

Arkansas Code

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TITLE 5: Criminal Offenses Chapter 1: General Provisions

§ 5-1-102. Definitions. As used in the Arkansas Criminal Code:

(4) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury;

(6) (A) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

(B) "Firearm" includes:

(i) A device described in subdivision (6)(A) of this section that is not loaded or lacks a clip or another component to render it immediately operable; and

(ii) Components that can readily be assembled into a device described in subdivision (6)(A) of this section;

(19) "Sawed-off or short-barreled rifle" means:

(A) A rifle having 1 or more barrels less than 16 inches in length; or

(B) Any weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon, as modified, has an overall length of less than 26 inches;

(20) "Sawed-off or short-barreled shotgun" means:

(A) A shotgun having 1 or more barrels less than 18 inches in length; or

(B) Any weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon, as modified, has an overall length of less than 26 inches;

Chapter 73: Weapons Subchapter 1: Possession and Use Generally

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

(a) A person commits the offense of possessing an instrument of crime if he or she 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 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 person shall possess or own any firearm who has been:

(1) Convicted of a felony;

(2) Adjudicated mentally ill; or

(3) Committed involuntarily to any 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.

(c) (1) A person who violates this section commits a Class B felony if:

(A) The person has a prior violent felony conviction;

(B) The person's current possession of a firearm involves the commission of another crime; or

(C) The person has been previously convicted under this section or a similar provision from another jurisdiction.

(2) A person who violates this section commits a Class D felony if he or she has been previously convicted of a felony and his or her present conduct or the prior felony conviction does not fall within subdivision (c)(1) of this section.

- (3) Otherwise, the person commits a Class A misdemeanor.
- (d) The Governor may restore without granting a pardon 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 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 or she uses, possesses, makes, repairs, sells, or otherwise deals in any:
 - (1) Bomb;
 - (2) Machine gun;
 - (3) Sawed-off shotgun or rifle;
 - (4) Firearm specially made or specially adapted for silent discharge;
 - (6) Other implement for the infliction of serious physical injury or death.
- (b) It is a defense to prosecution under this section that:
 - (1) The defendant was a law enforcement officer, prosecuting attorney, deputy prosecuting attorney, prison guard, or member of the armed forces acting in the course and scope of his or her duty at the time he or she used or possessed the prohibited weapon; or
 - (2) The defendant used, possessed, made, repaired, sold, or otherwise dealt in any article enumerated in subsection (a) of this section under circumstances negating any likelihood that the weapon could be used as a weapon.
- (c) (1) 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.
- (3) Otherwise, criminal use of prohibited weapons 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 in § 5-73-104 to or for an authorized representative of:

- (1) The armed forces; or
- (2) Any law enforcement agency.

§ 5-73-106. Defacing a firearm.

- (a) A person commits the offense of defacing a firearm if he or she 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 or she knowingly possesses a firearm with a manufacturer's serial number or other identification mark required by law that has been removed, defaced, marred, altered, or destroyed.
- (b) It is a defense to a prosecution under this section that the person reported the 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) However, possession of a defaced firearm is a Class A misdemeanor if the manufacturer's serial number or other identification mark required by law is merely covered or obstructed, but still retrievable.

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

- (a) A person commits the offense of furnishing a deadly weapon to a minor if he or she 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 the minor's welfare.
- (b)(1) Furnishing a deadly weapon to a minor is a Class A misdemeanor.
- (2) However, furnishing a deadly weapon to a minor is a Class B felony if the deadly weapon is:
 - (A) A handgun;
 - (B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-102;
 - (C) A sawed-off or short-barrelled rifle, as defined in § 5-1-102;
 - (D) A firearm that has been specially made or specially adapted for silent discharge;
 - (E) A machine gun;
 - (H) A defaced firearm, as defined in § 5-73-107; or
 - (I) Another implement for the infliction of serious physical injury or death that serves no common lawful purpose

§ 5-73-110. Disarming minors and mentally defective or mentally irresponsible persons – Disposition of property seized.

- (a) Subject to constitutional limitation, nothing in this section and §§ 5-73-101 – 5-73-109 shall be construed to prohibit a law enforcement officer from disarming, without arresting, a minor or person who reasonably appears to be mentally

defective or otherwise mentally irresponsible when that person is in possession of a deadly weapon.

(b) Property seized under subsection (a) of this section shall be:

- (1)** Held for 72 hours by the law enforcement agency employing the law enforcement officer who seized the property; and
- (2)** After the 72-hour hold and upon request and presentation of valid proof of ownership, returned to the:
 - (A)** Owner, if he or she is 18 years of age or older and may lawfully possess the property; or
 - (B)** Parent or legal guardian of the owner, if the owner is a minor and the parent or legal guardian may lawfully possess the property.

§ 5-73-111. Unlawful procurement of a firearm.

(a) As used in this section:

- (1)** "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm;
 - (2)** "False information" means information that portrays an unlawful transaction as lawful or a lawful transaction as unlawful;
 - (3)** "Licensed dealer" means a person who is licensed under 18 U.S.C. § 923, as it existed on January 1, 2013, to engage in the business of dealing in firearms; and
 - (4)** "Private seller" means a person other than a licensed dealer who sells or offers for sale a firearm or ammunition.
- (b)** A person commits the offense of unlawful procurement of a firearm or ammunition if he or she knowingly:
- (1)** Solicits, persuades, encourages, or entices a licensed dealer or private seller to transfer a firearm or ammunition under unlawful circumstances; or
 - (2)** Provides false information to a licensed dealer or private seller with a purpose to deceive the licensed dealer or private seller concerning the lawfulness of a transfer of a firearm or ammunition.
- (c)** It is a defense to prosecution under this section if the person is:
- (1)** A law enforcement officer acting in his or her official capacity; or
 - (2)** Acting at the direction of a law enforcement officer.
- (d)** Unlawful procurement of a firearm or ammunition is a Class D felony.

