

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1694

5 By: Representatives Womack, Wardlaw
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO ELIMINATE GUN-FREE ZONES; TO REPEAL LAWS IN
10 CONFLICT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO ELIMINATE GUN-FREE ZONES; AND TO
14 REPEAL LAWS IN CONFLICT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. DO NOT CODIFY. Legislative intent.

21 The intent of this act is to provide for the safety of the public by
22 eliminating gun-free zones.
23

24 SECTION 2. Arkansas Code § 5-73-119 is amended to read as follows:

25 5-73-119. Handguns – Possession by minor or possession on school
26 property.

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

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

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

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

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



1 (iii) Pleaded guilty or nolo contendere to or been
 2 found guilty of a felony in circuit court while under eighteen (18) years of
 3 age.

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

5 ~~(A) Upon the developed property of a public or private~~
 6 ~~school, kindergarten through grade twelve (K-12);~~

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

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

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

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

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

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

23 ~~(d)(b)~~ “Handgun” means a firearm capable of firing rimfire ammunition
 24 or centerfire ammunition and designed or constructed to be fired with one (1)
 25 hand.

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

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

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

35 (3) The person is assisting a law enforcement officer,
 36 correctional officer, or member of the armed forces acting in the course and

1 scope of his or her official duties pursuant to the direction or request of
 2 the law enforcement officer, correctional officer, or member of the armed
 3 forces;

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

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

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

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

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

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

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

27 (11) The person has a license to carry a concealed handgun under
 28 § 5-73-301 et seq. and is carrying a concealed handgun on the developed
 29 property of:

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

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

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

36 (iii) Allows the person to possess a concealed

1 handgun on the developed property of the kindergarten through grade twelve
 2 (K-12) private school; or

3 (B) A kindergarten through grade twelve (K-12) private
 4 school or a prekindergarten private school that through its governing board
 5 or director has set forth the rules and circumstances under which the
 6 licensee may carry a concealed handgun into a building or event of the
 7 kindergarten through grade twelve (K-12) private school or the
 8 prekindergarten private school; or

9 (12)(A) The person has a license to carry a concealed handgun under §
 10 5-73-301 et seq. and is carrying a concealed handgun in his or her motor
 11 vehicle or has left the concealed handgun in his or her locked and unattended
 12 motor vehicle in a publicly owned and maintained parking lot.

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

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

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

22 ~~5-73-122. Carrying a firearm in publicly owned buildings or facilities.~~
 23 ~~(a)(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147,~~
 24 ~~and this section, it is unlawful for any person other than a law enforcement~~
 25 ~~officer or a security guard in the employ of the state or an agency of the~~
 26 ~~state, or any city or county, or any state or federal military personnel, to~~
 27 ~~knowingly carry or possess a loaded firearm or other deadly weapon in any~~
 28 ~~publicly owned building or facility or on the State Capitol grounds.~~

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

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

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

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

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

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

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

18 (D) ~~If the person has completed the required training and~~
 19 ~~received a concealed carry endorsement under § 5-73-322(g) and the place is~~
 20 ~~not:~~

21 (i) ~~A courtroom or the location of an administrative~~
 22 ~~hearing conducted by a state agency, except as permitted by § 5-73-306(5) or~~
 23 ~~§ 5-73-306(6);~~

24 (ii) ~~A public school kindergarten through grade~~
 25 ~~twelve (K-12), a public prekindergarten, or a public daycare facility, except~~
 26 ~~as permitted under subdivision (a)(3)(C) of this section;~~

27 (iii) ~~A facility operated by the Department of~~
 28 ~~Correction or the Department of Community Correction; or~~

29 (iv) ~~A posted firearm sensitive area, as approved by~~
 30 ~~the Department of Arkansas State Police under § 5-73-325, located at:~~

31 (a) ~~The Arkansas State Hospital;~~

32 (b) ~~The University of Arkansas for Medical~~
 33 ~~Sciences; or~~

34 (c) ~~A collegiate athletic event; or~~

35 (E) ~~If the person has a license to carry a concealed~~
 36 ~~handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a~~

1 ~~judge on the Court of Appeals, and is carrying a concealed handgun in the~~
 2 ~~Arkansas Justice Building.~~

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

7 ~~(b) However, a law enforcement officer, officer of the court, bailiff,~~
 8 ~~or any other person authorized by the court is permitted to possess a handgun~~
 9 ~~in the courtroom of any court or a courthouse of this state.~~

10 ~~(c) A person violating this section upon conviction is guilty of a~~
 11 ~~Class C misdemeanor.~~

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 13 SECTION 4. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended
 14 to add an additional section to read as follows:

15 5-73-134. Possession of a firearm on public property.

16 (a) A person may carry a firearm in a publicly owned, leased, or
 17 rented building or facility, on public land, on a public roadway, and on a
 18 public sidewalk.

19 (b) This section does not authorize a person to carry a firearm:

20 (1) Where prohibited by federal law;

21 (2) Into a facility operated by the Department of Correction,
 22 the Department of Community Correction, or the Division of Youth Services, or
 23 a county jail;

24 (3)(A) Into a courtroom while court is in session without
 25 authorization from the presiding judge.

26 (B) However, a law enforcement officer, officer of the
 27 court, bailiff, or any other person authorized by the court is permitted to
 28 possess a handgun in the courtroom of any court or a courthouse of this
 29 state; or

30 (4) At a sporting event at a public college or university.

31 (c) This section does not:

32 (1) Apply to the rights of a private landowner to allow or
 33 prohibit the possession of a firearm on the private landowner's property; or

34 (2) Supersede any law prohibiting certain persons from
 35 possessing a firearm.

36 (d)(1) To the extent that the requirements or prohibitions under § 5-

1 73-301 et seq. are more restrictive than this section, the Department of
2 Arkansas State Police may waive the requirements or prohibitions in order to
3 conform with this section.

4 (2) A restriction under § 5-73-301 et seq. shall not apply to
5 nonlicensees.

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