

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1985

By: Representative Ballinger

For An Act To Be Entitled

AN ACT CONCERNING FIREARM POSSESSION FOR A NONVIOLENT
FEDERAL FELONY OFFENDER; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING FIREARM POSSESSION FOR A
NONVIOLENT FEDERAL FELONY OFFENDER.

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

SECTION 1. Arkansas Code § 5-73-103(a), concerning the illegal possession of a firearm by certain persons, is amended to read as follows:

(a)~~(1)~~ Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his or her designee, or the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other bureau or office designated by the United States Department of Justice, ~~no person shall~~ a person shall not possess or own any firearm ~~who~~ if the person has been:

~~(1)(A)~~ Convicted of a felony, unless:

(i) The conviction is for a federal felony classified or described by the United States Congress as nonviolent and ten (10) years have elapsed since the date of the completion of the sentence, including the payment of all fines, fees, and restitution; and

(ii) The person does not have another prior felony conviction under state or federal law;

~~(2)(B)~~ Adjudicated mentally ill; or

~~(3)(C)~~ Committed involuntarily to any mental institution.

(2)(A) A person who has been convicted of a federal felony as



described under subdivision (a)(1)(A)(i) of this section is required to submit to a background check conducted by the Department of Arkansas State Police at his or her own expense.

(B) Upon verification that the person is permitted to possess or own a firearm under this section after the background check required under subdivision (a)(2)(A) of this section is completed, the Director of the Department of Arkansas State Police shall notify the Arkansas Crime Information Center that the person may lawfully possess or own a firearm.

(C) Upon receipt of the notification from the director as required under subdivision (a)(2)(B) of this section, the center shall enter a notation into the person's criminal history, as well as any record of the person that is maintained by the center and is accessible by a law enforcement agency, that the person may lawfully possess or own a firearm under Arkansas law despite his or her federal felony conviction.