

1 INTERIM STUDY PROPOSAL 2025-045

2
3 State of Arkansas *As Engrossed: H2/10/25 H2/18/25 H4/2/25*
4 95th General Assembly
5 Regular Session, 2025

A Bill

HOUSE BILL 1057

6
7 By: Representative R. Scott Richardson

8 By: Senator Irvin

9 Filed with: House Committee on Judiciary
10 pursuant to A.C.A. §10-3-217.

11 **For An Act To Be Entitled**

12 AN ACT TO AMEND THE LAW CONCERNING POSSESSION OF A
13 FIREARM BY CERTAIN PERSONS; TO PERMIT THE RESTORATION
14 OF THE RIGHT TO POSSESS A FIREARM TO A NONVIOLENT
15 FELON; AND FOR OTHER PURPOSES.

16
17
18 **Subtitle**

19 TO AMEND THE LAW CONCERNING POSSESSION
20 OF A FIREARM BY CERTAIN PERSONS; AND TO
21 PERMIT THE RESTORATION OF THE RIGHT TO
22 POSSESS A FIREARM TO A NONVIOLENT FELON.

23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 *SECTION 1. Arkansas Code § 5-73-103 is amended to read as follows:*

27 *5-73-103. Possession of firearms by certain persons.*

28 *(a) Except as provided in ~~subsection (d)~~ subsections (d) and (e) of*
29 *this section or unless authorized by and subject to such conditions as*
30 *prescribed by the Governor, or his or her designee, or ~~the United States~~*
31 *~~Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other~~ a bureau or*
32 *office designated by the United States Department of Justice, no person shall*
33 *possess or own ~~any~~ a firearm who has been:*

34 *(1) Convicted of a felony, with the exception of:*

35 *(A) An antitrust violation;*

36 *(B) An unfair trade practice;*

1 (C) Restraint of trade; or

2 (D) Another offense relating to the regulation of business

3 practices;

4 (2) Adjudicated mentally ill; or

5 (3) Committed involuntarily to ~~any~~ a mental institution.

6 (b)(1) Except as provided in subdivisions (b)(2) and (3) of this
7 section, a determination by a jury or a court that a person committed a
8 felony constitutes a conviction for purposes of subsection (a) of this
9 section even though the court suspended imposition of sentence or placed the
10 defendant on probation.

11 (2) Subdivision (b)(1) of this section does not apply to a
12 person whose case was dismissed and expunged under § 16-93-301 et seq. or §
13 16-98-303(g).

14 (3) The determination by the jury or court that the person
15 committed a felony does not constitute a conviction for purposes of
16 subsection (a) of this section if the person is subsequently granted a pardon
17 explicitly restoring the ability to possess a firearm.

18 (c)(1) A person who violates this section commits a Class B felony if:

19 (A) The person has a prior violent felony conviction;

20 (B) The person's current possession of a firearm involves
21 the commission of another crime;

22 (C) The person has a prior felony conviction for an
23 offense that had as an element of the offense the use or possession of a
24 deadly weapon; or

25 (D) The person has been previously convicted under this
26 section or a similar provision from another jurisdiction.

27 (2) A person who violates this section commits a Class D felony
28 if he or she has been previously convicted of a felony and his or her present
29 conduct or the prior felony conviction does not fall within subdivision
30 (c)(1) of this section.

31 (3) Otherwise, the person commits a Class A misdemeanor.

32 (d) The Governor may restore without granting a pardon the right of a
33 convicted felon ~~or an adjudicated delinquent to own and possess~~ to own,
34 possess, ship, receive, and transport a firearm upon the recommendation of
35 the chief law enforcement officer in the jurisdiction in which the person
36 resides, so long as the underlying felony ~~or delinquency adjudication:~~

1 (1) Did not involve the use of a weapon; and

2 (2) Occurred more than eight (8) years ago.

3 (e) ~~As used in this section, "felony" means any state or federal~~
 4 ~~felony, excluding a federal or state felony offense for which the person~~
 5 ~~convicted has completed his or her sentence and pertaining to:~~

6 ~~(1) An antitrust violation;~~

7 ~~(2) An unfair trade practice;~~

8 ~~(3) Restraint of trade; or~~

9 ~~(4) Another offense relating to the regulation of business~~
 10 ~~practices. The right of a convicted felon to own, possess, ship, receive,~~
 11 ~~and transport a firearm shall be restored upon a petition to a circuit court~~
 12 ~~if the following conditions are met:~~

13 (1) The underlying felony was not:

14 (A) A serious felony involving violence as defined in § 5-
 15 4-501(c)(2);

16 (B) A felony involving violence as defined in § 5-4-
 17 501(d)(2); or

18 (C) A felony listed below or contained in the following
 19 chapters or subchapters:

20 (i) Homicide, § 5-10-101 et seq.;

21 (ii) Kidnapping and related offenses, § 5-11-101 et
 22 seq.;

23 (iii) Robbery, § 5-12-101 et seq.;

24 (iv) Assault and battery, § 5-13-101 et seq.;

25 (v) Sexual offenses, § 5-14-101 et seq.;

26 (vi) Voyeurism offenses, § 5-16-101 et seq.;

27 (vii) Death threats, § 5-17-101 et seq.;

28 (viii) The Human Trafficking Act of 2013, § 5-18-101
 29 et seq.;

30 (ix) Domestic battering and assault, § 5-26-301 et
 31 seq.;

32 (x) Custody and visitation, § 5-26-501 et seq.;

