

1 State of Arkansas
2 88th General Assembly
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4

As Engrossed: H3/9/11
A Bill

HOUSE BILL 1723

5 By: Representatives D. Altes, Barnett, Benedict, Carnine, Garner, Harris, Hubbard, Jean, Johnston, Rice,
6 Stubblefield, Westerman
7

For An Act To Be Entitled

9 AN ACT REGARDING TECHNICAL CORRECTIONS TO FIREARM
10 STATUTES; AND FOR OTHER PURPOSES.
11

Subtitle

12 REGARDING TECHNICAL CORRECTIONS TO
13 FIREARMS STATUTES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-73-119 is amended to read as follows:

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

23 (a) As used in this section, "handgun" means any firearm with a barrel
24 length of less than twelve inches (12") that is designed, made, or adapted to
25 be fired with one (1) hand.

26 ~~(a)(1)(b)(1)~~ Ne A person in this state under eighteen (18) years of
27 age shall not knowingly possess a *handgun*.

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

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

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

34 (ii) Been adjudicated delinquent for any offense
35 that would be a felony if committed by an adult; or

36 (iii) Pled guilty or nolo contendere to or been



1 found guilty of a felony in circuit court while under eighteen (18) years of
2 age.

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

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

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

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

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

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

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

27 (A) Upon the developed property of a public school,
28 private school, or private school, K-12 public or private institution of
29 higher education;

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

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

33 (2)(A) A violation of subdivision ~~(b)(1)~~ (c)(1) of this section
34 is a Class D felony.

35 (B) ~~No A~~ sentence imposed for a violation of subdivision
36 ~~(b)(1)~~ (c)(1) of this section shall not be suspended or probated or treated

1 as a first offense under § 16-93-301 et seq.

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

8 ~~(2) A violation of subdivision (c)(1) of this section is a Class D~~
9 ~~felony.~~

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

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

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

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

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

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

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

33 ~~(6)(5)~~ The person is a certified law enforcement officer;

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

36 ~~(8) The person is participating in a certified hunting safety~~

1 ~~course sponsored by the commission or a firearm safety course recognized and~~
 2 ~~approved by the commission or by a state or national nonprofit organization~~
 3 ~~qualified and experienced in firearm safety;~~

4 ~~(9)~~(6) The person is participating in a school-approved
 5 educational course or sporting activity involving the use of firearms; or

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

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

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

22 5-73-120. Carrying a weapon.

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

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

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

31 (3) Possesses a handgun on or about his or her person or
 32 otherwise readily available for use as a weapon against a person while under
 33 the influence of alcohol or while under the influence or in the possession of
 34 a controlled substance.

35 (b) As used in this section:

36 (1) "Club" means any instrument that is specially designed,

1 made, or adapted for the purpose of inflicting serious physical injury or
2 death by striking, including a blackjack, billie, and sap;

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

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

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

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

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

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

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

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

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

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

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

35 (7) The person is hunting game with a handgun that may be hunted
36 under the rules and regulations of the Arkansas State Game and Fish

1 Commission with the handgun the person is carrying, or is en route to or from
2 a hunting area for the purpose of hunting game with that handgun;

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

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

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

19 ~~(7)(12) The person is a certified law enforcement officer; or~~

20 ~~(8)(13) The person is in a motor vehicle and the person is in~~
21 ~~possession of a handgun and has a valid license to carry a concealed weapon~~
22 ~~pursuant to issued under § 5-73-301 et seq. or recognized under § 5-73-321~~
23 ~~and is not in a prohibited place as defined by § 5-73-306+; or~~

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

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

31 ~~(2) Otherwise, carrying~~ Carrying a weapon is a Class A
32 misdemeanor.

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34 /s/D. Altes
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