

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 As Engrossed: H3/16/09 H3/20/09 H3/24/09 H3/27/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 2160

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5 By: Representatives Allen, T. Baker, Blount, Davis, J. Edwards, W. Lewellen, Rainey, Shelby, Williams,
6 Word

7 By: Senator Steele

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10 For An Act To Be Entitled

11 AN ACT TO PROTECT THE HEALTH, SAFETY AND WELFARE
12 OF ARKANSAS CITIZENS BY REDUCING THE POSSIBILITY
13 THAT IMITATION FIREARMS ARE MISTAKEN AS REAL
14 FIREARMS; AND FOR OTHER PURPOSES.

15 Subtitle

16 THE De AUNTA FARROW IMITATION FIREARMS
17 ACT.

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

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22 SECTION 1. The General Assembly finds that:

23 (1) When police officers, school officials, and others mistake
24 replica weapons carried by young people as real weapons the health and safety
25 of Arkansans is jeopardized;

26 (2) Citizens, including children, are killed in Arkansas and
27 other states when a toy gun is mistaken for a real gun, or a real gun is
28 mistaken for a toy;

29 (3) There is a real risk of an individual being shot by officers
30 who are unable to establish the exact nature of the weapon; and

31 (4) Valuable time and resources are being used up when armed
32 response teams have to be sent to incidents involving imitation firearms.

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34 SECTION 2. Arkansas Code Title 20, Chapter 27, is amended to add an
35 additional subchapter to read as follows:

36 20-27-2101. Definition.



1 (a) As used in this section, "imitation firearm" means a toy that is
2 identical in appearance to an original firearm that was manufactured,
3 designed, and produced after 1898, including only:

4 (1) Air-soft guns firing nonmetallic projectiles;

5 (2) Replica nonguns; and

6 (3) Water guns.

7 (b) "Imitation firearm" does not include:

8 (1) A nonfiring, collector replica of an antique firearm
9 developed before 1898;

10 (2) Traditional BB, paintball, or pellet-firing air guns that
11 expel a projectile through the force of air pressure; or

12 (3) A device:

13 (A) For which an orange solid plug or marking is
14 permanently affixed to the muzzle end of the barrel for a depth of not more
15 than six millimeters (6 mm);

16 (B) For which the entire exterior surface is predominately
17 colored other than black, brown, blue, silver, or metallic; or

18 (C) That is construed of transparent or translucent
19 materials that permit unmistakable observation of the complete contents of
20 the device.

21
22 20-27-2102. Sale of imitation firearms prohibited -- Penalty.

23 (a) Except as provided under subsection (b) of this section, it is
24 unlawful to sell or offer for sale within this state, by mail or in any other
25 manner, an imitation firearm.

26 (b) A person may sell or offer for sale an imitation firearm if the
27 device is sold solely for purposes of:

28 (1) Export in interstate or foreign commerce;

29 (2) Lawful use in a theatrical production;

30 (3) Use in a certified or regulated sporting event or
31 competition;

32 (4) Use in a military or civil defense activity or ceremonial
33 activity; or

34 (5) A public display authorized by a public or private school.

35 (c) A person who violates subsection (a) of this section is subject in
36 an action brought by the city attorney or prosecuting attorney to a civil

1 penalty of not more than one thousand dollars (\$1,000) for each violation.

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3 SECTION 3. This act becomes effective on January 1, 2010.

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8 /s/ Allen

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