

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 660

By: Senator Collins-Smith

For An Act To Be Entitled

AN ACT TO RESTORE RIGHTS OF ARKANSANS TO CARRY
FIREARMS IN PUBLIC PLACES; AND FOR OTHER PURPOSES.

Subtitle

TO RESTORE RIGHTS OF ARKANSANS TO CARRY
FIREARMS IN PUBLIC PLACES.

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

SECTION 1. Arkansas Code § 5-73-119 is repealed.

~~5-73-119. Handguns—Possession by minor or possession on school property.~~

~~(a)(1) No person in this state under eighteen (18) years of age shall possess a handgun.~~

~~(2)(A) A violation of subdivision (a)(1) of this section is a Class A misdemeanor.~~

~~(B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:~~

~~(i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;~~

~~(ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or~~

~~(iii) Pled guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.~~

~~(b)(1) No person in this state shall possess a firearm.~~

~~(A) Upon the developed property of a public or private~~



~~school, kindergarten through grade twelve (K-12);~~

~~(B) In or upon any school bus; or~~

~~(C) At a designated bus stop as identified on the route list published by a school district each year.~~

~~(2)(A) A violation of subdivision (b)(1) of this section is a Class D felony.~~

~~(B) No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.~~

~~(c)(1) Except as provided in § 5-73-322, a person in this state shall not possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.~~

~~(2) A violation of subdivision (c)(1) of this section is a Class D felony.~~

~~(d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.~~

~~(e) It is permissible to carry a handgun under this section if at the time of the act of possessing a handgun or firearm:~~

~~(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;~~

~~(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;~~

~~(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;~~

~~(4) The person is a registered commissioned security guard acting in the course and scope of his or her duties;~~

~~(5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;~~

~~(6) The person is a certified law enforcement officer;~~

~~(7) The person is on a journey beyond the county in which the person lives, unless the person is eighteen (18) years of age or less;~~

~~(8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;~~

~~(9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms;~~

~~(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis or is traveling to or from a lawful marksmanship competition or practice or other lawful recreational shooting with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis;~~

~~(11) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun on the developed property of:~~

~~(A) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:~~

~~(i) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;~~

~~(ii) Allows the person to carry a concealed handgun into the church or other place of worship under § 5-73-306; and~~

~~(iii) Allows the person to possess a concealed handgun on the developed property of the kindergarten through grade twelve (K-12) private school; or~~

~~(B) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the~~

~~licensee may carry a concealed handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school; or~~

~~(12)(A) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.~~

~~(B)(i) As used in this subdivision (c)(12), "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at a school.~~

~~(ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction.~~

SECTION 2. Arkansas Code § 5-73-120 is repealed.

~~5-73-120. Carrying a weapon.~~

~~(a) A person commits the offense of carrying a weapon if he or she possesses a handgun, knife, or club on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to attempt to unlawfully employ the handgun, knife, or club as a weapon against a person.~~

~~(b) As used in this section:~~

~~(1) "Club" means any instrument that is specially designed, made, or adapted for the purpose of inflicting serious physical injury or death by striking, including a blackjack, billie, and sap;~~

~~(2) "Handgun" means any firearm with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand;~~

~~(3) "Journey" means travel beyond the county in which a person lives; and~~

~~(4) "Knife" means any bladed hand instrument three inches (3") or longer that is capable of inflicting serious physical injury or death by cutting or stabbing, including a dirk, a sword or spear in a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly knife.~~

~~(c) It is permissible to carry a weapon under this section if at the~~

~~time of the act of carrying the weapon;~~

~~(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest;~~

~~(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;~~

~~(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;~~

~~(4) The person is carrying a weapon when upon a journey, unless the journey is through a commercial airport when presenting at the security checkpoint in the airport or is in the person's checked baggage and is not a lawfully declared weapon;~~

~~(5) The person is a registered commissioned security guard acting in the course and scope of his or her duties;~~

~~(6) The person is hunting game with a handgun that may be hunted with a handgun under rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun;~~

~~(7) The person is a certified law enforcement officer;~~

~~(8) The person is in possession of a concealed handgun and has a valid license to carry a concealed handgun under § 5-73-301 et seq., or recognized under § 5-73-321 and is not in a prohibited place as defined by § 5-73-306;~~

~~(9) The person is a prosecuting attorney or deputy prosecuting attorney carrying a firearm under § 16-21-147; or~~

~~(10) The person is in possession of a handgun and is a retired law enforcement officer with a valid concealed carry authorization issued under federal or state law.~~

~~(d) Carrying a weapon is a Class A misdemeanor.~~

SECTION 3. Arkansas Code § 5-73-122 is repealed.