§ 5-73-112. Certification by a chief law enforcement officer regarding receipt or manufacture of a firearm.

(a) As used in this section:

- (1)** "Certification" means the participation and assent of the chief law enforcement officer or his or her designee necessary under federal law for the approval of an application to transfer or manufacture a firearm; and
 - (2)** "Firearm" means the same as defined in § 5845(a) of the National Firearms Act, 26 U.S.C. § 5801 et seq. as it existed on January 1, 2015.
- (b)** **(1)** When certification by the chief law enforcement officer of a jurisdiction is required by federal law or regulation for the transfer or manufacture of a firearm within 15 days of receipt of a request for certification, the chief law enforcement officer or his or her designee shall provide the certification if the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in the applicant's being prohibited by law from receiving or manufacturing the firearm.
- (2)** If the applicant is prohibited by law from receiving or manufacturing the firearm or is the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the chief law enforcement officer or his or her designee shall provide written notification to the applicant that states the reasons for his or her findings and that the certification is denied.
- (c)** **(1)** An applicant whose request for certification is denied may appeal the denial to the circuit court where the applicant resides.
- (2)** The circuit court shall review the denial de novo.
- (3)** If the circuit court finds that the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the circuit court shall order the chief law enforcement officer to issue the certification to the applicant.

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

- (a)****(1)** No person in this state under 18 years of age shall possess a handgun.
- (2)****(A)** A violation of subdivision (a)(1) of this section is a Class A misdemeanor.
- (B)** A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:
- (i)** Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;
 - (ii)** Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or
 - (iii)** Pled guilty or nolo contendere to or been found guilty of a felony in circuit court while under 18 years of age.
- (b)****(1)** No person in this state shall possess a firearm:
- (A)** Upon the developed property of a public or private school, kindergarten through grade 12 (K-12);
 - (B)** In or upon any school bus; or
 - (C)** At a designated bus stop as identified on the route list published by a school district each year.
- (2)****(A)** A violation of subdivision (b)(1) of this section is a Class D felony.
- (B)** No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.
- (c)****(1)** Except as provided in § 5-73-322, a person in this state shall not possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or

her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.

(2) A violation of subdivision (c)(1) of this section is a Class D felony.

(d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.

(e) It is permissible to carry a handgun under this section if at the time of the act of possessing a handgun or firearm:

(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;

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

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

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

(5) The person is hunting game with a handgun or firearm that 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;

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

(7) The person is on a journey beyond the county in which the person lives, unless the person is 18 years of age or less;

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

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

(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person 21 years of age or older standing in loco parentis or is traveling to or from a lawful marksmanship competition or practice or other lawful recreational shooting with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person 21 years of age or older standing in loco parentis;

(11) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun on the developed property of:

(A) A kindergarten through grade 12 (K-12) private school operated by a church or other place of worship that:

(i) Is located on the developed property of the kindergarten through grade 12 (K-12) private school;

(ii) Allows the person to carry a concealed handgun into the church or other place of worship under § 5-73-306; and

(iii) Allows the person to possess a concealed handgun on the developed property of the kindergarten through grade 12 (K-12) private school; or

(B) A kindergarten through grade 12 (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed handgun into a building or event of the kindergarten through grade 12 (K-12) private school or the prekindergarten private school; or

(12) (A) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.

(B) (i) As used in this subdivision (e)(12), "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at a school.

(ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction.

§ 5-73-120. Carrying a weapon.

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

(b) As used in this section:

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

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

(c) It is permissible to carry a weapon under this section if at the time of the act of carrying the weapon:

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

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

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

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

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

(6) The person is hunting game with a handgun that 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;

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

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

(9) The person is a prosecuting attorney or deputy prosecuting attorney carrying a firearm under § 16-21-147; or

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

(d) Carrying a weapon is a Class A misdemeanor.

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

(a) (1) Except as provided in § 5-73-322 and § 5-73-306(5), 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 of the state, 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 of the state, 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) However, this subsection does not apply to a person carrying or possessing a firearm or other deadly weapon in a publicly owned building or facility or on the State Capitol grounds:

(A) For the purpose of participating in a shooting match or target practice under the auspices of the agency responsible for the publicly owned building or facility or State Capitol grounds;

(B) If necessary to participate in a trade show, exhibit, or educational course conducted in the publicly owned building or facility or on the State Capitol grounds; or

(C) (i) If the person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.

(ii) (a) As used in this subdivision (a)(3)(C), "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at school.

(b) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction.

(4) As used in this section, "facility" means a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or 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) Otherwise, any person violating a provision 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 other states is authorized under regulations issued by the United States Attorney General under the Gun Control Act of 1968, 18 U.S.C. § 921 et seq., as in effect on January 1, 2009.

(b) A resident of this state may purchase a rifle, shotgun, or ammunition in another state as expressly authorized under the regulations issued under the Gun Control Act of 1968, 18 U.S.C. § 921 et seq., as in effect on January 1, 2009.

