

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/5/15
A Bill

HOUSE BILL 1488

By: Representatives Lemons, Tosh, Baine, Ballinger, Bell, Bentley, Brown, Copeland, Cozart, Dotson, Eads, Eaves, Farrer, M. Gray, Henderson, Holcomb, Jean, Johnson, Ladyman, Lampkin, Lowery, Lundstrum, Magie, Nicks, Richmond, Rushing, B. Smith, Sorvillo, Speaks, Vaught, Wallace, *J. Mayberry*
By: Senator E. Williams

For An Act To Be Entitled

AN ACT CONCERNING THE REQUIREMENT THAT THE CHIEF LAW ENFORCEMENT OFFICER OF A JURISDICTION MAKE CERTAIN CERTIFICATIONS CONCERNING THE RECEIPT OR MANUFACTURE OF A FIREARM; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE REQUIREMENT THAT THE CHIEF LAW ENFORCEMENT OFFICER OF A JURISDICTION MAKE CERTAIN CERTIFICATIONS CONCERNING THE RECEIPT OR MANUFACTURE OF A FIREARM.

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

SECTION 1. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended to add an additional section to read as follows:

5-73-112. Certification by a chief law enforcement officer regarding receipt or manufacture of a firearm.

(a) As used in this section:

(1) "Certification" means the participation and assent of the chief law enforcement officer or his or her designee necessary under federal law for the approval of an application to transfer or manufacture a firearm; and

(2) "Firearm" means the same as defined in the National Firearms Act, 26 U.S.C. § 5845(a) as it existed on January 1, 2015.



(b)(1) When certification by the chief law enforcement officer of a jurisdiction is required by federal law or regulation for the transfer or manufacture of a firearm within fifteen (15) days of receipt of a request for certification, the chief law enforcement officer or his or her designee shall provide the certification if the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in the applicant's being prohibited by law from receiving or manufacturing the firearm.

(2) If the applicant is prohibited by law from receiving or manufacturing the firearm or is the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the chief law enforcement officer or his or her designee shall provide written notification to the applicant that states the reasons for his or her findings and that the certification is denied.

(c)(1) An applicant whose request for certification is denied may appeal the denial to the circuit court where the applicant resides.

(2) The circuit court shall review the denial de novo.

(3) If the circuit court finds that the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the circuit court shall order the chief law enforcement officer to issue the *certification* to the applicant.

(d) Except as provided in subdivision (c)(3) of this section, the chief law enforcement officer of a jurisdiction and his or her employees who act in good faith are immune from civil liability arising from any act or omission in making a certification under this section.

/s/Lemons