

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 1720

4  
5 By: Representative Cook

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-73-120 TO PROVIDE  
9 THAT THE MERE POSSESSION OF A WEAPON IS NOT A CRIMINAL  
10 OFFENSE; AND FOR OTHER PURPOSES."

## Subtitle

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13 "AN ACT TO AMEND ARKANSAS CODE 5-73-120  
14 TO PROVIDE THAT THE MERE POSSESSION OF A  
15 WEAPON IS NOT A CRIMINAL OFFENSE."

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

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

20 "5-73-120. Carrying a weapon.

21 ~~(a) A person commits the offense of carrying a weapon if he possesses a~~  
22 ~~handgun, knife, or club on or about his person, in a vehicle occupied by him,~~  
23 ~~or otherwise readily available for use with a purpose to employ it as a weapon~~  
24 ~~against a person. Mere possession of a weapon is not an offense or violation~~  
25 of this act; however, a person commits the offense of carrying a weapon if  
26 that person takes any overt action to use a handgun, knife or club as a weapon  
27 against a person without just cause.

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

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

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

35 (3) 'Club' means any instrument that is specially designed, made, or  
36 adapted for the purpose of inflicting serious physical injury or death by

1 striking, including a blackjack, billie, and sap.

2 ~~(c) It is a defense to a prosecution under this section that at the time~~  
 3 ~~of the act of carrying:~~

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

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

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

12 ~~— (4) The person is carrying a weapon when upon a journey; or~~

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

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

19 ~~— (7) The person is a certified law enforcement officer; or~~

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

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

26 ~~— (2) Otherwise, carrying a weapon is a Class A misdemeanor."~~

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 28 SECTION 2. All provisions of this Act of a general and permanent nature  
 29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 30 Revision Commission shall incorporate the same in the Code.

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 32 SECTION 3. If any provision of this Act or the application thereof to  
 33 any person or circumstance is held invalid, such invalidity shall not affect  
 34 other provisions or applications of the Act which can be given effect without  
 35 the invalid provision or application, and to this end the provisions of this  
 36 Act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.