§ 5-73-127. Possession of loaded center-fire weapons in certain areas.

(a) It is unlawful to possess a loaded center-fire weapon, other than a shotgun and other than in a residence or business of the owner, in the following areas:

(1) Baxter County:

(A) That part bounded on the south by Highway 178, on the west and north by Bull Shoals Lake, and on the east by the Central Electric Power Corporation transmission line from Howard Creek to Highway 178;

(B) That part of Bidwell Point lying south of the east-west road which crosses Highway 101 at the Pre

(C) That part of Bidwell Point lying west of Bennett's Bayou and north of the east-west road which crosses Highway 101 at the Presbyterian Church;

(D) That part of Baxter County between:

(i) County Road 139 and Lake Norfolk to the north and west;

(ii) County Road 151 and Lake Norfolk to the north, west, and south in the Diamond Bay area;

(iii) The Bluff Road and Lake Norfolk to the west;

(iv) John Lewis Road (Timber Lake Manor) and Lake Norfolk to the west and south;

(v) The south end of County Road 91 south of its intersection with John Lewis Road and Lake Norfolk to the south and east; and

(vi) County Road 150 from its intersection with County Road 93 south and Lake Norfolk to the south and east but not east of County Road 93;

(2) Benton County:

(A) That part of the Hobbs Estate north of State Highway 12, west of Rambo Road, and south and east of Van Hollow Creek and the Van Hollow Creek arm of Beaver Lake;

(B) All of Bella Vista Village; and

(C) That part bounded on the north by Beaver Lake, on the east by Beaver Lake, on the south by the Hobbs State Management Area boundary from the intersection of State Highway 12 eastward along the boundary to its intersection with the Van Hollow Creek arm of Beaver Lake;

(3) Benton and Carroll Counties: That part bounded on the north by Highway 62, on the east by Highway 187 and Henry Hollow Creek, and the south and west by Beaver Lake and the road from Beaver Dam north to Highway 62;

(4) Conway County: That part lying above the rimrock of Petit Jean Mountain;

(5) Garland County: All of Hot Springs Village and Diamondhead;

(6) Marion County:

(A) That part known as Bull Shoals Peninsula, bounded on the east and north by White River and Lake Bull Shoals, on the west by the Jimmie Creek arm of Lake Bull Shoals, and on the south by the municipal boundaries of the City of Bull Shoals;

(B) That part of Marion County bounded on the north, west, and south by Bull Shoals Lake and on the east by County Roads 355 and 322 from their intersections with State Highway 202 to the points where they respectively dead-end at arms of Bull Shoals Lake;

(C) The Yocum Bend Peninsula of Bull Shoals Lake bounded on the north and east by Bull Shoals Lake, on the west by Pine Mountain and Bull Shoals Lake, and on the south by County Road 30; and

(D) Those lands situated in Marion County known as the Frost Point Peninsula, not inundated by the waters of Bull Shoals Lake, being more particularly described as follows:

(i) Section Six, Township Twenty North, Range Fifteen West, (Sec. 6 – T.20 N. – R.15 W.), lying south of the White River channel;

(ii) Section One, Township Twenty North, Range Sixteen West, (Sec. 1 – T.20 N. – R.16 W.); and

(iii) East Half of Section Two, Township Twenty North, Range Sixteen West, (E 1/2 Sec. 2 – T.20 N. – R.16 W.); North Half of the Northeast Quarter of Section Eleven, Township Twenty North, Range Sixteen West (N 1/2 – NE 1/4 Sec. 11 – T.20 N. – R.16 W.); and

(7) A platted subdivision located in an unincorporated area.

(b) Nothing contained in this section shall be construed to limit or restrict or to make unlawful the discharge of a firearm in defense of a person or property within the areas described in this section.

(c) A person who is found guilty or who pleads guilty or nolo contendere to violating this section is guilty of a violation and shall be fined no less than \$25 nor more than \$500.

(d) This section does not apply to a:

(1) Law enforcement officer in the performance of his or her duties;

(2) Discharge of a center-fire weapon at a firing range maintained for the discharging of a center-fire weapon; or

(3) Person possessing a valid concealed handgun license under § 5-73-301 et seq.

§ 5-73-128. Offenses upon property of public schools.

(a) (1) The court shall prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for a person within 24 hours after the plea or finding, if a person who is less than 19 years of age at the time of the commission of the offense:

(A) Pleads guilty or nolo contendere to any criminal offense under § 5-73-101 et seq. or the Uniform Machine Gun Act, § 5-73-201 et seq., and the plea is accepted by the court, or is found guilty of any criminal offense under § 5-73-101 et seq. or the Uniform Machine Gun Act, § 5-73-201 et seq., if the state proves that the offense was committed upon the property of a public school or in or upon any school bus; or

(B) Is found by a juvenile division of circuit court to have committed an offense described in subdivision (a)(1)(A) of this section.

(2) In a case 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 shall suspend the motor vehicle operator's license of the person for not less than 12 months nor more than 36 months.

(c) A penalty prescribed in this section is in addition to any other penalty prescribed by law for an offense 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 or she sells, barter, leases, gives, rents, or otherwise furnishes a handgun to a person who he or she knows has been found guilty of or pleaded guilty or nolo contendere to a felony.

(b) A person commits the offense of furnishing a prohibited weapon to a felon if he or she 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;

(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.

