

H. The department of public safety shall complete all of the required qualification checks within sixty days after receipt of the application and shall issue a permit within fifteen working days after completing the qualification checks if the applicant meets all of the conditions specified in subsection E of this section. If a permit is denied, the department of public safety shall notify the applicant in writing within fifteen working days after the completion of all of the required qualification checks and shall state the reasons why the application was denied. On receipt of the notification of the denial, the applicant has twenty days to submit any additional documentation to the department. On receipt of the additional documentation, the department shall reconsider its decision and inform the applicant within twenty days of the result of the reconsideration. If denied, the applicant shall be informed of the right to appeal to the superior court.

I. On issuance, a permit is valid for a period of not more than four years.

J. The department of public safety shall maintain a computerized permit record system that is accessible to criminal justice agencies for the purpose of confirming the permit status of any person who claims to hold a valid permit. This information shall not be available to any other person or entity except on an order from a state or federal court.

K. A permit issued pursuant to this section is renewable every four years. Before a permit may be renewed, a criminal history record check shall be conducted pursuant to section 41-1750, subsection G within sixty days after receipt of the application for renewal.

L. Applications for renewal shall be accompanied by a fee determined by the director of the department of public safety. A certificate of completion of a four-hour refresher firearms safety training program approved by the director of the department is required before a renewal permit may be issued and shall accompany an application for renewal.

M. The department of public safety shall suspend or revoke a permit issued under this section if the permit holder becomes ineligible pursuant to subsection E of this section. The department of public safety shall notify the permit holder in writing within fifteen working days after the revocation or suspension and shall state the reasons for the revocation or suspension.

N. An organization shall apply to the department of public safety for approval of its firearms safety training program. The department shall approve a program that meets the following requirements:

1. Is at least sixteen hours in length.
2. Is conducted on a pass or fail basis.

3. Addresses all of the following topics in a format approved by the director of the department:

- (a) Legal issues relating to the use of deadly force.
- (b) Weapon care and maintenance.
- (c) Mental conditioning for the use of deadly force.
- (d) Safe handling and storage of weapons.
- (e) Marksmanship.
- (f) Judgmental shooting.

4. Is conducted by instructors who submit to a background investigation, including a check for warrants and a criminal history record check.

O. If approved pursuant to subsection N of this section, the organization shall submit to the department of public safety two sets of fingerprints from each instructor and a fee to be determined by the director of the department of public safety. On receipt of the fingerprints and fee, the department of public safety shall conduct a check of each instructor's criminal record history pursuant to section 41-1750. The department of public safety may exchange this fingerprint card information with the federal bureau of investigation for national criminal history records checks.

P. The proprietary interest of all approved instructors and programs shall be safeguarded, and the contents of any training program shall not be disclosed to any person or entity other than a bona fide criminal justice agency, except upon an order from a state or federal court.

Q. If the department of public safety rejects a program, the rejected organization may appeal the decision as provided in title 41, chapter 6, article 10.

R. The department of public safety shall maintain information comparing the number of permits requested, the number of permits issued and the number of permits denied. The department shall annually report this information to the governor and the legislature.

S. The director of the department of public safety shall adopt rules for the purpose of implementing and administering the concealed weapons permit program, including fees relating to permits issued pursuant to this section.

T. The department of public safety shall enter into reciprocal agreements with states that have concealed weapons laws substantially similar to this section for the purpose of establishing a basis under which a concealed weapons license or permit that is issued by either state may be used by the licensee or permittee within the jurisdiction of either state.

**13-3113. Adjudicated delinquents; firearm possession; violation; classification.** A person who was previously adjudicated delinquent and who possesses, uses or carries a firearm within ten years from the date of his adjudication

or his release or escape from custody is guilty of a class 5 felony for a first offense and a class 4 felony for a second or subsequent offense if the person was previously adjudicated for an offense that if committed as an adult would constitute:

1. Burglary in the first degree.
2. Burglary in the second degree.
3. Arson.

4. Any felony offense involving the use or threatening exhibition of a deadly weapon or dangerous instrument.

5. A serious offense as defined in section 13-604.

**13-3114. Firearms clearance center; definition.**

A. The department of public safety shall establish an instant background check system. The department shall conduct background checks to determine whether purchases, sales or transfers of firearms to any person violate any federal law or any law of this state prohibiting the possession of firearms.

B. The instant background check system shall be known as the Arizona firearms clearance center. The firearms clearance center shall establish procedures for providing information to licensed firearms dealers regarding whether a purchaser or transferee is a felon, is a fugitive from justice or is disqualified from lawfully possessing a firearm by any federal law or law of this state.

