

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1700

5 By: Representative D. Altes
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For An Act To Be Entitled

8 AN ACT MAKING TECHNICAL CORRECTIONS CONCERNING THE
9 POSSESSION OF A HANDGUN AND OTHER WEAPONS IN CERTAIN
10 PLACES; AND FOR OTHER PURPOSES.
11

Subtitle

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13 MAKING TECHNICAL CORRECTIONS CONCERNING
14 THE POSSESSION OF A HANDGUN AND OTHER
15 WEAPONS IN CERTAIN PLACES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-73-119(c), concerning possession of a
22 handgun in certain places, is amended to read as follows:

23 (c)(1) ~~No~~ A person in this state shall not knowingly possess a handgun
24 upon the property of any private institution of higher education or a
25 publicly supported institution of higher education in this state 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 of attempting to employ the handgun as a
28 weapon against a person.

29 (2) A violation of subdivision (c)(1) of this section is a Class
30 D felony.
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32 SECTION 2. Arkansas Code § 5-73-119(e), concerning defense to
33 prosecution for possession of a handgun in certain places, is amended to read
34 as follows:

35 (e) ~~It is a defense to prosecution under~~ It is permissible to carry a
36 handgun under this section ~~that~~ if at the time of the act of possessing a



1 handgun or firearm:

2 (1) The person is in his or her own dwelling or place of
3 business or on property in which he or she has a possessory or proprietary
4 interest, except upon the property of a public or private institution of
5 higher learning;

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

9 (3) The person is assisting a law enforcement officer,
10 correctional officer, or member of the armed forces acting in the course and
11 scope of his or her official duties pursuant to the direction or request of
12 the law enforcement officer, correctional officer, or member of the armed
13 forces;

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

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

20 (6) The person is a certified law enforcement officer;

21 (7) The person is on a journey beyond the county in which the
22 person lives, unless the person is eighteen (18) years of age or less~~+~~.

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

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

29 (10) The person is a minor engaged in lawful marksmanship
30 competition or practice or other lawful recreational shooting under the
31 supervision of his or her parent, legal guardian, or other person twenty-one
32 (21) years of age or older standing in loco parentis or is traveling to or
33 from ~~this activity~~ a lawful marksmanship competition or practice or other
34 lawful recreational shooting with an unloaded handgun or firearm accompanied
35 by his or her parent, legal guardian, or other person twenty-one (21) years
36 of age or older standing in loco parentis.

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2 SECTION 3. Arkansas Code § 5-73-120 is amended to read as follows:
3 5-73-120. Carrying a weapon.

4 (a) A person commits the offense of carrying a weapon if he or she
5 knowingly possesses a handgun, knife, or club on or about his or her person,
6 in a vehicle occupied by him or her, or otherwise readily available for use
7 with a purpose to attempt to employ the handgun, knife, or club as a weapon
8 against a person.

9 (b) As used in this section:

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

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

16 (3) "Journey" means travel beyond the county in which a person
17 lives; and

18 ~~(3)(A)(4)~~ "Knife" means any bladed hand instrument three inches
19 (3") or longer that is capable of inflicting serious physical injury or death
20 by cutting or stabbing~~;~~

21 ~~(B)~~ "Knife" ~~includes~~ including a dirk, a sword or spear in
22 a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly
23 knife.

24 (c) It is ~~a defense to a prosecution~~ permissible to carry a handgun
25 under this section ~~that~~ if at the time of the act of carrying a weapon:

26 (1) The person is in his or her own dwelling~~;~~ or place of
27 business~~;~~ or on property in which he or she has a possessory or proprietary
28 interest;

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

32 (3) The person is assisting a law enforcement officer,
33 correctional officer, or member of the armed forces acting in the course and
34 scope of his or her official duties pursuant to the direction or request of
35 the law enforcement officer, correctional officer, or member of the armed
36 forces;

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

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

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

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

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

16 (9) The person is in possession of a handgun and is a retired
 17 law enforcement officer with a valid concealed carry authorization issued
 18 under federal or state law.

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

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

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