## 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	As Engrossed: H3/26/99 S4/5/99		
2	82nd General Assembly	A Bill		
3	Regular Session, 1999		HOUSE BILL 1935	
4				
5	By: Representatives Glover, Broadway			
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7				
8	For An Act To Be Entitled			
9	"AN ACT TO AMEND ARKANSAS CODE 5-73-119 TO PROHIBIT			
10	FIREARMS ON SCHOOL PROPERTY, SCHOOL BUSES, OR SCHOOL			
11	BUS STOPS; AND FOR OTHER PURPOSES."			
12				
13		Subtitle		
14	"AN A	ACT TO AMEND ARKANSAS CODE 5-73-	119	
15	TO PROHIBIT FIREARMS ON SCHOOL PROPERTY,			
16	SCH00	DL BUSES, OR SCHOOL BUS STOPS."		
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18				
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
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21	SECTION 1. Arka	nsas Code 5-73-119 is amended to	o read as follows:	
22	"5-73-119. Handguns - Possession by minor or possession on school			
23	property.			
24	(a)(1)(A) No pe	erson in this state under the ago	e of eighteen (18) years	
25	shall possess a handgu	n.		
26	(B)(	i) Violation of subdivision (a)	)(1)(A) of this section	
27	shall be a Class A mis	demeanor.		
28		(ii) Violation of subdivision	n (a)(1)(A) of this	
29	section shall be a Class D felony if the person has previously:			
30		(a) Been adjudicated de	elinquent for a violation	
31	of subdivision (a)(1)(A) of this section; or			
32		(b) Been adjudicated de	elinquent for any offense	
33	which would be a felony if committed by an adult; or			
34		(c) Pleaded guilty or i	nolo contendere to, or	
35	been found guilty of, a felony in circuit court while under the age of			
36	eighteen (18) years.			

\*LAM490\*

- (2)(A) No person in this state shall possess a handgun firearm upon the <u>developed</u> property of the public or private schools (K through 12) or in or upon any school bus or at a designated bus stop as identified on the route lists published by school districts each year.
- (B) Violation of subdivision (a)(2)(A) of this section shall be a Class D felony, and no sentence imposed for violation thereof shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.
- (3)(A) No person in this state shall possess a handgun upon the property of any private institution of higher education or the publicly supported institutions of higher education in this state on or about his person, in a vehicle occupied by him, or otherwise readily available for use with a purpose to employ it as a weapon against a person.
- 14 (B) Violation of subdivision (a)(3)(A) shall be a Class D 15 felony.
  - (b) A "handgun" is a firearm capable of firing rimfire ammunition or centerfire ammunition, and which is designed or constructed to be fired with one (1) hand.
  - (c) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:
  - (1) The person is in his own dwelling or place of business or on property in which he has a possessory or proprietary interest; or
  - (2) The person is a law enforcement officer, prison guard, or member of the armed forces, acting in the course and scope of his official duties; or
  - (3) The person is assisting a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his official duties pursuant to the direction or request of the law enforcement officer, prison guard, or member of the armed forces; or
  - (4) The person is a licensed security guard acting in the course and scope of his duties; or
- 32 (5) The person is hunting game with a handgun <u>or firearm</u> which 33 may be hunted with a handgun <u>or firearm</u> under rules and regulations of the 34 Arkansas State Game and Fish Commission or is en route to or from a hunting 35 area for the purpose of hunting game with a handgun <u>or firearm</u>; or
  - (6) The person is a certified law enforcement officer; or

1	(7) The person is on a journey, unless the person is eighteen		
2	(18) years old or less; or		
3	(8) The person is participating in a certified hunting safety		
4	course sponsored by the Arkansas State Game and Fish Commission or a firearm		
5	safety course recognized and approved by the Arkansas State Game and Fish		
6	Commission or by a state or national nonprofit organization qualified and		
7	experienced in firearm safety; or		
8	(9) The person is participating in a school-approved educational		
9	course or sporting activity involving the use of firearms; or		
10	(10) The person is a minor engaged in lawful marksmanship		
11	competition or practice or other lawful recreational shooting under the		
12	supervision of his parent or legal guardian or is traveling to or from this		
13	activity, with an unloaded handgun or firearm, accompanied by his parent or		
14	l egal guardi an. "		
15			
16	SECTION 2. All provisions of this act of a general and permanent nature		
17	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code		
18	Revision Commission shall incorporate the same in the Code.		
19			
20	SECTION 3. If any provision of this act or the application thereof to		
21	any person or circumstance is held invalid, such invalidity shall not affect		
22	other provisions or applications of the act which can be given effect without		
23	the invalid provision or application, and to this end the provisions of this		
24	act are declared to be severable.		
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26	SECTION 4. All laws and parts of laws in conflict with this act are		
27	hereby repealed.		
28	/s/ Glover, et al		
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