C. The firearms clearance center may adopt rules establishing an appeals process to allow any person denied the sale or transfer of a firearm to determine the basis for the denial of any sale or transfer of a firearm based on information provided by the firearms clearance center. The only relief to which the person is entitled is the correction of information reasonably relied upon by the firearms clearance center.

D. To the extent permitted by federal law or the laws of this state governing criminal history records information, the director of the department of public safety may establish a procedure for contracting with private sector enterprises to conduct instant background checks.

E. This section does not apply to private firearm sales or transfers which are not subject to any federal law or any other law of this state.

F. For purposes of this section, "firearm" has the same meaning prescribed in 18 United States Code section 921.

**[Current through 2000 Ariz. Sess. Laws 405 (April 28, 2000), including 143 (SB 1316) & 376 (HB 2095)]**

## ARKANSAS ARK. CODE

### Title 5. Criminal Offenses

#### Chapter 73. Weapons

##### Subchapter 1. Possession and Use Generally

**5-73-101. Definitions.** As used in this chapter, unless the context otherwise requires:

(1) **"Instrument of crime"** means anything manifestly designed, made, adapted, or commonly used for criminal purposes.

(2) **"Minor"** means any person under eighteen (18) years of age.

**5-73-102. Possessing instrument of crime.**

(a) A person commits the offense of possessing an instrument of crime if he possesses any instrument of crime with a purpose to employ it criminally.

(b) Possessing an instrument of crime is a Class A misdemeanor.

**5-73-103. Possession of firearms by certain persons.**

(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 designee, or the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department, or other bureau or office designated by the Treasury Department, no person shall possess or own any firearm who has been:

- (1) Convicted of a felony; or
- (2) Adjudicated mentally ill; or

(3) Committed involuntarily to any mental institution.

(b) A determination by a jury or a court that a person committed a felony:

(1) Shall constitute a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation;

**[Publisher's Note:** In the 1995 Ark. Acts 595, this subsection read – "(1) Shall constitute a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation or execution of sentence or had conviction expunged or was entitled to have conviction expunged;". The 1995 Ark. Acts 1325 was subsequently enacted and did not include the italicized language. Notwithstanding the Arkansas Attorney General has taken the position that this language should still be given effect.]

(2) Shall 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.

(c)(1) A person who violates this section commits a Class B felony if he has been convicted of a felony, unless the prior felony was for a nonviolent offense and the possession of the firearm did not involve the commission of another crime; in which case it is a Class D felony.

(2) Otherwise, he commits a Class A misdemeanor.

(d) The Governor shall have authority, without granting a pardon, to restore the right of a convicted felon or an adjudicated delinquent to own and possess a firearm upon the recommendation of the chief law enforcement officer in the jurisdiction in which the person resides, so long as the underlying felony or delinquency adjudication:

(1) Did not involve the use of a weapon; and

(2) Occurred more than eight (8) years ago.

**5-73-104. Criminal use of prohibited weapons.**

(a) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun or rifle, firearm specially made or specially adapted for silent discharge, metal knuckles, or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(b) It is a defense to prosecution under this section that:

(1) The person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(2) The defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully.

(c) Criminal use of prohibited weapons is a Class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge. Otherwise, it is a Class D felony.

**5-73-105. Legitimate manufacture, repair, and transportation of prohibited weapons.** Section 5-73-104 shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces

or to or for the authorized representatives of any law enforcement agency.

**5-73-106. Defacing a firearm.**

(a) A person commits the offense of defacing a firearm when he knowingly removes, defaces, mars, covers, alters, or destroys the manufacturer's serial number or identification mark of a firearm.

(b) Defacing a firearm is a Class D felony.

**5-73-107. Possession of a defaced firearm.**

(a) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number or other identification mark required by law which has been removed, defaced, marred, altered, or destroyed.

(b) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

(c)(1) Possession of a defaced firearm is a Class D felony.

(2) If the manufacturer's serial number or other identification mark required by law is merely covered or obstructed, but still retrievable, then possession of a defaced firearm is a Class A misdemeanor.

