

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1953

By: Representative Clowney

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO PROTECT VICTIMS OF DOMESTIC ABUSE;
PROHIBITING A PERSON CONVICTED OF MISDEMEANOR
DOMESTIC ABUSE OFFENSES FROM POSSESSING A FIREARM;
REQUIRE THAT THE COURT INFORM THE PERSON OF THE
PROHIBITION AGAINST POSSESSING A FIREARM; AND FOR
OTHER PURPOSES.

Subtitle

TO PROTECT VICTIMS OF DOMESTIC ABUSE; AND
TO PROHIBIT A PERSON CONVICTED OF
MISDEMEANOR DOMESTIC ABUSE OFFENSES FROM
POSSESSING A FIREARM.

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

SECTION 1. Arkansas Code § 5-26-302, concerning definitions used in regard to domestic battering and assault, is amended to add an additional subdivision to read as follows:

(7) "Misdemeanor offense involving domestic violence" means a misdemeanor offense committed against a family or household member that includes as an element:

(A) The use or attempted use of physical force; or

(B) The threatened use of a deadly weapon.

SECTION 2. Arkansas Code § 5-26-313 is amended to read as follows:

5-26-313. Notice - Record of conviction.



(a) A person who is convicted of ~~any~~ a misdemeanor ~~of~~ crime of domestic violence shall be notified by the court that it is unlawful for the person to ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. § ~~922(g)(8) and (9), as they~~ 922(g)(9), as it existed on January 1, 2007.

(b)(1) Upon entering a conviction for a misdemeanor offense involving domestic violence, the court shall indicate on the record of the conviction that the conviction prohibits the person from possessing a firearm and shall transmit a copy of the record of the conviction to the Arkansas Crime Information Center.

(2) After receiving the copy of the record of the conviction under subdivision (b)(1) of this section, the center shall include the conviction in the National Instant Criminal Background Check System.

SECTION 3. Arkansas Code § 5-73-101, concerning definitions used in conjunction with criminal offenses involving weapons, is amended to add an additional subdivision to read as follows:

(12) "Misdemeanor offense involving domestic violence" means:

(A) The same as defined in § 5-26-302; and

(B) A misdemeanor offense under federal, tribal, or another state's law, as it existed on January 1, 2021, committed against a family or household member as defined in or substantially similar to § 5-26-302, when the offense includes as an element:

(i) The use or attempted use of physical force; or

(ii) The threatened use of a deadly weapon.

SECTION 4. Arkansas Code § 5-73-103(a), concerning persons who are prohibited from possessing a firearm, is amended to read as follows:

(a) 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~~ a person shall not possess or own any firearm who has been:

(1) Convicted of:

(A) a A felony; or

(B) A misdemeanor offense involving domestic violence;

- (2) Adjudicated mentally ill; or
- (3) Committed involuntarily to any mental institution.