~~5-73-122. Carrying a firearm in publicly owned buildings or facilities.~~

~~(a)(1) Except as provided in § 5-73-322 and § 5-73-306(5), it is unlawful for any person other than a law enforcement officer or a security guard in the employ of the state or an agency of the state, or any city or county, or any state or federal military personnel, to knowingly carry or possess a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.~~

~~(2) It is unlawful for any person other than a law enforcement officer or a security guard in the employ of the state or an agency of the state, or any city or county, or any state or federal military personnel, to knowingly carry or possess a firearm, whether loaded or unloaded, in the State Capitol Building or the Justice Building in Little Rock.~~

~~(3) However, this subsection does not apply to a person carrying or possessing a firearm or other deadly weapon in a publicly owned building or facility or on the State Capitol grounds:~~

~~(A) For the purpose of participating in a shooting match or target practice under the auspices of the agency responsible for the publicly owned building or facility or State Capitol grounds;~~

~~(B) If necessary to participate in a trade show, exhibit, or educational course conducted in the publicly owned building or facility or on the State Capitol grounds; or~~

~~(C)(i) If the person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot,~~

~~(ii)(a) As used in this subdivision (a)(3)(C), “parking lot” means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at school.~~

~~(b) “Parking lot” does not include a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction.~~

~~(4) As used in this section, “facility” means a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.~~

~~(b)(1) Any person other than a law enforcement officer, officer of the~~

~~court, or bailiff, acting in the line of duty, or any other person authorized by the court, who possesses a handgun in the courtroom of any court of this state is guilty of a Class D felony.~~

~~(2) Otherwise, any person violating a provision of this section is guilty of a Class A misdemeanor.~~

SECTION 4. Arkansas Code § 5-73-131 is amended to read as follows:

5-73-131. Possession or use of weapons by incarcerated persons = Possession of a firearm on the premises of a prison.

(a)(1) A person commits the offense of possession or use of weapons by incarcerated persons if, without approval of custodial authority he or she uses, possesses, makes, repairs, sells, or otherwise deals in any weapon, including, but not limited to, any bomb, firearm, knife, or other implement for the infliction of serious physical injury or death and that serves no common lawful purpose, while incarcerated in the Department of Correction, the Department of Community Correction, or a county or municipal jail or detention facility.

~~(b)(2)~~ Possession or use of weapons by incarcerated persons is a Class D felony.

~~(e)(3)~~ This ~~section~~ subsection is not applicable to possession of a weapon by an incarcerated person before he or she completes the standard booking and search procedures in a jail facility after arrest.

(b)(1) A person may not knowingly possess a firearm on the premises or property operated by the Department of Correction or the Department of Community Correction unless:

(A) The person is law enforcement officer;

(B) The person is an employee of the Department of Correction or the Department of Community Correction who is authorized to possess a firearm by the Department of Correction or the Department of Community Correction on the premises or property of the Department of Correction or the Department of Community Correction; or

(C) The person is specifically authorized to do so by the Director of the Department of Correction or the Director of the Department of Community Correction.

(2) A violation of subdivision (b)(1) of this section is a Class D felony.

SECTION 5. Arkansas Code § 5-73-306(13)(B)(i), concerning the list of places where a person who possesses a concealed handgun license is prohibited from carrying a concealed handgun, is amended to read as follows:

- (i) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:
 - (a) Is located on the developed property of the kindergarten through grade twelve (K-12) private school; and
 - (b) Allows the licensee to carry a concealed handgun into the church or other place of worship under this section; and
 - ~~(c) Allows the licensee to possess a concealed handgun on the developed property of the kindergarten through grade twelve (K-12) private school under § 5-73-119(e);~~

SECTION 6. Arkansas Code § 5-73-308(a)(1)(A), concerning the issuance of a license to carry a concealed handgun, is amended to read as follows:

- (a)(1)(A) The Director of the Department of Arkansas State Police may deny a license if within the preceding five (5) years the applicant has been found guilty of one (1) or more crimes of violence constituting a misdemeanor ~~or for the offense of carrying a weapon.~~

SECTION 7. Arkansas Code § 5-73-322(d), concerning the prohibition against storing a handgun in a college-operated dormitory, is repealed.

