

ARKANSAS SENATE

93rd General Assembly - Regular Session, 2021

Amendment Form

Subtitle of Senate Bill No. 645

TO ESTABLISH A PATH TO RESTORATION OF THE RIGHT TO POSSESS A FIREARM; AND TO PROVIDE FOR THE DISCHARGE, DISMISSAL, AND SEALING OF A FELONY CONVICTION.

Amendment No. 1 to Senate Bill 645

Amend Senate Bill No. 645 as originally introduced:

Delete Section 1 in its entirety, and substitute the following:

"SECTION 1. Arkansas Code § 5-73-103(a) and (b), concerning the offense of possession of a firearm by certain persons, are 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~~ a firearm ~~who~~ if he or she has been:

- (1) Convicted of a felony;
- (2) Adjudicated mentally ill; or
- (3) Committed involuntarily to ~~any~~ a mental institution.

(b)(1) Except as provided in subdivisions (b)(2) and (3) of this section, a determination by a jury or a court that a person committed a felony constitutes a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.

(2) Subdivision (b)(1) of this section does not apply to a person whose case was dismissed and expunged under § 16-93-301 et seq. or § 16-98-303(g).

(3) The determination by the jury or court that the person committed a felony does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm or if the conviction is discharged, dismissed, and sealed under § 16-90-1501 et seq.

SECTION 2. Arkansas Code § 5-73-309(5), concerning licensing requirements for a license to carry a concealed handgun, is amended to read as follows:



(5) Has not been convicted of a felony in a court of this state, of any other state, or of the United States unless:

(A) The applicant is subsequently granted a pardon by the Governor or the President of the United States explicitly restoring his or her ability to possess a firearm;

(B) The applicant was sentenced prior to March 13, 1995, and the record of conviction has been sealed or expunged under Arkansas law; ~~or~~

(C) The applicant's offense was dismissed and sealed or expunged under § 16-93-301 et seq. or § 16-98-303(g); or

(D) The applicant's offense was discharged, dismissed, and sealed under § 16-90-1501 et seq.;"

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator G. Stubblefield

BPG/BPG - 04-08-2021 12:28:38

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Secretary