

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/12/13 H3/20/13

# A Bill

HOUSE BILL 1700

5 By: Representatives D. Altes, Alexander, Ballinger, Barnett, Bell, Bragg, Carnine, Cozart, Dale,  
6 Deffenbaugh, C. Douglas, Hammer, Hobbs, Lea, S. Meeks, Rice, Scott, Westerman, Word  
7 By: Senators Files, A. Clark, B. King, J. Woods  
8

## For An Act To Be Entitled

9  
10 AN ACT MAKING TECHNICAL CORRECTIONS CONCERNING THE  
11 POSSESSION OF A HANDGUN AND OTHER WEAPONS IN CERTAIN  
12 PLACES; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15  
16 MAKING TECHNICAL CORRECTIONS CONCERNING  
17 THE POSSESSION OF A HANDGUN AND OTHER  
18 WEAPONS IN CERTAIN PLACES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 5-73-119(e), concerning defense to  
24 prosecution for possession of a handgun in certain places, is amended to read  
25 as follows:

26 (e) ~~It is a defense to prosecution under~~ It is permissible to carry a  
27 handgun under this section ~~that~~ if at the time of the act of possessing a  
28 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 ~~licensed~~ registered commissioned security  
6 guard 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; or

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 ~~this activity~~ a lawful marksmanship competition or practice or other  
25 lawful recreational shooting with an unloaded handgun or firearm accompanied  
26 by his or her parent, legal guardian, or other person twenty-one (21) years  
27 of age or older standing in loco parentis.

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29 *SECTION 2.* Arkansas Code § 5-73-120 is amended to read as follows:  
30 5-73-120. Carrying a weapon.

31 (a) A person commits the offense of carrying a weapon if he or she  
32 *possesses* a handgun, knife, or club on or about his or her person, in a  
33 vehicle occupied by him or her, or otherwise readily available for use with a  
34 purpose to attempt to unlawfully employ the handgun, knife, or club as a  
35 weapon against a person.

36 (b) As used in this section:

1 (1) "Club" means any instrument that is specially designed,  
2 made, or adapted for the purpose of inflicting serious physical injury or  
3 death by striking, including a blackjack, billie, and sap;

4 (2) "Handgun" means any firearm with a barrel length of less  
5 than twelve inches (12") that is designed, made, or adapted to be fired with  
6 one (1) hand; ~~and~~

7 (3) "Journey" means travel beyond the county in which a person  
8 lives; and

9 ~~(3)(A)(4)~~ "Knife" means any bladed hand instrument three inches  
10 (3") or longer that is capable of inflicting serious physical injury or death  
11 by cutting or stabbing;

12 ~~(B) "Knife" includes including~~ a dirk, a sword or spear in  
13 a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly  
14 knife.

15 (c) It is ~~a defense to a prosecution~~ permissible to carry a handgun  
16 under this section ~~that~~ if at the time of the act of carrying a weapon:

17 (1) The person is in his or her own dwelling, or place of  
18 business, or on property in which he or she has a possessory or proprietary  
19 interest;

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

23 (3) The person is assisting a law enforcement officer,  
24 correctional officer, or member of the armed forces acting in the course and  
25 scope of his or her official duties pursuant to the direction or request of  
26 the law enforcement officer, correctional officer, or member of the armed  
27 forces;

28 (4) The person is carrying a weapon when upon a journey, unless  
29 the journey is through a commercial airport when presenting at the security  
30 checkpoint in the airport or is in the person's checked baggage and is not a  
31 lawfully declared weapon;

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

34 (6) The person is hunting game with a handgun that may be hunted  
35 with a handgun under rules and regulations of the Arkansas State Game and  
36 Fish Commission or is en route to or from a hunting area for the purpose of

1 hunting game with a handgun;

2 (7) The person is a certified law enforcement officer; ~~or~~

3 (8) The person ~~is in a motor vehicle~~ is in possession of a  
4 concealed handgun and ~~the person~~ has a valid license to carry a concealed  
5 ~~weapon pursuant to handgun under § 5-73-301 et seq., or recognized under § 5-~~  
6 73-321 and is not in a prohibited place as defined by § 5-73-306; or

7 (9) The person is in possession of a handgun and is a retired  
8 law enforcement officer with a valid concealed carry authorization issued  
9 under federal or state law.

10 ~~(d)(1) Any person who carries a weapon into an establishment that~~  
11 ~~sells alcoholic beverages is guilty of a misdemeanor and subject to a fine of~~  
12 ~~not more than two thousand five hundred dollars (\$2,500) or imprisonment for~~  
13 ~~not more than one (1) year, or both.~~

14 ~~(2) Otherwise, carrying~~ Carrying a weapon is a Class A misdemeanor.

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*/s/D. Altes*

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