~_____ (ii) Violation of subdivision (a)(1)(A) of this~~
36 ~~section shall be a Class D felony if the person has previously:~~

1 ~~_____ (a) Been adjudicated delinquent for a violation~~
2 ~~of subdivision (a)(1)(A) of this section; or~~

3 ~~_____ (b) Been adjudicated delinquent for any offense which would be a felony~~
4 ~~if committed by an adult; or~~

5 ~~_____ (c) Pleaded guilty or nolo contendere to, or been found guilty of, a~~
6 ~~felony in circuit court while under the age of eighteen (18) years.~~

7 ~~_____ (2)(A) No person in this state shall possess a handgun upon the~~
8 ~~property of the public or private schools or in or upon any school bus or at a~~
9 ~~designated bus stop as identified on the route lists published by school~~
10 ~~districts each year.~~

11 ~~_____ (B) Violation of subdivision (a)(2)(A) of this section~~
12 ~~shall be a Class D felony, and no sentence imposed for violation thereof shall~~
13 ~~be suspended or probated or treated as a first offense under § 16-93-301 et~~
14 ~~seq.~~

15 ~~_____ (3)(A) No person in this state shall possess a handgun upon the~~
16 ~~property of any private institution of higher education or the publicly~~
17 ~~supported institutions of higher education in this state on or about his~~
18 ~~person, in a vehicle occupied by him, or otherwise readily available for use~~
19 ~~with a purpose to employ it as a weapon against a person.~~

20 ~~_____ (B) Violation of subdivision (a)(3)(A) shall be a Class D~~
21 ~~felony.~~

22 ~~_____ (b) A "handgun" is a firearm capable of firing rimfire ammunition or~~
23 ~~centerfire ammunition, and which is designed or constructed to be fired with~~
24 ~~one (1) hand.~~

25 ~~_____ (c) It is a defense to prosecution under this section that at the time~~
26 ~~of the act of possessing a handgun:~~

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

29 ~~_____ (2) The person is a law enforcement officer, prison guard, or~~
30 ~~member of the armed forces, acting in the course and scope of his official~~
31 ~~duties; or~~

32 ~~_____ (3) The person is assisting a law enforcement officer, prison~~
33 ~~guard, or member of the armed forces acting in the course and scope of his~~
34 ~~official duties pursuant to the direction or request of the law enforcement~~
35 ~~officer, prison guard, or member of the armed forces; or~~

36 ~~_____ (4) The person is a licensed security guard acting in the course~~

1 ~~and scope of his duties; or~~

2 ~~_____ (5) The person is hunting game with a handgun which may be hunted~~
3 ~~with a handgun under rules and regulations of the Arkansas State Game and Fish~~
4 ~~Commission or is en route to or from a hunting area for the purpose of hunting~~
5 ~~game with a handgun; or~~

6 ~~_____ (6) The person is a certified law enforcement officer; or~~

7 ~~_____ (7) The person is on a journey, unless the person is eighteen~~
8 ~~(18) years old or less; or~~

9 ~~_____ (8) The person is participating in a certified hunting safety~~
10 ~~course sponsored by the Arkansas State Game and Fish Commission or a firearm~~
11 ~~safety course recognized and approved by the Arkansas State Game and Fish~~
12 ~~Commission or by a state or national nonprofit organization qualified and~~
13 ~~experienced in firearm safety; or~~

14 ~~_____ (9) The person is participating in a school-approved educational~~
15 ~~course or sporting activity involving the use of firearms; or~~

16 ~~_____ (10) The person is a minor engaged in lawful marksmanship~~
17 ~~competition or practice or other lawful recreational shooting under the~~
18 ~~supervision of his parent or legal guardian or is traveling to or from this~~
19 ~~activity, with an unloaded handgun, accompanied by his parent or legal~~
20 ~~guardian.~~

21
22 SECTION 3. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

25
26 SECTION 4. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

31
32 SECTION 5. All laws and parts of laws in conflict with this act are
33 hereby repealed.

34 */s/ Ferrell*