33 (xi) Exposing a child to a chemical substance or
 34 methamphetamine, § 5-27-230;

35 (xii) The Arkansas Protection of Children Against
 36 Exploitation Act of 1979, § 5-27-301 et seq.;

1 (xiii) Use of children in sexual performances, § 5-
2 27-401 et seq.;
3 (xiv) Computer crimes against minors, § 5-27-601 et
4 seq.;
5 (xv) Abuse of adults, § 5-28-101 et seq.;
6 (xvi) The Vulnerable Person Protection Act, § 5-29-
7 201 et seq.;
8 (xvii) Damage or destruction of property, § 5-38-101
9 et seq.;
10 (xviii) Causing a catastrophe, § 5-38-202;
11 (xix) Arson, § 5-38-301;
12 (xx) Residential burglary, § 5-39-201, breaking or
13 entering, § 5-39-202, and operating a chop shop – dealing in stolen or forged
14 motor vehicle parts, § 5-36-109;
15 (xxi) Aggravated residential burglary, § 5-39-204;
16 (xxii) Treason, § 5-51-201;
17 (xxiii) First degree escape, § 5-54-110, second
18 degree escape, § 5-54-111, third degree escape, § 5-54-112, and permitting
19 escape in the first degree, § 5-54-113;
20 (xxiv) Fleeing, § 5-54-125;
21 (xxv) Killing or injuring animals used by law
22 enforcement or search and rescue dogs, § 5-54-126;
23 (xxvi) Terrorism, § 5-54-201 et seq.;
24 (xxvii) Animals, § 5-62-101 et seq.;
25 (xxviii) Uniform Controlled Substances Act, § 5-64-
26 101 et seq., sale of drug devices, § 5-64-801 et seq., ephedrine and other
27 nonprescription drugs, § 5-64-1101 et seq., and anhydrous ammonia, § 5-64-
28 1301 et seq.;
29 (xxix) Aggravated riot, § 5-71-202;
30 (xxx) Stalking, § 5-71-229;
31 (xxxii) Weapons, § 5-73-101 et seq.;
32 (xxxiii) The Arkansas Criminal Gang, Organization, or
33 Enterprise Act, § 5-74-101 et seq.;
34 (xxxiiii) A felony that requires a person to register
35 as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-
36 901 et seq.;

1 (xxxiv) An attempt, solicitation, or conspiracy to
2 commit any of the felonies listed in subdivisions (d)(1) of this section, if
3 the attempt, solicitation, or conspiracy itself is a felony; or

4 (xxxv) A felony traffic offense committed in a motor
5 vehicle if the person was a holder of a commercial learner's permit or a
6 commercial driver's license at the time the felony traffic offense was
7 committed;

8 (2)(A) The convicted felon completed his or her sentence for the
9 underlying felony, including without limitation the full payment of fines,
10 court costs, and restitution and any other terms or conditions of the
11 sentence, no less than ten (10) years ago.

12 (B)(i) The ten-year period of subdivision (e)(2)(A) of
13 this section shall be calculated from the date in which all terms of the
14 sentence for a felony other than an offense listed as an exception under
15 subdivision (a)(1) of this section were completed.

16 (ii) If the convicted felon has more than one (1)
17 felony conviction, the ten-year period of subdivision (e)(2)(A) of this
18 section shall be calculated from the latest date in which all terms of a
19 sentence for a felony other than an offense that is listed as an exception
20 under subdivision (a)(1) of this section were completed; and

21 (3) The convicted felon has not had a felony conviction in
22 another state.

23 (f)(1) A person who is eligible to have his or her firearms rights
24 restored under subsection (e) of this section may file a uniform petition in
25 the circuit court of the county in which he or she resides.

26 (2) Within fifteen (15) business days after the uniform petition
27 is filed, the court shall:

28 (A) Grant or deny the uniform petition;

29 (B) Notify the petitioner by mail of the court's decision;

30 (C) If the petition is granted, notify the Arkansas Crime
31 Information Center of the restoration of firearms rights.

32 (g) The Arkansas Crime Information Center shall:

33 (1) Adopt and provide the following to be used by a petitioner
34 and any circuit court in this state:

35 (A) A uniform petition for restoration of firearms rights;
36 and

1 (B) A uniform order to restore firearms rights; and
2 (2) After receiving the notification required under (f)(2)(C) of
3 this section, notify the National Crime Information Center or its successor
4 of the restoration of firearms rights.

5
6 SECTION 2. Arkansas Code § 5-73-309(5), concerning the circumstances
7 in which the Director of the Division of Arkansas State Police shall issue a
8 license to carry a concealed handgun, is amended to read as follows:

9 (5) Has not been convicted of a felony in a court of this state,
10 of any other state, or of the United States unless:

11 (A) The applicant is subsequently granted a pardon by the
12 Governor or the President of the United States explicitly restoring his or
13 her ability to possess a firearm;

14 (B) The applicant was sentenced prior to March 13, 1995,
15 and the record of conviction has been sealed or expunged under Arkansas law;
16 ~~or~~

17 (C) The applicant's offense was dismissed and sealed or
18 expunged under § 16-93-301 et seq. or § 16-98-303(g);

19 (D) The applicant's felony conviction was for an offense
20 that is listed as an exception under § 5-73-103(a)(1); or

21 (E) The applicant's ability to possess a firearm is
22 subsequently restored under § 5-73-103(d) or § 5-73-103(e);

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/s/R. Scott Richardson

Referred requested by the Arkansas House of Representatives

Prepared by: CEB/AMS