

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/10/17
A Bill

HOUSE BILL 1630

By: Representative Tucker

For An Act To Be Entitled

AN ACT TO PROTECT CHILDREN FROM UNATTENDED LOADED FIREARMS; TO CREATE THE OFFENSE OF NEGLIGENTLY ALLOWING ACCESS TO A FIREARM BY A CHILD; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT CHILDREN FROM UNATTENDED LOADED FIREARMS; AND TO CREATE THE OFFENSE OF NEGLIGENTLY ALLOWING ACCESS TO A FIREARM BY A CHILD.

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

SECTION 1. Arkansas Code § 5-73-101, concerning definitions concerning weapons, is amended to add additional subdivisions to read as follows:

(11) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a round is in the chamber; and

(12) "Secure" means to take steps that a reasonable person would take to prevent access to a readily dischargeable firearm by a child, including without limitation placing a readily dischargeable firearm in a locked container or temporarily rendering the readily dischargeable firearm inoperable by a trigger lock or other means.

SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended to add an additional section to read as follows:

5-73-134. Negligently allowing access to a firearm by a child.

(a) As used in this section, "child" means a person under seventeen



(17) years of age.

(b) A person commits the offense of negligently allowing access to a firearm by a child if a child gains access to a readily dischargeable firearm and the person negligently:

(1) Failed to secure the readily dischargeable firearm; or

(2) Left the readily dischargeable firearm in a place in which the person knew or should have known the child could gain access to the readily dischargeable firearm.

(c) A person does not commit negligently allowing access to a firearm by a child if the child's access to the readily dischargeable firearm:

(1) Was supervised by a person older than:

(A) Twenty-one (21) years of age and the possession was in accordance with § 5-73-119(e)(10); or

(B) Eighteen (18) years of age and the readily dischargeable firearm was used for hunting, sporting, or other lawful purposes;

(2) Consisted of lawful defense by the child of himself, herself, another person, or property; or

(3) Occurred during a time when the person was engaged in an agricultural enterprise.

(d) It is an affirmative defense to prosecution under this section that the child's access to the readily dischargeable firearm was obtained by entering premises or a vehicle in violation of § 5-39-101 et seq.

(e)(1) Negligently allowing access to a firearm by a child is a Class A misdemeanor if the child discharges the readily dischargeable firearm and causes death or physical injury to himself, herself, or another person.

(2) Negligently allowing access to a firearm by a child is a Class B misdemeanor if the child:

(A) Discharges the readily dischargeable firearm but does not result in an injury to any person; or

(B) Displays the readily dischargeable firearm in a:

(i) Public place; or

(ii) Threatening manner.

(3) Otherwise, negligently allowing access to a firearm by a child is a Class C misdemeanor.

(f) A law enforcement officer or other person may not arrest a person

for negligently allowing access to a firearm by a child before the seventh day after the date on which the offense is committed if:

(1) The person is a member of the family of the child who discharged the readily accessible firearm; and

(2) The child in discharging the readily accessible firearm caused death or serious physical injury to himself or herself.

/s/Tucker