~~(d) The storage of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(e).~~

SECTION 8. Arkansas Code § 9-27-303(15), concerning the definition of "delinquent juvenile" in the Arkansas Juvenile Code, is amended to read as follows:

- (15) "Delinquent juvenile" means:
 - (A) A juvenile ten (10) years old or older who:
 - (i) Has committed an act other than a traffic offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state; or
 - ~~(ii) Has violated § 5-73-119; or~~

~~(iii)~~(ii) Has violated § 5-71-217(d)(2),
cyberbullying of a school employee; or

(B) Any juvenile charged with capital murder, § 5-10-101,
or murder in the first degree, § 5-10-102, subject to extended juvenile
jurisdiction;

SECTION 9. Arkansas Code § 9-27-309(g), concerning notification by the
prosecuting attorney when a juvenile is adjudicated delinquent for an offense
for which he or she could have been charged as an adult, is amended to read
as follows:

(g) When a juvenile is adjudicated delinquent for an offense for which
he or she could have been charged as an adult ~~or for unlawful possession of a
handgun, § 5-73-119~~, the prosecuting attorney shall notify the school
superintendent of the school district in which the juvenile is currently
enrolled.

SECTION 10. Arkansas Code § 9-27-309(i)(1), concerning when written
notification of an arrest for certain offenses shall be given to the
superintendent of a school, is amended to read as follows:

(i)(1) If a juvenile is arrested for ~~unlawful possession of a firearm
under § 5-73-119~~, an offense involving a deadly weapon under § 5-1-102, or
battery in the first degree under § 5-13-201, the arresting agency shall as
soon as practical and with all reasonable haste cause written notification of
the arrest to be given to the superintendent of the school district in which
the juvenile is currently enrolled.

SECTION 11. Arkansas Code § 9-27-313(d)(1)(A)(i) and (ii), concerning
the offenses for which law enforcement officer shall take a juvenile to
detention, are repealed.

~~(i) Unlawful possession of a handgun, § 5-73-119(a)(1);
(ii) Possession of a handgun on school property, § 5-73-
119(b)(1);~~

SECTION 12. Arkansas Code § 9-27-318(b)(1)(C), concerning for what
offenses a circuit court can use extended juvenile jurisdiction, is repealed.

~~(C) Possession of a handgun on school property, § 5-73-~~

~~119(a)(2)(A);~~

SECTION 13. Arkansas Code § 9-27-318(b)(2), concerning when extended juvenile jurisdiction may be filed in the circuit court, is repealed.

~~(2) At least fourteen (14) years old when he or she engages in conduct that constitutes a felony under § 5-73-119(a); or~~

SECTION 14. Arkansas Code § 9-27-330(c), concerning when a court shall commit a juvenile, is amended to read as follows:

(c)(1) If a juvenile is adjudicated delinquent for ~~possession of a handgun, as provided in § 5-73-119, or~~ criminal use of prohibited weapons, as provided in § 5-73-104, or possession of a defaced firearm, as provided in § 5-73-107, then the court shall commit the juvenile:

(A) To a juvenile detention facility, as provided in subdivision (a)(11) of this section;

(B) To a youth services center operated by the State Institutional System Board of the Department of Human Services, as provided in subdivision (a)(1) of this section; or

(C) Place the juvenile on residential detention, as provided in subdivision (a)(12) of this section.

(2) The court may take into consideration any preadjudication detention period served by the juvenile and sentence the juvenile to time served.

SECTION 15. Arkansas Code § 9-27-336(b)(3)(A)(i), concerning when a juvenile being held for an offense shall have an initial appearance in court, is amended to read as follows:

(i) The alleged act would be a misdemeanor or a felony if committed by an adult ~~or is a violation of § 5-73-119;~~