

State of Arkansas

As Engrossed: H3/19/99

82nd General Assembly

## A Bill

Regular Session, 1999

HOUSE BILL 2234

By: Representatives House, *Bookout, Trammell, Allison, Angel, Eason, Davis, T. Steele, Wilkins, T. Thomas, Hunt, Weaver, Hathorn, Parks, Elliott, Hausam, Cook, Jones, Ferrell, French, Hickinbotham, Scrimshire, Willis, Gillespie, Prater, Files, G. Jeffress, Ammons, J. Jeffress, Seawel, M. Smith, Minton, Wood*

### For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 5-73-103 TO PROHIBIT  
PERSONS ADJUDICATED JUVENILE DELINQUENTS FROM OWNING  
OR POSSESSING FIREARMS; AND FOR OTHER PURPOSES."

### Subtitle

"AN ACT TO AMEND ARKANSAS CODE § 5-73-103  
TO PROHIBIT PERSONS ADJUDICATED JUVENILE  
DELINQUENTS FROM OWNING OR POSSESSING  
FIREARMS."

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

SECTION 1. Arkansas Code 5-73-103 is amended to read as follows:

"5-73-103. Possession of firearms by certain persons.

(a) Except as provided in subsection (d) of this section or unless  
authorized by and subject to such conditions as prescribed by the Governor, or  
his designee, or the Bureau of Alcohol, Tobacco, and Firearms of the United  
States Treasury Department, or other bureau or office designated by the  
Treasury Department, no person shall possess or own any firearm who has been:

(1) Convicted of a felony; or

(2) Adjudicated mentally ill; or

(3) Committed involuntarily to any mental institution; ~~or~~

(4) Adjudicated a juvenile delinquent for conduct that, if  
committed by an adult, would be any felony, and the conduct involved the use

1 of a firearm.

2 (b) A determination by a jury or a court that a person committed a  
3 felony:

4 (1) Shall constitute a conviction for purposes of subsection (a)  
5 of this section even though the court suspended imposition of sentence or  
6 placed the defendant on probation; but

7 (2) Shall not constitute a conviction for purposes of subsection  
8 (a) of this section if the person is subsequently granted a pardon explicitly  
9 restoring the ability to possess a firearm.

10 (c)(1) A person who violates this section commits a Class B felony if  
11 he has been convicted of a felony, unless the prior felony was for a  
12 nonviolent offense and the possession of the firearm did not involve the  
13 commission of another crime; then it is a Class D felony.

14 (2) Otherwise, he commits a Class A misdemeanor.

15 (d) The Governor shall have authority, without granting a pardon, to  
16 restore the right of a convicted felon or an adjudicated delinquent to own and  
17 possess a firearm upon the recommendation of the chief law enforcement officer  
18 in the jurisdiction in which the person resides, so long as the underlying  
19 felony or delinquency adjudication:

20 (1) Did not involve the use of a weapon; and

21 (2) Occurred more than eight (8) years ago."

22  
23 SECTION 2. All provisions of this act of a general and permanent nature  
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
25 Revision Commission shall incorporate the same in the Code.

26  
27 SECTION 3. If any provision of this act or the application thereof to  
28 any person or circumstance is held invalid, such invalidity shall not affect  
29 other provisions or applications of the act which can be given effect without  
30 the invalid provision or application, and to this end the provisions of this  
31 act are declared to be severable.

32  
33 SECTION 4. All laws and parts of laws in conflict with this act are  
34 hereby repealed.

35 /s/ House, et al