**5-73-109. Furnishing a deadly weapon to a minor.**

(a) A person commits the offense of furnishing a deadly weapon to a minor when he sells, barter, leases, gives, rents, or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(b) Furnishing a deadly weapon to a minor is a Class A misdemeanor, unless the deadly weapon is:

(1) A handgun;

(2) A sawed-off or short-barreled shotgun, as defined in § 5-1-102(21);

(3) A sawed-off or short-barreled rifle, as defined in § 5-1-102(22);

(4) A firearm that has been specially made or specially adapted for silent discharge;

(5) A machine gun;

(6) An explosive or incendiary device, as defined in § 5-71-301;

(7) Metal knuckles;

(8) A defaced firearm, as defined in § 5-73-107; or

(9) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose, in which case it is a Class B felony.

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

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

(B)(i) A violation of subdivision (a)(1)(A) of this section shall be a Class A misdemeanor.

(ii) A violation of subdivision (a)(1)(A) of this section shall be a Class D felony if the person has previously:

(a) Been adjudicated delinquent for a violation of subdivision (a)(1)(A) of this section; or

(b) Been adjudicated delinquent for any offense which would be a felony if committed by an adult; or

(c) Pleaded guilty or nolo contendere to, or been found guilty of, a felony in circuit court while under the age of eighteen (18) years.

(2)(A) No person in this state shall possess a firearm:

(i) Upon the developed property of the public or private schools, K-12; or

(ii) In or upon any school bus; or

(iii) At a designated bus stop as identified on the route lists published by school districts each year.

(B) A violation of subdivision (a)(2)(A) of this section shall be a Class D felony, and no sentence imposed for violation thereof shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.

(3)(A) No person in this state shall possess a handgun upon the property of any private institution of higher education or the publicly supported institutions of higher education in this state on or about his person, in a vehicle occupied by him, or otherwise readily available for use with a purpose to employ it as a weapon against a person.

(B) A violation of subdivision (a)(3)(A) of this section shall be a Class D felony.

(b) A "handgun" is a firearm, capable of firing rimfire ammunition or centerfire ammunition, which is designed or constructed to be fired with one (1) hand.

(c) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:

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

(2) The person is a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his official duties; or

(3) The person is assisting a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his official duties pursuant to the direction or request of the law enforcement officer, prison guard, or member of the armed forces; or

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

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

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

(7) The person is on a journey, unless the person is eighteen (18) years old or less; or

(8) The person is participating in a certified hunting safety course sponsored by the Arkansas State Game and Fish Commission or a firearm safety course recognized and approved by the Arkansas State Game and Fish Commission or by a state or national nonprofit organization qualified and experienced in firearm safety; or

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

(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his parent or legal guardian or is traveling to or from this activity with an unloaded handgun or firearm accompanied by his parent or legal guardian.

**5-73-120. Carrying a weapon.**

(a) A person commits the offense of carrying a weapon if he possesses a handgun, knife, or club on or about his person, in a vehicle occupied by him, or otherwise readily available for use with a purpose to employ it as a weapon against a person.

(b) As used in this section, unless the context otherwise requires:

(1) "Handgun" means any firearm with a barrel length of less than twelve inches (12") that

is designed, made, or adapted to be fired with one (1) hand;

(2) **"Knife"** means any bladed hand instrument that is capable of inflicting serious physical injury or death by cutting or stabbing. It includes a dirk, sword or spear in a cane, razor, ice pick, and a throwing star, switchblade, and butterfly knife; and

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

(c) It is a defense to a prosecution under this section that at the time of the act of carrying:

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

(2) The person is a law enforcement officer, prison guard, or member of the armed forces, acting in the course and scope of his official duties; or

(3) The person is assisting a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of official duties pursuant to the direction or request of the law enforcement officer, prison guard, or member of the armed forces; or

(4) The person is carrying a weapon when upon a journey; or

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

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

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

(8) The person is in a motor vehicle, and the person has a license to carry a concealed weapon pursuant to § 5-73-301 et seq.

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

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

#### **5-73-122. Carrying a firearm in publicly owned buildings or facilities.**

(a)(1) It is unlawful for any person other than a law enforcement officer or a security guard in the employ of the state or an agency thereof, or any city or county, or any state or federal military personnel, to knowingly carry or possess a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.

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

(3) Furthermore, the provisions of this subsection shall not apply to persons carrying or possessing firearms or other deadly weapons in a publicly owned building or facility or on the State Capitol grounds for the purpose of participating in shooting matches or target practice under the auspices of the agency responsible for the building or facility or grounds or if necessary to participate in trade shows, exhibits, or educational courses conducted in the building or facility or on the grounds.

(4) As used in this section, **"facility"** means municipally owned or maintained parks, football fields, baseball fields, soccer fields, and other similar municipally owned or maintained recreational structures and property.

