

Arkansas State Law
AR Code Ann

Title 5, 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 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; but
- (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; then 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, machinegun, sawed-off shotgun or rifle, firearm specially made or specially adapted for silent discharge, * * * or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(b) It is a defense to a 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, machinegun, 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 machinegun;

(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) Violation of subdivision (a)(1)(A) of this section shall be a Class A misdemeanor.

(ii) 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 handgun upon the property of the public or private schools or in or upon any school bus or at a designated bus stop as identified on the route lists published by school districts each year.

(B) 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) Violation of subdivision (a)(3)(A) shall be a Class D felony.

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

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

(1) **The person is in his own dwelling or place of business or on** property in which he has 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 which may be hunted with a handgun under rules and regulations of the Arkansas State Game and Fish Com-

- mission or is en route to or from a hunting area for the purpose of hunting game with a handgun; 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, accompanied by his parent or legal guardian.

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 commit 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 specifically made or specifically adapted for silent discharge;
 - (3) A machinegun;
 - (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.
- (c) Furnishing a handgun or a prohibited weapon to a felon is a class B felony.

Subchapter 2 - Uniform Machinegun Act

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

- (1) **"Machinegun"** 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, kidnaping, 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 machinegun 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 machinegun shall be presumed to be for offensive or aggressive purpose:

- (1) When the machinegun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machinegun 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 machinegun 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 machinegun are found in the immediate vicinity thereof.

5-73-206. Evidence of possession or use. The presence of a machinegun in any room, boat, or vehicle shall be evidence of the possession or use of the machinegun 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 machineguns 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 machinegun for scientific purpose, or the possession of a machinegun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;
- (3) The possession of a machinegun 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 machineguns 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 machinegun, the name, address, and occupation of the person to whom the machinegun 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 machinegun 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 machineguns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. *

* * *

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

(a) Every machinegun 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 machinegun shall register the same within twenty-four (24) hours after its acquisition.

(2) A person registering a machinegun with the Secretary of State shall not thereafter be required to register or reregister such machinegun 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 machinegun 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 machinegun 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 machinegun, 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 machinegun 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.

Title 14, Chapter 16: Powers of Counties

14-16-504. Regulations by local unit of government.

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

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

(c) Notwithstanding subsection (b) of this section, the governing body of a

local unit of government may, following the proclamation by the Governor of a state of emergency, enact an emergency ordinance regulating the transfer, transportation, or carrying of firearms, or components of firearms. 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.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

El Dorado*
Little Rock*

2. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

El Dorado*
Little Rock*