

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 743

By: Senator Bond

For An Act To Be Entitled

AN ACT ESTABLISHING THE OPTION OF A MUNICIPALITY TO SPECIFICALLY PROHIBIT THE OPEN POSSESSION OF A HANDGUN IN PUBLIC BY A MAJORITY VOTE OF THE CITIZENS OF A MUNICIPALITY; AND FOR OTHER PURPOSES.

Subtitle

ESTABLISHING THE OPTION OF A MUNICIPALITY TO SPECIFICALLY PROHIBIT THE OPEN POSSESSION OF A HANDGUN IN PUBLIC BY A MAJORITY VOTE OF THE CITIZENS OF A MUNICIPALITY.

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

SECTION 1. Arkansas Code § 14-54-1411 is amended to read as follows:
14-54-1411. Firearms and ammunition.

(a) As used in this section, "local unit of government" means a city, town, or county.

(b)(1)(A) A Except as permitted under § 14-54-1412 or otherwise provided under state or federal law, a local unit of government shall not enact ~~any~~ an ordinance or regulation pertaining to, or regulate in any other manner, the ownership, transfer, transportation, carrying, or possession of firearms, ammunition for firearms, or components of firearms, ~~except as otherwise provided in state or federal law.~~

(B) This shall not prevent the enactment of an ordinance regulating or forbidding the unsafe discharge of a firearm.

(2)(A) A local unit of government shall have no authority to



bring suit and shall have no right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

(B) The authority to bring any suit and the right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief shall be reserved exclusively to the State of Arkansas.

(C) Provided, this shall not prevent a local unit of government from bringing suit against a firearm or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the local unit of government.

(c)(1) Notwithstanding subsection (b) of this section, the governing body of a local unit of government, following the proclamation by the Governor of a state of emergency, may enact an emergency ordinance regulating the transfer, transportation, or carrying of firearms or components of firearms.

(2) Such emergency ordinance shall not be effective for a period of more than twenty (20) days and shall be enacted by a two-thirds (2/3) majority of the governing body.

SECTION 2. Arkansas Code Title 14, Chapter 54, Subchapter 14, is amended to add an additional section to read as follows:

14-54-1412. Local option for open possession of handgun in public.

(a) The governing body of a municipality may pose to all qualified electors residing within its limits the question of whether to specifically prohibit the open possession of a handgun in public.

(b) The question under subsection (a) of this section shall be presented to the electorate of the municipality at an election held only on a regular biennial November general election day.

(c)(1) After a vote in the affirmative to specifically prohibit the open possession of a handgun in public, the governing body of the municipality may pass an ordinance that states that a person shall not openly possess a handgun in public within the limits of the municipality.

(2)(A) An ordinance passed under this subsection may create a violation and penalty for the violation of open possession of a handgun that

is separate and distinct from any potential charge, conviction, or sentence found under § 5-73-120.

(B) However, this section shall not be construed to limit in any manner the ability for the state to arrest or prosecute a person for a violation of § 5-73-120.

(d) A municipality that exercises a local option election under this section shall bear all of the costs related to placing the measure on the ballot.

(e) A municipality that has passed an ordinance under this section shall post at all roadway entrances to the municipality:

(1) That open possession of a handgun in public is not permitted within the limits of the municipality;

(2) A citation to and text of the ordinance; and

(3) The penalty for a violation of the ordinance, if applicable.