

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

As Engrossed: S3/2/99 S3/2/99

## A Bill

SENATE BILL 394

5 By: Senators Argue, Riggs, B. Walker, Mahony, Edwards, Everett, Wilson, K. Smith  
6 By: Representatives Ferrell, Allison, Trammell, Napper, Madison, Hale, Jones, Wilkins, Harris, Booker, T.  
7 Steele, Cook, Carson, Davis, Lynn, Bond, Vess, White, J. Lewellen, Salmon, Lendall, Shoffner, King,  
8 Gullett, Dees, Eason, T. Thomas  
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### For An Act To Be Entitled

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11  
12 "THE CHILD PROTECTION-PARENTAL RESPONSIBILITY ACT OF  
13 1999. "

### Subtitle

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16 "THE CHILD PROTECTION-PARENTAL  
17 RESPONSIBILITY ACT OF 1999. "  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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#### SECTION 1. Definitions. As used in this act:

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23 (a) "Firearm" means any device designed, made, or adapted to expel a  
24 projectile by the action of an explosive or any device readily convertible to  
25 that use, including such a device that is not loaded or lacks a clip or other  
26 component to render it immediately operable, and components that can readily  
27 be assembled into such a device.

28 (b) "Locking device" means a reusable device that is designed to  
29 prevent a firearm from functioning and when applied to the firearm, renders  
30 the firearm inoperable until the device is unlocked and removed, and may also  
31 mean a device incorporated into the design of a firearm that prevents the  
32 operation of the firearm by anyone other than someone with knowledge of and  
33 access to the device.

34 (c) "Locked container" means a lockable receptacle sufficient to secure  
35 the contents against theft or unauthorized use or a locked gun cabinet or  
36 locked gun case.

1 (d) "Child" means a person under seventeen (17) years of age.

2 (e) "Serious physical injury" has the same meaning as set forth in § 5-  
3 1-102.

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5 SECTION 2. (a) Except as provided in Section 3, a person commits the  
6 crime of "negligent storage of a firearm" if the person keeps any firearm  
7 within or upon premises which are under their custody or control, and the  
8 person knows or reasonably should know that a child is likely to gain access  
9 to the firearm without the permission of the child's parent or legal guardian,  
10 and the child obtains access to the firearm and causes death or physical  
11 injury to himself or any other person, or threatens physical injury to any  
12 other person, or the child violates the provisions of § 5-73-119.

13 (b) Negligent storage of a firearm is a Class A misdemeanor.

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15 SECTION 3. (a) This act shall not apply if:

16 (1) The child obtained the firearm as a result of an illegal entry  
17 by any person.

18 (2) The firearm was kept in a locked container.

19 (3) The firearm was carried on the person or within such a close  
20 proximity thereto so that the individual can immediately retrieve and use the  
21 firearm as if carried on the person.

22 (4) The firearm was locked with a locking device that rendered the  
23 firearm inoperable.

24 (5) The firearm was unloaded and reasonable precautions had been  
25 taken to separate the firearm and ammunition in order to prevent unauthorized  
26 use by a child.

27 (6) The child was engaged in lawful shooting activities, such as  
28 hunting.

29 (b) If the alleged violator is or was the parent or guardian of a child  
30 who is injured or dies as a result of an accidental shooting, the prosecuting  
31 attorney may consider, among other factors, the impact of the injury or death  
32 on the alleged violator when deciding whether to charge an alleged violator  
33 under the provisions of this act. This section does not restrict the factors  
34 that a prosecuting attorney may consider in deciding whether to charge an  
35 alleged violator under the provisions of this act.

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1           SECTION 4. Each firm or corporation which engages in the sale of  
2 firearms shall make available for sale at the time of sale of any firearm a  
3 reusable locking device appropriate for such firearm.

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5           SECTION 5. (a) Each firm or corporation which engages in the sale of  
6 firearms, including gun show organizers, shall prominently display a printed  
7 warning in conspicuous bold type which states 'STORING OR LEAVING A FIREARM IN  
8 ANY PLACE ACCESSIBLE TO A CHILD (UNDER 17 YEARS OF AGE) IS PUNISHABLE UNDER  
9 ARKANSAS LAW IF DEATH, PHYSICAL INJURY OR THE THREAT OF DEATH OR PHYSICAL  
10 INJURY RESULTS TO THE CHILD OR ANY OTHER PERSON'.

11           (b) Any firm, corporation, or gun show organizer violating the  
12 provisions of subsection (a) of this section shall be subject to a civil  
13 penalty in such an amount as a court of competent jurisdiction may prescribe,  
14 but not to exceed one thousand dollars (\$1,000) for the first violation and  
15 not less than two thousand five hundred dollars (\$2,500) for each subsequent  
16 violation.

17           (c) Nothing in this section shall prevent any person who suffers  
18 damages because of the failure of any person, firm, or corporation to comply  
19 with the provisions of subsection (a) of this section from bringing a civil  
20 action for redress of those damages.

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22           SECTION 6. Nothing in this act shall prevent any person who suffers  
23 damages because of the failure of any person, firm or corporation to safely  
24 store a firearm from bringing a civil action for redress of those damages.

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26           SECTION 7. All provisions of this Act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

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30           SECTION 8. If any provision of this Act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the Act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 Act are declared to be severable.

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36           SECTION 9. All laws and parts of laws in conflict with this Act are

1 hereby repeal ed.

/s/ Argue

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