(b)(1) Any person other than a law enforcement officer, officer of the court, or bailiff, acting in the line of duty, or any other person authorized by the court, who possesses a handgun in the courtroom of any court of this state is guilty of a Class D felony.

(2) Any person otherwise violating the provisions of this section is guilty of a Class A misdemeanor.

#### **5-73-125. Interstate sale and purchase of shotguns, rifles, and ammunition.**

(a) The sale of shotguns and rifles and ammunition in this state to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968 as the act is in effect on March 4, 1969.

(b) A resident of this state shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state as expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 as the act is in effect on March 4, 1969.

#### **5-73-128. Offenses upon property of public schools.**

(a)(1) Whenever a person who is less than nineteen (19) years of age at the time of the commission of the offense pleads guilty or nolo contendere, and the plea is accepted by the court, or is found guilty of any criminal offense under section 5-73-101 et seq. or section 5-73-201 et seq., provided that the state proves that the offense was committed upon the property of the public schools or in or upon any school bus, or is found by a juvenile court to have committed such an offense, the court shall prepare and transmit to the Department of Finance and Administration within twenty-four (24) hours after the plea or finding an order of denial of driving privileges for the person.

(2) In cases of extreme and unusual hardship, the order may provide for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(b) Upon receipt of an order of denial of driving privileges under this section, the Department of Finance and Administration shall suspend the motor vehicle operator's license of the person for not less than twelve (12) months nor more than thirty-six (36) months.

(c) Penalties prescribed herein shall be in addition to all other penalties prescribed by law for the offenses covered by this section.

#### **5-73-129. Furnishing a handgun or a prohibited weapon to a felon.**

(a) A person commits the offense of furnishing a handgun to a felon if he sells, barter, leases, gives, rents, or otherwise furnishes a handgun to a person who he knows has been found guilty of, or who has pleaded guilty or nolo contendere to, a felony.

(b) A person commits the offense of furnishing a prohibited weapon to a felon if he sells, barter, leases, gives, rents, or otherwise furnishes:

- (1) A sawed-off shotgun or rifle;
- (2) A firearm that has been specially made or specially adapted for silent discharge;
- (3) A machine gun;
- (4) A bomb;
- (5) Metal knuckles;
- (6) A defaced firearm, as defined in § 5-73-107; or

(7) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose,

to a person who has been found guilty of, or who has pleaded guilty or nolo contendere to, a felony.

(c) Furnishing a handgun or a prohibited weapon to a felon is a Class B felony.

### **Subchapter 2. Uniform Machinegun Act**

**5-73-201. Title.** This subchapter may be cited as the "Uniform Machine Gun Act."

**5-73-202. Definitions.** As used in this subchapter, unless the context otherwise requires:

(1) **"Machine gun"** means a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device;

(2) **"Crime of violence"** means any of the following crimes or an attempt to commit any of them: Murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny;

(3) **"Person"** includes firm, partnership, association, or corporation.

**5-73-203. Uniformity of interpretation.** This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**5-73-204. Possession or use for offensive or aggressive purposes unlawful.** Possession or use of a machine gun for offensive or aggressive purpose is declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than ten (10) years.

**5-73-205. Presumption of offensive or aggressive purpose.** Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in § 5-73-209 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

**5-73-206. Evidence of possession or use.** The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

**5-73-207. Manufacture for military, nonaggressive, or nonoffensive use.** Nothing contained in this subchapter shall prohibit or interfere with:

(1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

#### **5-73-208. Registration by manufacturers.**

(a) Every manufacturer shall keep a register of all machine guns manufactured or handled by him.

(b) This register shall show:

(1) The model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received;

(2) The purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered, or from whom received.

(c) Upon demand every manufacturer shall permit any marshal, sheriff, or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection.

(d) A violation of any provision of this section shall be punishable by a fine of not less than . . . [sic] hundred dollars.

#### **5-73-209. Registration by owners and users.**

(a) Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the Secretary of State.

(b)(1) Any person acquiring an unregistered machine gun shall register the same within twenty-four (24) hours after its acquisition.

(2) A person registering a machine gun with the Secretary of State shall not thereafter be required to register or reregister such machine gun unless and until there is a change in the name, address, or occupation of persons registering the same, in which case the person shall reregister the machine gun within twenty-four (24) hours after such change.

(c) Blanks for registration shall be prepared by the Secretary of State, and furnished upon application.

(d) To comply with this section the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired.

