

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 297

5 By: Senator D. Wallace  
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## For An Act To Be Entitled

8 AN ACT CONCERNING FIREARM POSSESSION FOR A PERSON  
9 CONVICTED OF A FEDERAL NONVIOLENT FELONY OFFENSE; AND  
10 FOR OTHER PURPOSES.  
11

## Subtitle

12 CONCERNING FIREARM POSSESSION FOR A  
13 PERSON CONVICTED OF A FEDERAL NONVIOLENT  
14 FELONY OFFENSE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-73-103(a), concerning the illegal  
22 possession of a firearm by certain persons, is amended to read as follows:

23 (a) Except as provided in ~~subsection~~ subsections (d) and (e) of this  
24 section or unless authorized by and subject to such conditions as prescribed  
25 by the Governor, or his or her designee, or the United States Bureau of  
26 Alcohol, Tobacco, Firearms, and Explosives, or other bureau or office  
27 designated by the United States Department of Justice, ~~no person shall a~~  
28 person shall not possess or own any firearm ~~who~~ if the person has been:

- 29 (1) Convicted of a felony;
- 30 (2) Adjudicated mentally ill; or
- 31 (3) Committed involuntarily to any mental institution.  
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33 SECTION 2. Arkansas Code § 5-73-103, concerning the offense of  
34 possession of a firearm by certain persons, is amended to add an additional  
35 subsection to read as follows:

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



1                   (A) The conviction is for a federal felony classified or  
2 described by the United States Congress as nonviolent as of January 1, 2021,  
3 and ten (10) years have elapsed since the date of the completion of the  
4 sentence, including the payment of all fines, fees, and restitution; and

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

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

11                   (B) Upon verification that the person may possess or own a  
12 firearm under this section after the background check required under  
13 subdivision (e)(2)(A) of this section is completed, the Director of the  
14 Division of Arkansas State Police shall notify the Arkansas Crime Information  
15 Center that the person may lawfully possess or own a firearm.

16                   (C) Upon receipt of the notification from the director as  
17 required under subdivision (e)(2)(B) of this section, the center shall enter  
18 a notation into the person's criminal history, as well as any record of the  
19 person that is maintained by the center and is accessible by a law  
20 enforcement agency, that the person may lawfully possess or own a firearm  
21 under Arkansas law despite his or her federal felony conviction.

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