

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1655

5 By: Representatives Clowney, Tosh
6

For An Act To Be Entitled

8 AN ACT TO PROTECT VICTIMS OF DOMESTIC ABUSE;
9 PROHIBITING A PERSON CONVICTED OF MISDEMEANOR
10 DOMESTIC BATTERING FROM POSSESSING A FIREARM; TO
11 INFORM THE PERSON OF THE PROHIBITION AGAINST
12 POSSESSING A FIREARM; AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROTECT VICTIMS OF DOMESTIC ABUSE.
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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 § 5-26-313 is amended to read as follows:
22 5-26-313. Notice.

23 (a) A person who is convicted of ~~any a~~ a misdemeanor ~~of offense~~
24 involving domestic violence shall be notified by the court that it is
25 unlawful for the person to ship, transport, or possess a firearm or
26 ammunition ~~pursuant to 18 U.S.C. § 922(g)(8) and (9), as they existed on~~
27 January 1, 2007.

28 (b)(1) Upon entering a conviction for a misdemeanor offense involving
29 domestic violence, the court shall indicate on the record of the conviction
30 that the record of the conviction prohibits the person from possessing a
31 firearm and shall transmit a copy of the record of the conviction to the
32 Arkansas Crime Information Center.

33 (2) After receiving the copy of the conviction under subdivision
34 (b)(1) of this section, the center shall include the conviction in the
35 National Instant Criminal Background Check System.
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1 SECTION 2. Arkansas Code § 5-73-101, concerning definitions used in
 2 conjunction with criminal offenses involving weapons, is amended to add an
 3 additional subdivision to read as follows:

4 (12) "Misdemeanor offense involving domestic violence" means an
 5 offense committed between family or household members, as defined in or
 6 substantially similar to § 5-26-302, including domestic battering in the
 7 third degree, § 5-26-305, that is a misdemeanor under the laws of this state,
 8 another state, or federal or tribal law when the offense includes as an
 9 element:

10 (A) The use or attempted use of physical force; or

11 (B) The threatened use of a deadly weapon.

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 13 SECTION 3. Arkansas Code § 5-73-103(a), concerning persons who are
 14 prohibited from possessing a firearm, is amended to read as follows:

15 (a) Except as provided in subsection (d) of this section or unless
 16 authorized by and subject to such conditions as prescribed by the Governor,
 17 or his or her designee, or the United States Bureau of Alcohol, Tobacco,
 18 Firearms, and Explosives, or other bureau or office designated by the United
 19 States Department of Justice, ~~no~~ a person shall not possess or own any
 20 firearm who has been:

21 (1) Convicted of:

22 (A) a A felony; or

23 (B) A misdemeanor offense involving domestic violence;

24 (2) Adjudicated mentally ill; or

25 (3) Committed involuntarily to any mental institution.