§ 5-73-130. Seizure and forfeiture of firearm – Seizure and forfeiture of motor vehicle – Disposition of property seized.

(a) If a person under 18 years of age is unlawfully in possession of a firearm, the firearm shall be seized and, after an adjudication of delinquency or a conviction, is subject to forfeiture.

(b) If a felon or a person under 18 years of age is unlawfully in possession of a firearm in a motor vehicle, the motor vehicle is subject to seizure and, after an adjudication of delinquency or a conviction, subject to forfeiture.

(c) As used in this section, "unlawfully in possession of a firearm" does not include any act of possession of a firearm that is prohibited only by:

(1) Section 5-73-127, unlawful to possess loaded center-fire weapons in certain areas; or

(2) A regulation of the Arkansas State Game and Fish Commission.

(d) The procedures for forfeiture and disposition of the seized property are as follows:

(1) The prosecuting attorney of the judicial district within whose jurisdiction the property is seized that is sought to be forfeited shall promptly proceed against the property by filing in the circuit court a petition for an order to show cause why the circuit court should not order forfeiture of the property; and

(2) The petition shall be verified and shall set forth:

(A) A statement that the action is brought pursuant to this section;

(B) The law enforcement agency bringing the action;

(C) A description of the property sought to be forfeited;

(D) A statement that on or about a date certain there was an adjudication of delinquency or a conviction and a finding that the property seized is subject to forfeiture;

(E) A statement detailing the facts in support of subdivision (d)(1) of this section; and

(F) A list of all persons known to the law enforcement agency, after diligent search and inquiry, who may claim an ownership interest in the property by title or registration or by virtue of a lien allegedly perfected in the manner prescribed by law.

(e) (1) Upon receipt of a petition complying with the requirements of subdivision (d)(1) of this section, the circuit court judge having jurisdiction shall issue an order to show cause setting forth a statement that this subchapter is the controlling law.

(2) In addition, the order shall set a date at least 41 days from the date of first publication of the order pursuant to subsection (f) of this section for all persons claiming an interest in the property to file such pleadings as they desire as to why the circuit court should not order the forfeiture of the property for use, sale, or other disposition by the law enforcement agency seeking forfeiture of the property.

(3) The circuit court shall further order that any person who does not appear on that date is deemed to have defaulted and waived any claim to the subject property.

(f) (1) The prosecuting attorney shall give notice of the forfeiture proceedings by:

(A) Causing a copy of the order to show cause to be published two (2) times each week for two (2) consecutive weeks in a newspaper having general circulation in the county where the property is located with the last publication being not less than 5 days before the show cause hearing; and

(B) Sending a copy of the petition and order to show cause by certified mail, return receipt requested, to each person having ownership of or a security interest in the property or in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure if:

(i) The property is of a type for which title or registration is required by law;

(ii) The owner of the property is known in fact to the law enforcement agency at the time of seizure; or

(iii) The property is subject to a security interest perfected in accordance with the Uniform Commercial Code, § 4-1-101 et seq.

(2) The law enforcement agency is only obligated to make diligent search and inquiry as to the owner of the property, and if, after diligent search and inquiry, the law enforcement agency is unable to ascertain the owner, the requirement of actual notice by mail with respect to a person having a perfected security interest in the property is not applicable.

(g) At the hearing on the matter, the petitioner has the burden to establish that the property is subject to forfeiture by a preponderance of the evidence.

(i) The final order of forfeiture by the circuit court shall perfect in the law enforcement agency right, title, and interest in and to the property and shall relate back to the date of the seizure.

(j) Physical seizure of property is not necessary in order to allege in a petition under this section that the property is forfeitable.

(k) Upon filing the petition, the prosecuting attorney for the judicial district may also seek such protective orders as are necessary to prevent the transfer, encumbrance, or other disposal of any property named in the petition.

(l) The law enforcement agency to which the property is forfeited shall:

(1) Destroy any forfeited firearm; and

§ 5-73-131. Possession or use of weapons by incarcerated persons.

(a) A person commits the offense of possession or use of weapons by incarcerated persons if, without approval of custodial authority he or she uses, possesses, makes, repairs, sells, or otherwise deals in any weapon, including, but not limited to, any bomb, firearm, knife, or other implement for the infliction of serious physical injury or death and that serves no common lawful purpose, while incarcerated in the Department of Correction, the Department of Community Correction, or a county or municipal jail or detention facility.

(b) Possession or use of weapons by incarcerated persons is a Class D felony.

(c) This section is not applicable to possession of a weapon by an incarcerated person before he or she completes the standard booking and search procedures in a jail facility after arrest.

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

(a) A person shall not sell, rent, or transfer a firearm to any person who he or she 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;

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

(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;

(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.

Subchapter 2: Uniform Machine Gun Act

§ 5-73-202. Definitions. As used in this subchapter:

(1) "Crime of violence" means any of the following crimes or an attempt to commit any of them:

(A) Murder;

(B) Manslaughter;

(C) Kidnapping;

(D) Rape;

(E) Mayhem;

(F) Assault to do great bodily harm;

(G) Robbery;

(H) Burglary;

(I) Housebreaking;

(J) Breaking and entering; and

(K) Larceny;

(2) "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; and

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

§ 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 10 years.

§ 5-73-205. Presumption of offensive or aggressive purpose.

(a) Possession or use of a machine gun is presumed to be for an 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;

(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;

(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 of the machine gun.

