

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006
4

Call Item 25

A Bill

SENATE BILL 10

5 By: Senator G. Jeffress
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For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE § 5-73-108(d)
10 CONCERNING THE OFFENSE OF UNLAWFUL RECEIPT OR
11 POSSESSION OF AN EXPLOSIVE MATERIAL; AND FOR
12 OTHER PURPOSES.
13

Subtitle

15 AN ACT TO REPEAL ARKANSAS CODE § 5-73-
16 108(d) CONCERNING THE OFFENSE OF
17 UNLAWFUL RECEIPT OR POSSESSION OF AN
18 EXPLOSIVE MATERIAL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-73-108 is amended to read as follows:
24 5-73-108. Criminal acts involving explosives.

25 (a)(1) A person commits the offense of criminal possession of
26 explosive material or a destructive device if the person:

27 (A) Sells, possesses, manufactures, transfers, or
28 transports explosive material or a destructive device; and

29 (B) If he or she:

30 (i) Has the purpose of using that explosive material
31 or destructive device to commit an offense; or

32 (ii) Knows or should know that another person
33 intends to use that explosive material or destructive device to commit an
34 offense.

35 (2) Criminal possession of explosive material or a destructive
36 device is a Class B felony.



1 (b)(1) A person commits the offense of criminal distribution of
 2 explosive material if he or she knowingly distributes explosive material to
 3 any individual who:

4 (A) Has pleaded guilty or nolo contendere to or been found
 5 guilty of a crime in state or federal court punishable by imprisonment for a
 6 term exceeding one (1) year;

7 (B) Is under indictment or has been formally charged for a
 8 crime punishable by imprisonment for a term exceeding one (1) year;

9 (C) Is a fugitive from justice;

10 (D) Is an unlawful user of or addicted to any controlled
 11 substance; or

12 (E) Has been adjudicated mentally incompetent.

13 (2) Criminal distribution of explosive material is a Class C
 14 felony.

15 (c)(1) A person commits the offense of possession of stolen explosive
 16 material when he or she:

17 (A) Receives, possesses, transports, ships, conceals,
 18 stores, barter, sells, disposes of, or pledges or accepts as security for a
 19 loan any stolen explosive materials; and

20 (B) Knows or has reasonable cause to believe that the
 21 explosive material was stolen.

22 (2) Possession of stolen explosive material is a Class C felony.

23 ~~(d)(1) A person commits the offense of unlawful receipt or possession~~
 24 ~~of an explosive material if the person:~~

25 ~~(A) Has pleaded guilty or nolo contendere to or been found~~
 26 ~~guilty of a crime in any state or federal court of a crime punishable by~~
 27 ~~imprisonment for a term exceeding one (1) year;~~

28 ~~(B) Is under indictment or has been formally charged for a~~
 29 ~~crime punishable by imprisonment for a term exceeding one (1) year;~~

30 ~~(C) Is a fugitive from justice;~~

31 ~~(D) Is an unlawful user of or addicted to any controlled~~
 32 ~~substance; or~~

33 ~~(E) Has been adjudicated mentally incompetent.~~

34 ~~(2) Unlawful receipt or possession of explosive material is a~~
 35 ~~Class C felony.~~

36 ~~(e)(d)~~ It is a Class A misdemeanor for any person to store any

1 explosive material in a manner not in conformity with the Arkansas Fire
 2 Prevention Code.

3 ~~(f)~~(e) A person who commits theft of any explosive material with the
 4 intent to cause harm to a person or property is guilty of a Class B felony.

5 ~~(g)~~(f) Any explosive material determined to be contraband is subject
 6 to seizure by a law enforcement officer and destroyed in conformity with the
 7 Arkansas Fire Prevention Code.

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 9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 10 General Assembly of the State of Arkansas that many companies in the state
 11 have contracts with the Bureau of Alcohol, Tobacco, Firearms, and Explosives
 12 of the United States Department of Justice or the United States Department of
 13 Defense; that numerous employees of the companies have been or will be
 14 terminated from their positions because they cannot be granted relief from
 15 federal explosives disabilities under current Arkansas law; and that this act
 16 is immediately necessary in order to preserve jobs for the citizens of the
 17 State of Arkansas. Therefore, an emergency is declared to exist and this act
 18 being necessary for the preservation of the public peace, health, and safety
 19 shall become effective on:

20 (1) The date of its approval by the Governor;

21 (2) If the bill is neither approved nor vetoed by the Governor,
 22 the expiration of the period of time during which the Governor may veto the
 23 bill; or

24 (3) If the bill is vetoed by the Governor and the veto is
 25 overridden, the date the last house overrides the veto.