

Stricken language would be deleted from and underlined language would be added to present law.  
Act 746 of the Regular Session

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/12/13 H3/20/13

# A Bill

HOUSE BILL 1700

By: Representatives D. Altes, *Alexander, Ballinger, Barnett, Bell, Bragg, Carnine, Cozart, Dale, Deffenbaugh, C. Douglas, Hammer, Hobbs, Lea, S. Meeks, Rice, Scott, Westerman, Word*

By: Senators *Files, A. Clark, B. King, J. Woods*

## For An Act To Be Entitled

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

### Subtitle

MAKING TECHNICAL CORRECTIONS CONCERNING  
THE POSSESSION OF A HANDGUN AND OTHER  
WEAPONS IN CERTAIN PLACES.

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

*SECTION 1.* Arkansas Code § 5-73-119(e), concerning defense to prosecution for possession of a handgun in certain places, is amended to read as follows:

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

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

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

(3) The person is assisting a law enforcement officer,



correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;

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

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

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

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

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

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

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

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

5-73-120. Carrying a weapon.

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

(b) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

hunting game with a handgun;

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

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

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

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

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

*/s/D. Altes*

**APPROVED: 04/04/2013**