(b) A machine gun is exempt from the presumption of offensive or aggressive purpose if:

(1) The machine gun has been registered to a corporation in the business of manufacturing ammunition or a representative of the corporation under the National Firearms Act, 26 U.S.C. § 5801 et seq., or the Gun Control Act of 1968, 18 U.S.C. § 921 et seq.;

(2) The machine gun is being used primarily to test ammunition in a nonoffensive and nonaggressive manner by the corporation or the corporation's representative that the machine gun is registered to; and

(3) The corporation or the corporation's representative is not prohibited from the possession of a firearm by any state or federal law.

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

§ 5-73-207. Manufacture for military, nonaggressive, or nonoffensive use. Nothing contained in this subchapter prohibits or interferes 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 of the United States, 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; or

(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 the manufacturer.

(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; and

(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 the manufacturer's entire stock of machine guns, parts, and supplies therefor, and shall produce the register, required by this section, for inspection.

(d) A violation of this section is a violation punishable by a fine of not less than \$100.

§ 5-73-211. Perpetrating or attempting crime. Possession or use of a machine gun in the course of a criminal offense is a Class A felony.

Subchapter 3: Concealed Handguns

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

(1) "Acceptable electronic format" means an electronic image produced on the person's own cellular phone or other type of portable electronic device that displays all of the information on a concealed handgun license as clearly as an original concealed handgun license;

(2) "Concealed" means to cover from observation so as to prevent public view;

(3) "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense;

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

(5) "Licensee" means a person granted a valid license to carry a concealed handgun pursuant to this subchapter; and

(6) "Parking lot" means an area, structure, or part of a structure designated for the parking of motor vehicles or a designated drop-off zone for children at a school.

§ 5-73-302. Authority to issue license.

(a) The Director of the Department of Arkansas State Police may issue a license to carry a concealed handgun to a person qualified as provided in this subchapter.

(b) (1) For new licenses issued after July 31, 2007, the license to carry a concealed handgun is valid throughout the state for a period of 5 years from the date of issuance.

(2) After July 31, 2007, upon renewal, an existing valid license to carry a concealed handgun shall be issued for a period of 5 years.

(c) (1) (A) After July 31, 2007, a license or renewal of a license issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of 5 years.

(B) The license issued to a former elected or appointed sheriff is revocable on the same grounds as other licenses.

(2) (A) The former elected or appointed sheriff shall meet the same qualifications as all other applicants.

(B) However, the former elected or appointed sheriff is exempt from the fee prescribed by § 5-73-311(a)(2) and from the training requirements of § 5-73-309(13) for issuance.

§ 5-73-304. Exemptions.

(a) (1) (A) A current or former certified law enforcement officer, chief of police, court bailiff, or county sheriff is exempt from the licensing requirements of this subchapter if otherwise authorized to carry a concealed handgun.

(B) A former certified law enforcement officer whose employment was terminated by a law enforcement agency due to disciplinary reasons or because he or she committed a disqualifying criminal offense is not exempt from the licensing requirements of this subchapter.

(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 county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

(b) An auxiliary law enforcement officer or employee of a local detention facility is exempt from the licensing requirements of this subchapter if the auxiliary law enforcement officer or employee of a local detention facility:

(1) If an auxiliary law enforcement officer, has completed the minimum training requirements and is certified as an auxiliary law enforcement officer in accordance with the commission; and

(2) Is authorized in writing as exempt from the licensing requirements of this subchapter by the chief of police or county sheriff that has appointed the auxiliary law enforcement officer or employs the employee of a local detention facility.

(c) The authorization prescribed in subdivision (b)(2) of this section shall be carried on the person of the auxiliary law enforcement officer or employee of a local detention facility 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.

(d) As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(A) Securing a local detention facility;

(B) Monitoring inmates in a local detention facility; and

(C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position

§ 5-73-305. Criminal penalty. Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this subchapter, or who knowingly submits a false document when applying for a license issued pursuant to this subchapter upon conviction is guilty of a Class B misdemeanor.

§ 5-73-306. Prohibited places. No license to carry a concealed handgun issued pursuant to this subchapter authorizes any person to carry a concealed handgun into:

(1) Any police station, sheriff's station, or Department of Arkansas State Police station;

(2) Any Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department facility;

(3) (A) Any building of the Arkansas State Highway and Transportation Department or onto grounds adjacent to any building of the Arkansas State Highway and Transportation Department.

(B) However, subdivision (3)(A) of this section does not apply to:

(i) A rest area or weigh station of the Arkansas State Highway and Transportation Department; or

(ii) A publicly owned and maintained parking lot that is a publicly accessible parking lot if the licensee is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in the publicly owned and maintained parking lot;

(4) Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction;

(5) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office unless:

(A) The licensee is either:

(i) Employed by the county; or

(ii) A countywide elected official;

(B) The licensee's principal place of employment is within the courthouse, the courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office; and

(C) The quorum court by ordinance approves a plan that allows licensees permitted under this subdivision (5) to carry a concealed handgun into the courthouse as set out by the local security and emergency preparedness plan;

(6) (A) Any courtroom.

(B) However, nothing in this subchapter precludes a judge from carrying a concealed weapon or determining who will carry a concealed weapon into his or her courtroom;

(7) Any meeting place of the governing body of any governmental entity;

(8) Any meeting of the General Assembly or a committee of the General Assembly;

(9) Any state office;

(10) Any athletic event not related to firearms;

(11) Any portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises;

(12) Any portion of an establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises;

(13) (A) A school, college, community college, or university campus building or event.

