

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

1 State of Arkansas *As Engrossed: H3/7/19 H3/14/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1694

4

5 By: Representatives Womack, Wardlaw

6 By: Senator G. Stubblefield

7

8

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

12

13

Subtitle

14

TO ELIMINATE GUN-FREE ZONES; AND TO

15

REPEAL LAWS IN CONFLICT.

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17

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

19

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

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

27

(a)(1) ~~No~~ A person in this state under eighteen (18) years of age
28 shall not possess a handgun.

29

(2)(A) A violation of subdivision (a)(1) of this section is a
30 Class A 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 A person in this state less than twenty-one (21) years of~~
5 ~~age shall not possess a firearm.~~

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

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

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

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

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

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

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

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

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

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

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

36 (3) The person is assisting a law enforcement officer,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 ~~(3) However, this subsection does not apply to a person carrying~~
36 ~~or possessing a firearm or other deadly weapon in a publicly owned building~~

1 ~~or facility or on the State Capitol grounds;~~

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

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

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

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

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

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

22 ~~(i) A courtroom or the location of an administrative~~
23 ~~hearing conducted by a state agency, except as permitted by § 5-73-306(5) or~~
24 ~~§ 5-73-306(6);~~

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

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

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

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

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

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

36 ~~(E) If the person has a license to carry a concealed~~

1 handgun under ~~§ 5-73-301 et seq.~~, is a justice of the Supreme Court or a
2 judge on the Court of Appeals, and is carrying a concealed handgun in the
3 Arkansas Justice Building.

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

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

11 ~~(c) A person violating this section upon conviction is guilty of a~~
12 ~~prohibit the possession of a firearm on the private landowner's property; or~~
13 ~~Class C misdemeanor.~~

14
15 SECTION 4. Arkansas Code § 5-73-127 is repealed.

16 ~~5-73-127. Possession of loaded center-fire weapons in certain areas.~~

17 ~~(a) It is unlawful to possess a loaded center-fire weapon, other than~~
18 ~~a shotgun and other than in a residence or business of the owner, in the~~
19 ~~following areas:~~

20 ~~(1) Baxter County:~~

21 ~~(A) That part bounded on the south by Highway 178, on the~~
22 ~~west and north by Bull Shoals Lake, and on the east by the Central Electric~~
23 ~~Power Corporation transmission line from Howard Creek to Highway 178;~~

24 ~~(B) That part of Bidwell Point lying south of the east-~~
25 ~~west road which crosses Highway 101 at the Presbyterian Church;~~

26 ~~(C) That part of Bidwell Point lying west of Bennett's~~
27 ~~Bayou and north of the east-west road which crosses Highway 101 at the~~
28 ~~Presbyterian Church;~~

29 ~~(D) That part of Baxter County between:~~

30 ~~(i) County Road 139 and Lake Norfolk to the north~~
31 ~~and west;~~

32 ~~(ii) County Road 151 and Lake Norfolk to the north,~~
33 ~~west, and south in the Diamond Bay area;~~

34 ~~(iii) The Bluff Road and Lake Norfolk to the west;~~

35 ~~(iv) John Lewis Road (Timber Lake Manor) and Lake~~
36 ~~Norfolk to the west and south;~~

1 ~~(v) The south end of County Road 91 south of its~~
2 ~~intersection with John Lewis Road and Lake Norfolk to the south and east; and~~

3 ~~(vi) County Road 150 from its intersection with~~
4 ~~County Road 93 south and Lake Norfolk to the south and east but not east of~~
5 ~~County Road 93;~~

6 ~~(2) Benton County:~~

7 ~~(A) That part of the Hobbs Estate north of State Highway~~
8 ~~12, west of Rambo Road, and south and east of Van Hollow Creek and the Van~~
9 ~~Hollow Creek arm of Beaver Lake;~~

10 ~~(B) All of Bella Vista Village; and~~

11 ~~(C) That part bounded on the north by Beaver Lake, on the~~
12 ~~east by Beaver Lake, on the south by the Hobbs State Management Area boundary~~
13 ~~from the intersection of State Highway 12 eastward along the boundary to its~~
14 ~~intersection with the Van Hollow Creek arm of Beaver Lake;~~

15 ~~(3) Benton and Carroll Counties: That part bounded on the north~~
16 ~~by Highway 62, on the east by Highway 187 and Henry Hollow Creek, and the~~
17 ~~south and west by Beaver Lake and the road from Beaver Dam north to Highway~~
18 ~~62;~~

19 ~~(4) Conway County: That part lying above the rimrock of Petit~~
20 ~~Jean Mountain;~~

