

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 297

By: Senator D. Wallace

## For An Act To Be Entitled

AN ACT CONCERNING FIREARM POSSESSION FOR A PERSON  
CONVICTED OF A FEDERAL NONVIOLENT FELONY OFFENSE; AND  
FOR OTHER PURPOSES.

### Subtitle

CONCERNING FIREARM POSSESSION FOR A  
PERSON CONVICTED OF A FEDERAL NONVIOLENT  
FELONY OFFENSE.

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) Except as provided in ~~subsection~~ subsections (d) and (e) 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) Convicted of a felony;
- (2) Adjudicated mentally ill; or
- (3) Committed involuntarily to any mental institution.

SECTION 2. Arkansas Code § 5-73-103, concerning the offense of possession of a firearm by certain persons, is amended to add an additional subsection to read as follows:

(e)(1) Subdivision (a)(1) of this section does not apply if:



(A) The conviction is for a federal felony classified or described by the United States Congress as nonviolent as of January 1, 2021, 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

(B) The person does not have another felony conviction under state or federal law.

(2)(A) A person who has been convicted of a federal felony as described under subdivision (e)(1) of this section shall submit to a background check conducted by the Division of Arkansas State Police at his or her own expense.

(B) Upon verification that the person may possess or own a firearm under this section after the background check required under subdivision (e)(2)(A) of this section is completed, the Director of the Division 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 (e)(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.