- (B)** However, subdivision (13)(A) of this section does not apply to:
- (i)** A kindergarten through grade 12 (K-12) private school operated by a church or other place of worship that:
 - (a)** Is located on the developed property of the kindergarten through grade 12 (K-12) private school;
 - (b)** Allows the licensee to carry a concealed handgun into the church or other place of worship under this section;
- and
- (c)** Allows the licensee to possess a concealed handgun on the developed property of the kindergarten through grade 12 (K-12) private school under § 5-73-119(e);
 - (ii)** A kindergarten through grade 12 (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed handgun into a building or event of the kindergarten through grade 12 (K-12) private school or the prekindergarten private school;
 - (iii)** Participation in an authorized firearms-related activity;
 - (iv)** Carrying a concealed handgun as authorized under § 5-73-322; or
 - (v)** A publicly owned and maintained parking lot of a college, community college, or university if the licensee is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle;
- (14)** Inside the passenger terminal of any airport, except that no person is prohibited from carrying any legal firearm into the passenger terminal if the firearm is encased for shipment for purposes of checking the firearm as baggage to be lawfully transported on any aircraft;
- (15) (A)** Any church or other place of worship.
- (B)** However, this subchapter does not preclude a church or other place of worship from determining who may carry a concealed handgun into the church or other place of worship;
- (16)** Any place where the carrying of a firearm is prohibited by federal law;
- (17)** Any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration; or
- (18) (A) (i)** Any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice clearly readable at a distance of not less than 10 feet that "carrying a handgun is prohibited".
- (ii) (a)** If the place does not have a roadway entrance, there shall be a written notice placed anywhere upon the premises of the place.
- (b)** In addition to the requirement of subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1) written notice posted within every 3 acres of a place with no roadway entrance.
- (iii)** A written notice as described in subdivision (18)(A)(i) of this section is not required for a private home.
- (iv)** Any licensee entering a private home shall notify the occupant that the licensee is carrying a concealed handgun.
- (B)** Subdivision (18)(A) of this section does not apply if the physical location is:
- (i)** A public university, public college, or community college, as defined in § 5-73-322, and the licensee is carrying a concealed handgun as provided under § 5-73-322; or
 - (ii)** A publicly owned and maintained parking lot if the licensee is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle.

§ 5-73-307. List of license holders.

- (a)** The Department of Arkansas State Police shall maintain an automated listing of license holders, and this information shall be available online, upon request, at any time, to any law enforcement agency through the Arkansas Crime Information Center.
- (b)** Nothing in this subchapter shall be construed to require or allow the registration, documentation, or providing of a serial number with regard to any firearm.

§ 5-73-308. License – Issuance or denial.

- (a) (1) (A)** The Director of the Department of Arkansas State Police may deny a license if within the preceding 5 years the applicant has been found guilty of 1 or more crimes of violence constituting a misdemeanor or for the offense of carrying a weapon.
- (B)** The director may revoke a license if the licensee has been found guilty of 1 or more crimes of violence within the preceding 3 years.
- (2)** Subdivision (a)(1) of this section does not apply to a misdemeanor that has been expunged or for which the imposition of sentence was suspended.
- (3)** Upon notification by any law enforcement agency or a court and subsequent written verification, the director shall suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify the licensee or applicant from having a license under this subchapter until final disposition of the case.
- (b) (1)** The director may deny a license to carry a concealed handgun if the county sheriff or chief of police, if applicable, of the applicant's place of residence or the director or the director's designee submits an affidavit that the applicant has been or is reasonably likely to be a danger to himself or herself or others or to the community at large, as demonstrated

by past patterns of behavior or participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation at the time of applying for a license to carry a concealed handgun.

(2) Within 120 days after the date of receipt of the items listed in § 5-73-311(a), the director shall:

(A) Issue the license; or

(B) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in this subchapter.

(3) (A) If the director denies the application, the director shall notify the applicant in writing, stating the grounds for denial.

(B) The decision of the director is subject to appeal under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

§ 5-73-309. License – Requirements. The Director of the Department of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant:

(1) Is a citizen of the United States or a permanent legal resident;

(2) (A) Is a resident of the state and has been a resident continuously for 90 days or longer immediately preceding the filing of the application.

(B) However, subdivision (2)(A) of this section does not apply to any:

(i) Active duty member of the United States Armed Forces who submits documentation of his or her active duty status; or

(ii) Spouse of an active duty member of the United States Armed Forces who submits documentation of his or her spouse's active duty status;

(3) Is at least:

(A) Twenty-one (21) years of age; or

(B) Eighteen (18) years of age and is:

(i) Currently a federally recognized commissioned or noncommissioned officer or an enlisted member on active duty in the United States Armed Forces;

(ii) In the National Guard or a reserve component of the United States Armed Forces; or

(iii) A former member of the United States Armed Forces who has been honorably discharged;

(4) Does not suffer from a mental or physical infirmity that prevents the safe handling of a handgun and has not threatened or attempted suicide;

(5) (A) Has not been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned for conviction and had firearms possession rights restored.

