

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 854

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5 By: Senator Glover
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For An Act To Be Entitled

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9 AN ACT CONCERNING THE POWERS OF THE GOVERNOR AND
10 LAW ENFORCEMENT OFFICERS DURING A STATE OF
11 INSURRECTION OR EMERGENCY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 AN ACT CONCERNING THE POWERS OF THE
16 GOVERNOR AND LAW ENFORCEMENT OFFICERS
17 DURING A STATE OF INSURRECTION OR
18 EMERGENCY.
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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 § 12-61-115 is amended to read as follows:
24 12-61-115. Proclamation of emergency.

25 (a) Whenever any portion of the militia is employed in aid of the
26 civil authority, the Governor, if in his judgment the maintenance of law and
27 order or preservation of the public health or security will thereby be
28 promoted, may by proclamation declare the county, city, zone, or sector in
29 which the troops are serving, or any specified portion thereof, to be in a
30 state of insurrection or emergency.

31 (b) Should the Governor proclaim a state of insurrection or emergency
32 hereunder and in the event the local courts or law enforcement officers are
33 incapable of functioning, such legal functions in furtherance of the
34 enforcement of the civil laws of the state shall be performed by the militia.

35 (c)(1) Except as provided in subdivision (c)(2)(A) of this section,
36 this section does not authorize the seizure or confiscation of any firearm or



1 ammunition from any individual who is lawfully carrying or possessing the
2 firearm or ammunition.

3 (2)(A) If the Governor proclaims an area to be in a state of
4 insurrection or emergency under this section, in addition to any other
5 authority to seize or confiscate a firearm or ammunition a law enforcement
6 officer who is acting in the lawful discharge of his or her duties may seize
7 or confiscate a firearm or ammunition from an individual located in the area
8 proclaimed to be in a state of insurrection or emergency if the law
9 enforcement officer reasonably believes that it is necessary to seize or
10 confiscate the firearm or ammunition from the individual for the protection
11 of the law enforcement officer or another individual.

12 (B) A law enforcement officer who seizes or confiscates a
13 firearm or ammunition from an individual as authorized by subdivision
14 (c)(2)(A) of this section shall return the seized or confiscated firearm or
15 ammunition to the individual unless:

16 (i) The individual is arrested for a criminal
17 offense; or

18 (ii) The seized firearm or ammunition is needed as
19 evidence in the furtherance of an investigation of a criminal offense.

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