

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/9/11 H3/18/11

# 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  
12

### 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 – 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)~~ No 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)~~ Ne A person in this state shall not knowingly possess a  
26 firearm *handgun*:

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

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) ~~Ne 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, is a guest in a*  
16 *dwelling and the owner or lessee of the dwelling has given permission for the*  
17 *person to carry a handgun, or place of business* or on property in which he or  
18 she has a possessory or proprietary interest, ~~except upon the property of a~~  
19 ~~public or private institution of higher learning;~~

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 a ~~licensed~~ registered commissioned security  
29 ~~guard~~ officer acting in the course and scope of his or her duties;

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

34 ~~(6)(5)~~ The person is a certified law enforcement officer;

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

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

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

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

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

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

23           5-73-120. Carrying a weapon.

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

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

30           (2) Carries a handgun, knife, or club into an establishment that  
31 sells alcoholic beverages with a purpose to employ the handgun, knife, or  
32 club as a weapon against a person; or

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

1 (b) As used in this section:

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

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

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

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

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

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

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

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

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

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