(B) A record of a conviction that has been sealed or expunged under Arkansas law does not render an applicant ineligible to receive a concealed handgun license if:

(i) The applicant was sentenced prior to March 13, 1995; or

(ii) The order sealing or expunging the applicant's record of conviction complies with § 16-90-605 [repealed];

(6) Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background check successfully completed through the Department of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System;

(7) (A) Does not chronically or habitually abuse a controlled substance to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses a controlled substance to the extent that his or her faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or has been found guilty of a crime under the provisions of the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other state or the United States relating to a controlled substance within the 3-year period immediately preceding the date on which the application is submitted;

(8) (A) Does not chronically or habitually use an alcoholic beverage to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses an alcoholic beverage to the extent that his or her normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of 2 or more offenses related to the use of alcohol under a law of this state or similar law of any other state or the United States within the 3-year period immediately preceding the date on which the application is submitted;

(9) Desires a legal means to carry a concealed handgun to defend himself or herself;

(10) Has not been adjudicated mentally incompetent;

(11) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility;

(12) Is not a fugitive from justice or does not have an active warrant for his or her arrest;

(13) Has satisfactorily completed a training course as prescribed and approved by the director; and

(14) Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution.

§ 5-73-310. Application form. The application for a license to carry a concealed handgun shall be completed, under oath, on a form promulgated by the Director of the Department of Arkansas State Police and shall include only:

(1) The name, address, place and date of birth, race, and sex of the applicant;

- (2) The driver's license number or Social Security number of the applicant;
- (3) Any previous address of the applicant for the 2 years preceding the date of the application;
- (4) A statement that the applicant is in compliance with criteria contained within §§ 5-73-308(a) and 5-73-309;
- (5) A statement that the applicant has been furnished a copy of this subchapter and is acquainted with the truth and understanding of this subchapter;
- (6) A conspicuous warning that the application is executed under oath, and that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects the applicant to:
 - (A) Criminal prosecution and precludes any future license's being issued to the applicant; and
 - (B) Immediate revocation if the license has already been issued;
- (7) A statement that the applicant desires a legal means to carry a concealed handgun to defend himself or herself;
- (8) (A) A statement of whether the applicant is applying for:
 - (i) An unrestricted license, that allows the person to carry any handgun; or
 - (ii) A restricted license, that allows the person to carry any handgun other than a semiautomatic handgun.(B) (i) An applicant requesting an unrestricted license shall establish proficiency in the use of a semiautomatic handgun.
 - (ii) An applicant requesting a restricted license shall establish proficiency in the use of a handgun and may use any kind of handgun when establishing proficiency; and
- (9) A statement of whether or not the applicant has been found guilty of a crime of violence or domestic abuse.

§ 5-73-311. Application procedure.

(a) The applicant for a license to carry a concealed handgun shall submit the following to the Department of Arkansas State Police:

- (1) A completed application, as described in § 5-73-310;
 - (2) A nonrefundable license fee of \$100, except that the nonrefundable license fee is \$50 if the applicant is 65 years of age or older;
 - (3) (A) A full set of fingerprints of the applicant.
 - (B) In the event a legible set of fingerprints, as determined by the department and the Federal Bureau of Investigation, cannot be obtained after a minimum of 2 attempts, the Director of the Department of Arkansas State Police shall determine eligibility in accordance with criteria that the department shall establish by promulgating rules.
 - (C) Costs for processing the set of fingerprints as required in subdivision (a)(3)(A) of this section shall be borne by the applicant;
 - (4) (A) A waiver authorizing the department access to any medical, criminal, or other records concerning the applicant and permitting access to all of the applicant's criminal records.
 - (B) If a check of the applicant's criminal records uncovers any unresolved felony arrests over 10 years old, then the applicant shall obtain a letter of reference from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides that states that to the best of the county sheriff's, prosecuting attorney's, or circuit judge's knowledge that the applicant is of good character and free of any felony convictions.
 - (C) The department shall maintain the confidentiality of the medical, criminal, or other records; and
 - (5) A digital photograph of the applicant or a release authorization to obtain a digital photograph of the applicant from another source.
- (b) (1) Upon receipt of the items listed in subsection (a) of this section, the department shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.
- (2) (A) The department shall forward a notice of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence.
- (B) (i) The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may participate, at his or her discretion, in the process by submitting a voluntary report to the department containing any readily discoverable information that he or she feels may be pertinent to the licensing of any applicant.
- (ii) The reporting under subdivision (b)(2)(B)(i) of this section shall be made within 30 days after the date the notice of the application was sent by the department.
- (c) A concealed handgun license issued, renewed, or obtained under § 5-73-314 or § 5-73-319 after December 31, 2007, shall bear a digital photograph of the licensee.

§ 5-73-312. Revocation.

(a) (1) A license to carry a concealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § 5-73-308(a) or § 5-73-309.

(2) (A) Any law enforcement officer making an arrest of a licensee for a violation of this subchapter or any other statutory violation that requires revocation of a license to carry a concealed handgun shall confiscate the license and forward it to the Director of the Department of Arkansas State Police.

(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.

(b) When the Department of Arkansas State Police receives notification from any law enforcement agency or court that a licensee has been found guilty or has pleaded guilty or nolo contendere to any crime involving the use of a weapon, the

license issued under this subchapter is immediately revoked.

(c) The director shall revoke the license of any licensee who has pleaded guilty or nolo contendere to or been found guilty of an alcohol-related offense committed while carrying a handgun.

§ 5-73-313. Expiration and renewal.

