

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1723

4
5 By: Representatives D. Altes, Barnett, Benedict, Carnine, Garner, Harris, Hubbard, Jean, Johnston, Rice,
6 Stubblefield, Westerman

For An Act To Be Entitled

9 AN ACT REGARDING TECHNICAL CORRECTIONS TO FIREARM
10 STATUTES; AND FOR OTHER PURPOSES.

Subtitle

14 REGARDING TECHNICAL CORRECTIONS TO
15 FIREARMS STATUTES.

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 5-73-119 is amended to read as follows:

21 5-73-119. Handguns and firearms – Possession by minor or possession on
22 school property.

23 (a) As used in this section:

24 (1) "Firearm" means the same as defined in § 5-1-102; and

25 (2) "Handgun" means any firearm with a barrel length of less
26 than twelve inches (12") that is designed, made, or adapted to be fired with
27 one (1) hand.

28 ~~(a)(1)(b)(1)~~ No A person in this state under eighteen (18) years of
29 age shall not knowingly possess a ~~handgun~~ firearm.

30 (2)(A) A violation of subdivision ~~(a)(1)~~ (b)(1) of this section
31 is a Class A misdemeanor.

32 (B) A violation of subdivision ~~(a)(1)~~ (b)(1) of this
33 section is a Class D felony if the person has previously:

34 (i) Been adjudicated delinquent for a violation of
35 subdivision ~~(a)(1)~~ (b)(1) of this section;

36 (ii) Been adjudicated delinquent for any offense



1 that would be a felony if committed by an adult; or

2 (iii) Pled guilty or nolo contendere to or been
3 found guilty of a felony in circuit court while under eighteen (18) years of
4 age.

5 (3) It is a defense to prosecution under subdivision (b)(1) or
6 (b)(2) of this section that at the time a person possesses a firearm the
7 person is:

8 (A) Hunting game with a handgun or firearm that may be
9 hunted under the rules and regulations of the Arkansas State Game and Fish
10 Commission with the handgun or firearm the person is carrying or is en route
11 to or from a hunting area for the purpose of hunting game with that handgun
12 or firearm;

13 (B) Participating in a certified hunting safety course
14 sponsored by the commission or a firearm safety course recognized and
15 approved by the commission or by a state or national nonprofit organization
16 qualified and experienced in firearm safety;

17 (C) Participating in a school-approved educational course
18 or sporting activity involving the use of firearms;

19 (D) Engaged in lawful marksmanship competition or practice
20 or other lawful recreational shooting under the supervision of his or her
21 parent, legal guardian, or other person twenty-one (21) years of age or older
22 standing in loco parentis; or

23 (E) Traveling to or from an activity described in
24 subdivision (b)(3)(D) of this section with an firearm accompanied by his or
25 her parent, legal guardian, or other person twenty-one (21) years of age or
26 older standing in loco parentis who is not prohibited under state or federal
27 law from possessing a firearm.

28 ~~(b)(1)(c)(1)~~ No A person in this state shall not knowingly possess a
29 firearm:

30 (A) Upon the developed property of a public school,
31 private school, or private school, K-12 public or private institution of
32 higher education;

33 (B) In or upon any school bus; or

34 (C) At a designated bus stop as identified on the route
35 list published by a school district each year.

36 (2)(A) A violation of subdivision ~~(b)(1)~~ (c)(1) of this section

1 is a Class D felony.

2 (B) ~~No~~ A sentence imposed for a violation of subdivision
3 ~~(b)(1)~~ (c)(1) of this section shall not be suspended or probated or treated
4 as a first offense under § 16-93-301 et seq.