(e) The registration data shall not be subject to inspection by the public.

(f) Any person failing to register any gun as required by this section shall be presumed to possess the gun for offensive or aggressive purpose.

**5-73-210. Search warrants.** Warrant to search any house or place and seize any machine gun adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber possessed in violation of this subchapter may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record upon application of the prosecuting attorney shall have jurisdiction and power to order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the state or a political subdivision thereof.

**5-73-211. Perpetrating or attempting crime.** Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is declared to be a crime punishable by

imprisonment in the State Penitentiary for a term of not less than twenty (20) years.

### **Subchapter 3. Concealed Handguns**

**5-73-301. Definitions.** As used in this subchapter:

(1) "**Director**" means the Director of the Department of Arkansas State Police;

(2) "**Handgun**" means any firearm, other than a fully loaded automatic firearm, with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand;

(3) "**Concealed**" means to cover from observation so as to prevent public view.

#### **5-73-302. Authority to issue license.**

(a) The director is authorized to issue licenses to carry concealed handguns to persons qualified as provided in this subchapter.

(b) Such licenses shall be valid throughout the state for a period of four (4) years from the date of issuance.

(c) Licenses issued to former elected or appointed sheriffs of any county of this State shall be renewed every four (4) years and shall be revocable on the same grounds as other permits and they must meet the same qualifications as all other applicants. However, the former elected or appointed sheriffs shall be exempt from the fee prescribed by 5-73-311(a)(3) and from the training requirements of 5-73-309(11) for issuance.

#### **5-73-304. Exemptions.**

(a)(1) Certified law enforcement officers, chiefs of police, and sheriffs shall be exempt from the licensing requirements of this subchapter, if otherwise authorized to carry a concealed

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the sheriff of the county shall be deemed to be a certified law enforcement officer.

(b) Auxiliary law enforcement officers shall be exempt from the licensing requirements of this subchapter when:

(1) They have completed the minimum training requirements and are certified as an auxiliary law enforcement officer in accordance with the Commission on Law Enforcement Standards; and

(2) Specifically authorized in writing by their chiefs of police or sheriffs.

(c) The authorization prescribed in (b)(2) of this section shall be carried on their persons and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § 5-73-306.

#### **5-73-315. Possession of license - Identification of licensee.**

(a) Any person possessing a valid license issued pursuant to this subchapter may carry a concealed handgun.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a concealed handgun and must display both the license and proper identification upon demand by a law enforcement officer.

### **Subchapter 4. Concealed Handgun License Reciprocity**

**5-73-401. Recognition of other states' permits - Acts 1997, No. 789.** Any person in possession of a valid license issued by another state to carry a concealed handgun shall be en-

titled to the privileges and subject to the restrictions prescribed by Arkansas' concealed handgun law (Ark. Code 5-73-301 et seq.) provided that the concealed handgun law of the state that issued the license is at least as restrictive as Arkansas' concealed handgun law and that the state that issued the license recognizes concealed handgun licenses issued under Arkansas Code 5-73-301 et seq. The Director of the Department of State Police shall make a determination as to which states' permits will be recognized in Arkansas and provide that list to every law enforcement agency within the state. The director shall revise the list from time to time and provide the revised list to every law enforcement agency in this state.

**5-73-402. Recognition of other states' permits - Acts 1997, No. 1239.** Any person in possession of a valid license issued by another state to carry a concealed handgun shall be entitled to the privileges and subject to the restrictions prescribed by Arkansas concealed handgun law (Ark. Code 5-73-301 et seq.) provided that the state that issued the license recognizes concealed handgun licenses issued under Arkansas Code 5-73-301 et seq. The Director of the Department of State Police shall make a determination as to which states' permits will be recognized in Arkansas and provide that list to every law enforcement agency within the state. The director shall revise the list from time to time and provide the revised list to every law enforcement agency in this state.

#### **5-73-132. Sale, rental, or transfer of firearm to a person prohibited from possessing firearms.**

(a) A person shall not sell, rent, or transfer a firearm to any person who he knows is prohibited by state or federal law from possessing the firearm.

(b)(1) Violation of this section is a Class A misdemeanor, unless the firearm is:

(A) A handgun;

(B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-102(21);

(C) A sawed-off or short-barrelled rifle, as defined in § 5-1-102(22);

(D) A firearm that has been specially made or specially adapted for silent discharge;

(E) A machine gun;

(F) An explosive or incendiary device, as defined in § 5-71-301(2);

(G) A defaced firearm, as defined in § 5-73-107; or

(H) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose.

