

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 768

4
5 By: Senators J. Taylor, T. Smith, Trusty, Wilkinson, Faris, Bookout, D. Wyatt, J. Key
6 By: Representative Stewart

For An Act To Be Entitled

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10 AN ACT TO REMOVE THE ABILITY OF A LOCAL UNIT OF
11 GOVERNMENT TO REGULATE FIREARMS FOLLOWING A
12 PROCLAMATION BY THE GOVERNOR OF A STATE OF
13 EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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16 TO REMOVE THE ABILITY OF A LOCAL UNIT OF
17 GOVERNMENT TO REGULATE FIREARMS
18 FOLLOWING A PROCLAMATION BY THE GOVERNOR
19 OF A STATE OF EMERGENCY.

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

23
24 SECTION 1. Arkansas Code § 14-16-504 is amended to read as follows:
25 14-16-504. Regulation by local unit of government.

26 (a) As used in this section, "local unit of government" means a city,
27 town, or county.

28 (b)(1)(A) A local unit of government shall not enact any ordinance or
29 regulation pertaining to, or regulate in any other manner, the ownership,
30 transfer, transportation, carrying, or possession of firearms, ammunition for
31 firearms, or components of firearms, except as otherwise provided in state or
32 federal law.

33 (B) This shall not prevent the enactment of an ordinance
34 regulating or forbidding the unsafe discharge of a firearm.

35 (2)(A) A local unit of government shall have no authority to
36 bring suit and shall have no right to recover against any firearm or



1 ammunition manufacturer, trade association, or dealer for damages, abatement,
2 or injunctive relief resulting from or relating to the lawful design,
3 manufacture, marketing, or sale of firearms or ammunition to the public.

4 (B) The authority to bring any suit and the right to
5 recover against any firearm or ammunition manufacturer, trade association, or
6 dealer for damages, abatement, or injunctive relief shall be reserved
7 exclusively to the State of Arkansas.

8 (C) Provided, this shall not prevent a local unit of
9 government from bringing suit against a firearm or ammunition manufacturer or
10 dealer for breach of contract or warranty as to firearms or ammunition
11 purchased by the local unit of government.

12 ~~(c)(1) Notwithstanding subsection (b) of this section, the governing~~
13 ~~body of a local unit of government, following the proclamation by the~~
14 ~~Governor of a state of emergency, may enact an emergency ordinance regulating~~
15 ~~the transfer, transportation, or carrying of firearms or components of~~
16 ~~firearms.~~

17 ~~(2) Such emergency ordinance shall not be effective for a period~~
18 ~~of more than twenty (20) days and shall be enacted by a two thirds (2/3)~~
19 ~~majority of the governing body.~~

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21 SECTION 2. Arkansas Code § 14-54-1411 is amended to read as follows:
22 14-54-1411. Firearms and ammunition.

23 (a) As used in this section, "local unit of government" means a city,
24 town, or county.

25 (b)(1)(A) A local unit of government shall not enact any ordinance or
26 regulation pertaining to, or regulate in any other manner, the ownership,
27 transfer, transportation, carrying, or possession of firearms, ammunition for
28 firearms, or components of firearms, except as otherwise provided in state or
29 federal law.

30 (B) This shall not prevent the enactment of an ordinance
31 regulating or forbidding the unsafe discharge of a firearm.

32 (2)(A) A local unit of government shall have no authority to
33 bring suit and shall have no right to recover against any firearm or
34 ammunition manufacturer, trade association, or dealer for damages, abatement,
35 or injunctive relief resulting from or relating to the lawful design,
36 manufacture, marketing, or sale of firearms or ammunition to the public.

1 (B) The authority to bring any suit and the right to
2 recover against any firearm or ammunition manufacturer, trade association, or
3 dealer for damages, abatement, or injunctive relief shall be reserved
4 exclusively to the State of Arkansas.

5 (C) Provided, this shall not prevent a local unit of
6 government from bringing suit against a firearm or ammunition manufacturer or
7 dealer for breach of contract or warranty as to firearms or ammunition
8 purchased by the local unit of government.

9 ~~(e)(1) Notwithstanding subsection (b) of this section, the governing~~
10 ~~body of a local unit of government, following the proclamation by the~~
11 ~~Governor of a state of emergency, may enact an emergency ordinance regulating~~
12 ~~the transfer, transportation, or carrying of firearms or components of~~
13 ~~firearms.~~

14 ~~(2) Such emergency ordinance shall not be effective for a period~~
15 ~~of more than twenty (20) days and shall be enacted by a two thirds (2/3)~~
16 ~~majority of the governing body.~~

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