

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

As Engrossed: S2/9/11
A Bill

SENATE BILL 115

5 By: Senators B. Sample, *Rapert, J. Taylor, D. Wyatt*
6 *By: Representative Mauch*
7

For An Act To Be Entitled

9 AN ACT REGARDING THE REGULATION OF FIREARMS BY A
10 LOCAL GOVERNMENT; AND FOR OTHER PURPOSES.
11

Subtitle

14 REGARDING THE REGULATION OF FIREARMS BY A
15 LOCAL GOVERNMENT.
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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 § 14-16-504 is amended to read as follows:

21 14-16-504. Regulation by local unit of government.

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

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

29 (B) ~~This shall~~ The provision in subdivision (b)(1)(A) of
30 this section does not prevent the enactment of an ordinance regulating or
31 forbidding the unsafe discharge of a firearm.

32 (2)(A) A local unit of government shall not have ~~the~~
33 authority to bring suit and shall not have ~~the~~ right to recover against
34 any firearm or ammunition manufacturer, trade association, or dealer for
35 damages, abatement, or injunctive relief resulting from or relating to the
36 lawful design, manufacture, marketing, or sale of firearms or ammunition to



1 the public.

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

6 (C) ~~Provided, this shall~~ However, subdivisions (b)(1)(A)
7 and (B) of this section do not prevent a local unit of government from
8 bringing suit against a firearm or ammunition manufacturer or dealer for
9 breach of contract or warranty as to firearms or ammunition purchased by the
10 local unit of government.

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

16 (2) ~~Such emergency ordinance shall not be effective for a period~~
17 ~~of more than twenty (20) days and shall be enacted by a two-thirds (2/3)~~
18 ~~majority of the governing body~~ A person who has his or her firearm seized in
19 violation of subdivision (c)(1) of this section may bring an action in the
20 circuit court having jurisdiction for the return of the seized firearm.

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22 /s/B. Sample

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