(2) If the firearm is listed in subdivision (b)(1) of this section, a violation of this section is a Class B felony.

## **Title 14. Local Government**

### **Chapter 16. Powers of Counties Generally**

#### **14-16-504. Regulation by local unit of government.**

(a) As used in this section, "local unit of government" means a city, town, or county.

(b)(1)(A) A local unit of government shall not enact any ordinance or regulation pertaining to, or regulate in any other manner, the ownership, transfer, transportation, carrying, or possession of firearms, ammunition for firearms, or components of firearms, except as otherwise provided in state or federal law.

(B) This shall not prevent the enactment of an ordinance regulating or forbidding the unsafe discharge of a firearm.

(2)(A) A local unit of government shall have no authority to bring suit and shall have no right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

(B) The authority to bring any suit and the right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief shall be reserved exclusively to the State of Arkansas.

(C) Provided, this shall not prevent a local unit of government from bringing suit against a firearm or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the local unit of government.

(c)(1) Notwithstanding subsection (b) of this section, the governing body of a local unit of government, following the proclamation by the Governor of a state of emergency, may enact an emergency ordinance regulating the transfer, transportation, or carrying of firearms or components of firearms.

(2) Such emergency ordinance shall not be effective for a period of more than twenty (20) days and shall be enacted by a two-thirds (2/3) majority of the governing body.

#### Chapter 54. Powers of Municipalities Generally

14-54-1411. Firearms and ammunition.  
[Same as § 14-16-504, above.]

[Current through 1999 Regular Session & 1<sup>st</sup> Extraordinary Session (April 2000)]

## CALIFORNIA CAL. CODE

### California Penal Code

#### Part I. Of Crimes and Punishment

#### Title 11. Of Crimes Against the Public Peace

##### 417.2. Imitation Firearms

(a) Commencing January 1, 1989, any person who purchases, sells, manufactures, ships, transports, distributes, or receives, by mail order or in any other manner, an imitation firearm in violation of this section shall be liable for a civil fine in an action brought by the city attorney of the city or the district attorney of the county of not more than ten thousand dollars (\$10,000) for each violation.

(b) The manufacture, purchase, sale, shipping, transport, distribution, or receipt, by mail or in any other manner, of imitation firearms is permitted if the device is manufactured, purchased, sold, shipped, transported, distributed, or received for any of the following purposes:

(1) Solely for export in interstate or foreign commerce.

(2) Solely for lawful use in theatrical productions, including motion picture, television, and stage productions.

(3) For use in a certified or regulated athletic event or competition.

(4) For use in military or civil defense activities.

(5) For public displays authorized by public or private schools.

(c) As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(d) As used in this section, "imitation firearm" does not include any of the following:

(1) A nonfiring collector's replica of an antique firearm that was designed prior to 1898, is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case.

(2) A nonfiring collector's replica of a firearm that was designed after 1898, is historically significant, was issued as a commemorative by a nonprofit organization, and is offered for sale in conjunction with a wall plaque or presentation case.

(3) A device, as defined in subdivision (g) of Section 12001.

(4) A firearm that contains, or has affixed to it, a marking approved by the Secretary of Commerce, as provided in Section 5001 of Title 15 of the United States Code.

(5) An instrument that expels a metallic projectile, such as a BB or pellet, through the force

of air pressure, CO2 pressure, or spring action, or a spot marker gun.

#### Title 15. Miscellaneous Crimes

##### Chapter 1. Schools

##### 626.9. Possession of firearm near school.

(a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.

(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).

(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:

(1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

(2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to subdivision (b), (d), (e), or (h) of Section 12027.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school

zone, as defined in paragraph (1) of subdivision (e).

The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

(1) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(2) "Firearm" has the same meaning as that term is given in Section 12001.

(3) "Locked container" has the same meaning as that term is given in subdivision (c) of Section 12026.1.

(4) "Concealed firearm" has the same meaning as that term is given in Sections 12025 and 12026.1.

(f)(1) Any person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment in the state prison for two, three, or five years.

(2) Any person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment in the state prison for two, three, or five years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.

(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to Section 12025.

(B) By imprisonment in a county jail for not more than one year or by imprisonment in the state prison for two, three, or five years, in all cases other than those specified in subparagraph (A).

(3) Any person who violates subdivision (d) shall be punished by imprisonment in the state prison for three, five, or seven years.

(g)(1) Every person convicted under this section for a misdemeanor violation of subdivision