

Stricken language would be deleted from and underlined language would be added to present law.
Act 495 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/27/19
A Bill

SENATE BILL 400

By: Senators B. Ballinger, T. Garner

By: Representative Gonzales

For An Act To Be Entitled

AN ACT CONCERNING FIREARM NOISE SUPPRESSORS;
CONCERNING COMPLIANCE WITH THE NATIONAL FIREARMS ACT;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING FIREARM NOISE SUPPRESSORS; AND
CONCERNING COMPLIANCE WITH THE NATIONAL
FIREARMS ACT.

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

SECTION 1. Arkansas Code § 5-73-104 is amended to read as follows:

5-73-104. Criminal use of prohibited weapons.

(a) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he or she knowingly uses, possesses, makes, repairs, sells, or otherwise deals in any:

- (1) Bomb;
- (2) Machine gun;
- (3) Sawed-off shotgun or rifle;
- ~~(4) Firearm specially made or specially adapted for silent~~

~~discharge;~~

~~(5)~~(4) Metal knuckles; or

~~(6)~~(5) Other implement for the infliction of serious physical injury or death that serves no lawful purpose.

(b) It is an exception to this section that the person uses, possesses, makes, repairs, sells, or otherwise deals in an item under this



section that is in compliance with the National Firearms Act, 26 U.S.C. §§ 5801 – § 5861, or other applicable federal law, as they existed on January 1, 2019.

~~(b)~~(c) It is a defense to prosecution under this section that:

(1) The defendant was a law enforcement officer, prosecuting attorney, deputy prosecuting attorney, prison guard, or member of the armed forces acting in the course and scope of his or her duty at the time he or she used or possessed the prohibited weapon; or

(2) The defendant used, possessed, made, repaired, sold, or otherwise dealt in any article enumerated in subsection (a) of this section under circumstances negating any likelihood that the weapon could be used as a weapon.

~~(e)(1)~~(d)(1) Criminal use of prohibited weapons is a Class B felony if the weapon is a bomb, or machine gun, ~~or firearm specially made or specially adapted for silent discharge.~~

(2) Criminal use of prohibited weapons is a Class A misdemeanor if the offense is possession of metal knuckles.

(3) Otherwise, criminal use of prohibited weapons is a Class D felony.

SECTION 2. Arkansas Code § 5-73-109 is amended to read as follows:

5-73-109. Furnishing a deadly weapon to a minor.

(a) A person commits the offense of furnishing a deadly weapon to a minor if he or she sells, barter, leases, gives, rents, or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of the minor's welfare.

(b)(1) Furnishing a deadly weapon to a minor is a Class A misdemeanor.

(2) However, furnishing a deadly weapon to a minor is a Class B felony if the deadly weapon is:

(A) A handgun;

(B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-102;

(C) A sawed-off or short-barrelled rifle, as defined in § 5-1-102;

~~(D) A firearm that has been specially made or specially~~

~~adapted for silent discharge;~~

~~(E)~~(D) A machine gun;

~~(F)~~(E) An explosive or incendiary device, as defined in § 5-71-301;

~~(G)~~(F) Metal knuckles;

~~(H)~~(G) A defaced firearm, as defined in § 5-73-107; or

~~(I)~~(H) Another implement for the infliction of serious physical injury or death that serves no ~~common~~ lawful purpose.

SECTION 3. Arkansas Code § 5-73-129 is amended to read as follows:

5-73-129. Furnishing a handgun or a prohibited weapon to a felon.

(a) A person commits the offense of furnishing a handgun to a felon if he or she sells, barter, leases, gives, rents, or otherwise furnishes a handgun to a person who he or she knows has been found guilty of or pleaded guilty or nolo contendere to a felony.

(b) A person commits the offense of furnishing a prohibited weapon to a felon if he or she sells, barter, leases, gives, rents, or otherwise furnishes:

(1) A sawed-off shotgun or rifle;

~~(2) A firearm that has been specially made or specially adapted for silent discharge;~~

~~(3)~~(2) A machine gun;

~~(4)~~(3) A bomb;

~~(5)~~(4) Metal knuckles;

~~(6)~~(5) A defaced firearm, as defined in § 5-73-107; or

~~(7)~~(6) Other implement for the infliction of serious physical injury or death that serves no ~~common~~ lawful purpose, to a person ~~who~~ he or she knows has been found guilty of or who has pleaded guilty or nolo contendere to a felony.

(c) Furnishing a handgun or a prohibited weapon to a felon is a Class B felony.

SECTION 4. Arkansas Code § 5-73-132 is amended to read as follows:

5-73-132. Sale, rental, or transfer of firearm to person prohibited from possessing firearms.

(a) A person shall not sell, rent, or transfer a firearm to any person

who he or she knows is prohibited by state or federal law from possessing the firearm.

(b)(1) Violation of this section is a Class A misdemeanor, unless the firearm is:

(A) A handgun;

(B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-102;

(C) A sawed-off or short-barrelled rifle, as defined in § 5-1-102;

~~(D) A firearm that has been specially made or specially adapted for silent discharge;~~

~~(E)~~(D) A machine gun;

~~(F)~~(E) An explosive or incendiary device, as defined in § 5-71-301;

~~(G)~~(F) A defaced firearm, as defined in § 5-73-107; or

~~(H)~~(G) Other implement for the infliction of serious physical injury or death that serves no ~~common~~ lawful purpose.

(2) If the firearm is listed in subdivision (b)(1) of this section, a violation of this section is a Class B felony.

/s/B. Ballinger

APPROVED: 3/18/19