

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H3/11/19

# A Bill

HOUSE BILL 1655

5 By: Representatives Clowney, Tosh  
6 By: Senator Bond  
7

## For An Act To Be Entitled

9 AN ACT TO PROTECT VICTIMS OF DOMESTIC ABUSE;  
10 PROHIBITING A PERSON CONVICTED OF MISDEMEANOR  
11 DOMESTIC BATTERING FROM POSSESSING A FIREARM; TO  
12 INFORM THE PERSON OF THE PROHIBITION AGAINST  
13 POSSESSING A FIREARM; AND FOR OTHER PURPOSES.  
14

## Subtitle

16 TO PROTECT VICTIMS OF DOMESTIC ABUSE.  
17  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 5-26-313 is amended to read as follows:  
23 5-26-313. Notice.

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

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

34 (2) After receiving the copy of the conviction under subdivision  
35 (b)(1) of this section, the center shall determine if the conviction is  
36 eligible for entry into the National Instant Criminal Background Check System



1 and, if the conviction is eligible for entry, enter the conviction into the  
2 National Instant Criminal Background Check System.

3  
4 SECTION 2. Arkansas Code § 5-73-101, concerning definitions used in  
5 conjunction with criminal offenses involving weapons, is amended to add an  
6 additional subdivision to read as follows:

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

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

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

15  
16 SECTION 3. Arkansas Code § 5-73-103(a), concerning persons who are  
17 prohibited from possessing a firearm, is amended to read as follows:

18 (a) Except as provided in subsection (d) of this section or unless  
19 authorized by and subject to such conditions as prescribed by the Governor,  
20 or his or her designee, or the United States Bureau of Alcohol, Tobacco,  
21 Firearms, and Explosives, or other bureau or office designated by the United  
22 States Department of Justice, ~~ne~~ a person shall not possess or own any  
23 firearm who has been:

24 (1) Convicted of:

25 (A) a A felony; or

26 (B) A misdemeanor offense involving domestic violence;

27 (2) Adjudicated mentally ill; or

28 (3) Committed involuntarily to any mental institution.

29  
30 /s/Clowney