5 ~~(e)(1) No person in this state shall possess a handgun upon the~~
6 ~~property of any private institution of higher education or a publicly~~
7 ~~supported institution of higher education in this state on or about his or~~
8 ~~her person, in a vehicle occupied by him or her, or otherwise readily~~
9 ~~available for use with a purpose to employ the handgun as a weapon against a~~
10 ~~person.~~

11 ~~(2) A violation of subdivision (e)(1) of this section is a Class D~~
12 ~~felony.~~

13 ~~(d) "Handgun" means a firearm capable of firing rimfire ammunition or~~
14 ~~centerfire ammunition and designed or constructed to be fired with one (1)~~
15 ~~hand.~~

16 ~~(e)(d)~~ It is a defense to prosecution under subsection (c) of this
17 section that at the time of the act of possessing a ~~handgun or~~ firearm:

18 (1) The person is in his or her own dwelling ~~or place of~~
19 ~~business~~ or on property in which he or she has a possessory ~~or proprietary~~
20 interest, ~~except upon the property of a public or private institution of~~
21 ~~higher learning;~~

22 (2) The person is a law enforcement officer, correctional
23 officer, or member of the armed forces acting in the course and scope of his
24 or her official duties;

25 (3) The person is assisting a law enforcement officer,
26 correctional officer, or member of the armed forces acting in the course and
27 scope of his or her official duties ~~pursuant to the direction~~ under the
28 direction of or at the request of the law enforcement officer, correctional
29 officer, or member of the armed forces;

30 (4) The person is a ~~licensed~~ registered commissioned security
31 ~~guard~~ officer acting in the course and scope of his or her duties;

32 ~~(5) The person is hunting game with a handgun or firearm that~~
33 ~~may be hunted with a handgun or firearm under the rules and regulations of~~
34 ~~the Arkansas State Game and Fish Commission or is en route to or from a~~
35 ~~hunting area for the purpose of hunting game with a handgun or firearm;~~

36 ~~(6)(5)~~ The person is a certified law enforcement officer;

1 ~~(7) The person is on a journey, unless the person is eighteen~~
 2 ~~(18) years of age or less;~~

3 ~~(8) The person is participating in a certified hunting safety~~
 4 ~~course sponsored by the commission or a firearm safety course recognized and~~
 5 ~~approved by the commission or by a state or national nonprofit organization~~
 6 ~~qualified and experienced in firearm safety;~~

7 ~~(9)~~(6) The person is participating in a school-approved
 8 educational course or sporting activity involving the use of firearms; or

9 ~~(10) The person is a minor engaged in lawful marksmanship~~
 10 ~~competition or practice or other lawful recreational shooting under the~~
 11 ~~supervision of his or her parent, legal guardian, or other person twenty-one~~
 12 ~~(21) years of age or older standing in loco parentis or is traveling to or~~
 13 ~~from this activity with an unloaded handgun or firearm accompanied by his or~~
 14 ~~her parent, legal guardian, or other person twenty-one (21) years of age or~~
 15 ~~older standing in loco parentis.~~

16 (7) The person has a valid license issued under § 5-73-301 et
 17 seq. or recognized by Arkansas under § 5-73-321, possesses only a handgun,
 18 his or her purpose of being present on the property of a public school,
 19 private school, or public or private institution of higher education property
 20 is to drop off or pick up a person enrolled in the public school, private
 21 school, or public or private institution of higher education, and the handgun
 22 remains in the motor vehicle.

23
 24 SECTION 2. Arkansas Code § 5-73-120 is amended to read as follows:

25 5-73-120. Carrying a weapon.

26 (a) A person commits the offense of carrying a weapon if he or she
 27 knowingly:

28 (1) possesses Possesses a handgun, knife, or club on or about
 29 his or her person, in a vehicle occupied by him or her, or otherwise readily
 30 available for use with a purpose to employ the handgun, knife, or club as a
 31 weapon against a person-;

32 (2) Carries a handgun, knife, or club into an establishment that
 33 sells alcoholic beverages; or

34 (3) Possesses a handgun on or about his or her person or
 35 otherwise readily available for use as a weapon against a person while under
 36 the influence of alcohol or while under the influence or in the possession of

1 a controlled substance.