21 ~~(5) Garland County: All of Hot Springs Village and Diamondhead;~~

22 ~~(6) Marion County:~~

23 ~~(A) That part known as Bull Shoals Peninsula, bounded on~~
24 ~~the east and north by White River and Lake Bull Shoals, on the west by the~~
25 ~~Jimmie Creek arm of Lake Bull Shoals, and on the south by the municipal~~
26 ~~boundaries of the City of Bull Shoals;~~

27 ~~(B) That part of Marion County bounded on the north, west,~~
28 ~~and south by Bull Shoals Lake and on the east by County Roads 355 and 322~~
29 ~~from their intersections with State Highway 202 to the points where they~~
30 ~~respectively dead-end at arms of Bull Shoals Lake;~~

31 ~~(C) The Yocum Bend Peninsula of Bull Shoals Lake bounded~~
32 ~~on the north and east by Bull Shoals Lake, on the west by Pine Mountain and~~
33 ~~Bull Shoals Lake, and on the south by County Road 30; and~~

34 ~~(D) Those lands situated in Marion County known as the~~
35 ~~Frost Point Peninsula, not inundated by the waters of Bull Shoals Lake, being~~
36 ~~more particularly described as follows:~~

1 ~~(i) Section Six, Township Twenty North, Range~~
2 ~~Fifteen West, (Sec. 6 T.20 N. R.15 W.), lying south of the White River~~
3 ~~channel;~~

4 ~~(ii) Section One, Township Twenty North, Range~~
5 ~~Sixteen West, (Sec. 1 T.20 N. R.16 W.); and~~

6 ~~(iii) East Half of Section Two, Township Twenty~~
7 ~~North, Range Sixteen West, (E ½ Sec. 2 T.20 N. R.16 W.); North Half of~~
8 ~~the Northeast Quarter of Section Eleven, Township Twenty North, Range Sixteen~~
9 ~~West (N ½ NE ¼ Sec. 11 T.20 N. R.16 W.); and~~

10 ~~(7) A platted subdivision located in an unincorporated area.~~

11 ~~(b) Nothing contained in this section shall be construed to limit or~~
12 ~~restrict or to make unlawful the discharge of a firearm in defense of a~~
13 ~~person or property within the areas described in this section.~~

14 ~~(c) A person who is found guilty or who pleads guilty or nolo~~
15 ~~contendere to violating this section is guilty of a violation and shall be~~
16 ~~fined no less than twenty-five dollars (\$25.00) nor more than five hundred~~
17 ~~dollars (\$500).~~

18 ~~(d) This section does not apply to a:~~

19 ~~(1) Law enforcement officer in the performance of his or her~~
20 ~~duties;~~

21 ~~(2) Discharge of a center fire weapon at a firing range~~
22 ~~maintained for the discharging of a center fire weapon; or~~

23 ~~(3) Person possessing a valid concealed handgun license under §~~
24 ~~5-73-301 et seq.~~

25
26 SECTION 5. Arkansas Code § 5-73-130(c), concerning definitions used
27 concerning seizure and forfeiture of a firearm or motor vehicle, is amended
28 to read as follows:

29 (c) As used in this section, "unlawfully in possession of a firearm"
30 does not include any act of possession of a firearm that is prohibited only
31 by:

32 ~~(1) Section 5-73-127, unlawful to possess loaded center fire~~
33 ~~weapons in certain areas; or~~

34 ~~(2) A a regulation of the Arkansas State Game and Fish~~
35 ~~Commission.~~

36

1 SECTION 6. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended
2 to add an additional section to read as follows:

3 5-73-134. Possession of a firearm on public property.

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

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

8 (1) Where prohibited by federal law;

9 (2) Into a facility operated by the Department of Correction,
10 the Department of Community Correction, or the Division of Youth Services, or
11 a county jail;

12 (3)(A) Into a courtroom without authorization from the presiding
13 judge.

14 (B) However, a law enforcement officer, officer of the
15 court, bailiff, or any other person who is not a party to the case and
16 authorized by the presiding judge is permitted to possess a handgun in the
17 courtroom of any court or a courthouse of this state;

18 (4) At a public college or public university sporting event;

19 (5) Into the Arkansas State Hospital;

20 (6) Into a facility on the campus of the University of Arkansas
21 for Medical Sciences; or

22 (7) The Arkansas Justice Building.

23 (c) This section does not:

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

26 (2) Prohibit a public college or public university from
27 developing a policy concerning possession of an unconcealed handgun; or

28 (3) Supersede any law prohibiting certain persons from
29 possessing a firearm.

30 (d)(1) To the extent that the requirements or prohibitions under § 5-
31 73-301 et seq. are more restrictive than this section, the Department of
32 Arkansas State Police may waive the requirements or prohibitions in order to
33 conform with this section.

34 (2) A restriction under § 5-73-301 et seq. shall not apply to a
35 person who does not hold a license to carry a concealed handgun under § 5-73-
36 301 et seq.

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/s/Womack