2 (b) As used in this section:

3 (1) "Club" means any instrument that is specially designed,
4 made, or adapted for the purpose of inflicting serious physical injury or
5 death by striking, including a blackjack, billie, and sap;

6 (2) "Handgun" means any firearm with a barrel length of less
7 than twelve inches (12") that is designed, made, or adapted to be fired with
8 one (1) hand; and;

9 (3) "Journey" means the travel beyond a person's neighborhood or
10 county in which he or she resides; and

11 ~~(3)(A)~~(4)(A) "Knife" means any bladed hand instrument that is
12 capable of inflicting serious physical injury or death by cutting or
13 stabbing.

14 (B) "Knife" includes a dirk, sword or spear in a cane,
15 razor, ice pick, throwing star, switchblade, and butterfly knife.

16 (c) It is a defense to a prosecution under this section that at the
17 time of the act of carrying a weapon:

18 (1) The person is in his or her own dwelling, place of business,
19 or on property in which he or she has a possessory or proprietary interest;

20 (2) The person is a law enforcement officer, correctional
21 officer, or member of the armed forces acting in the course and scope of his
22 or her official duties;

23 (3) The person is assisting a law enforcement officer,
24 correctional officer, or member of the armed forces acting in the course and
25 scope of his or her official duties ~~pursuant to the direction~~ under the
26 direction of or at the request of the law enforcement officer, correctional
27 officer, or member of the armed forces;

28 (4) The person is carrying a weapon when upon a journey, unless
29 the journey is through a commercial airport when presenting at the security
30 checkpoint in the airport or is in the person's checked baggage and is not a
31 lawfully declared weapon;

32 (5) The person is a ~~licensed~~ registered commissioned security
33 ~~guard~~ officer acting in the course and scope of his or her duties;

34 (6) The person is hunting game with a handgun that may be hunted
35 with a handgun under rules and regulations of the Arkansas State Game and
36 Fish Commission or is en route to or from a hunting area for the purpose of

1 hunting game with a handgun;

2 (7) The person is hunting game with a handgun that may be hunted
 3 under the rules and regulations of the Arkansas State Game and Fish
 4 Commission with the handgun the person is carrying, or is en route to or from
 5 a hunting area for the purpose of hunting game with that handgun;

6 (8) The person is participating in a certified hunting safety
 7 course sponsored by the commission or a firearm safety course recognized and
 8 approved by the commission or by a state or national nonprofit organization
 9 qualified and experienced in firearm safety;

10 (9) The person is participating in a school-approved educational
 11 course or sporting activity involving the use of firearms;

12 (10) The person is engaged in lawful marksmanship competition or
 13 practice or other lawful recreational shooting under the supervision of his
 14 or her parent, legal guardian, or other person twenty-one (21) years of age
 15 or older standing in loco parentis who is not prohibited under state or
 16 federal law from possessing a firearm; or

17 (11) The person is traveling to or from an activity described in
 18 subdivision (c)(10)(D) of this section with a firearm accompanied by his or
 19 her parent, legal guardian, or other person twenty-one (21) years of age or
 20 older standing in loco parentis who is not prohibited under state or federal
 21 law from possessing a firearm.

22 ~~(7)(12) The person is a certified law enforcement officer; or~~

23 ~~(8)(13) The person is in a motor vehicle and the person is in~~
 24 ~~possession of a handgun and has a valid license to carry a concealed weapon~~
 25 ~~pursuant to issued under § 5-73-301 et seq. or recognized under § 5-73-321~~
 26 ~~and is not in a prohibited place as defined by § 5-73-306+; or~~

27 (14) The person is in possession of a handgun and is a retired
 28 law enforcement officer with a valid concealed carry authorization issued
 29 under federal or state law.

30 ~~(d)(1) Any person who carries a weapon into an establishment that~~
 31 ~~sells alcoholic beverages is guilty of a misdemeanor and subject to a fine of~~
 32 ~~not more than two thousand five hundred dollars (\$2,500) or imprisonment for~~
 33 ~~not more than one (1) year, or both.~~

34 ~~(2) Otherwise, carrying~~ Carrying a weapon is a Class A
 35 misdemeanor.

36