(a) Except as provided in subdivision (f)(1) of this section, the licensee may renew his or her license no more than 90 days prior to the expiration date by submitting to the Department of Arkansas State Police:

- (1) A renewal form prescribed by the department;
- (2) A verified statement that the licensee remains qualified pursuant to the criteria specified in §§ 5-73-308(a) and 5-73-309;
- (3) A renewal fee of \$35;
- (4) A certification or training form properly completed by the licensee's training instructor reflecting that the licensee's training was conducted; and
- (5) A digital photograph of the licensee or a release authorization to obtain a digital photograph of the licensee from another source.

(b) The license shall be renewed upon receipt of the completed renewal application, a digital photograph of the licensee, and appropriate payment of fees subject to a background investigation conducted pursuant to this subchapter that did not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under this subchapter.

(c) Additionally, a licensee who fails to file a renewal application on or before the expiration date shall renew his or her license by paying a late fee of \$15.

(d) (1) No license shall be renewed 6 months or more after its expiration date, and the license is deemed to be permanently expired.

(2) (A) A person whose license has been permanently expired may reapply for licensure.

(B) An application for licensure and fees pursuant to §§ 5-73-308(a), 5-73-309, and 5-73-311(a) shall be submitted, and a new background investigation shall be conducted.

(e) A new criminal background investigation shall be conducted when an applicant applies for renewal of a license. Costs for processing a new background check shall be paid by the applicant.

(f) (1) An active duty member of the United States Armed Forces, a member of the National Guard, or a member of a reserve component of the United States Armed Forces, who is on active duty outside this state may renew his or her license within 30 days after the person returns to this state by submitting to the department:

(A) Proof of assignment outside of this state on the expiration date of the license; and

(B) The items listed in subdivisions (a)(1)-(5) of this section.

(2) Subsections (c) and (d) of this section shall not apply to a person who renews his or her license under subdivision (f)(1) of this section.

5-73-314. Lost, destroyed, or duplicate license – Change of address.

(a) Within thirty (30) days after the changing of a permanent address, or within 30 days after having a license to carry a concealed handgun lost, the licensee shall notify the Director of the Department of Arkansas State Police in writing of the change or loss.

(b) If a license to carry a concealed handgun is lost or destroyed, or a duplicate is requested, the person to whom the license to carry a concealed handgun was issued shall comply with the provisions of subsection (a) of this section and may obtain a duplicate license or replacement license upon:

(1) Paying the Department of Arkansas State Police a fee established by the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(2) Furnishing a notarized statement to the department that the license to carry a concealed handgun has been lost or destroyed or that a duplicate is requested.

(c) The fee described in subdivision (b)(1) of this section shall be reduced by 50% if a person 65 years of age or older is requesting a replacement or duplicate license under this section.

§ 5-73-315. Authority to carry concealed handgun – Identification of licensee.

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

(b) The licensee shall:

(1) Carry the license, or an electronic copy of the license in an acceptable electronic format, together with valid identification, at any time when the licensee is carrying a concealed handgun; and

(2) Display both the license, or an electronic copy of the license in an acceptable electronic format, and proper identification upon demand by a law enforcement officer.

(c) The presentation of proof of a license to carry a concealed handgun in electronic form does not:

(1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(2) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

§ 5-73-317. Rules and regulations. The Director of the Department of Arkansas State Police may promulgate rules and regulations to permit the efficient administration of this subchapter.

§ 5-73-319. Transfer of a license to Arkansas.

(a) Any person who becomes a resident of Arkansas who has a valid license to carry a concealed handgun issued by a

reciprocal state may apply to transfer his or her license to Arkansas by submitting the following to the Department of Arkansas State Police:

- (1) The person's current reciprocal state license;
 - (2) Two (2) properly completed fingerprint cards;
 - (3) A nonrefundable license fee of \$35;
 - (4) Any fee charged by a state or federal agency for a criminal history check; and
 - (5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.
- (b) After July 31, 2007, the newly transferred license is valid for a period of 5 years from the date of issuance and binds the holder to all Arkansas laws and regulations regarding the carrying of the concealed handgun.

§ 5-73-321. Recognition of other states' licenses. A person in possession of a valid license to carry a concealed handgun issued to the person by another state is entitled to the privileges and subject to the restrictions prescribed by this subchapter.

§ 5-73-322. Concealed handguns in a university, college, or community college building.

(a) As used in this section:

- (1) (A) "Public university, public college, or community college" means an institution that:
 - (i) Regularly receives budgetary support from the state government;
 - (ii) Is part of the University of Arkansas or Arkansas State University systems; or
 - (iii) Is required to report to the Arkansas Higher Education Coordinating Board.(B) "Public university, public college, or community college" does not include a private university or private college solely because:
 - (i) Students attending the private university or private college receive state-supported scholarships; or
 - (ii) The private university or private college voluntarily reports to the Arkansas Higher Education Coordinating Board; and
 - (2) "Staff member" means a person who is not enrolled as a full-time student at the university, college, or community college and is either employed by the university, college, or community college full time or is on a 9-month or 12-month appointment at the university, college, or community college as a faculty member.
- (b) A licensee may possess a concealed handgun in the buildings and on the grounds, whether owned or leased by the public university, public college, or community college, of the public university, public college, or community college where he or she is employed unless otherwise prohibited by § 5-73-306 if:
- (1) He or she is a staff member; and
 - (2) (A) The governing board of the public university, public college, or community college does not adopt a policy expressly disallowing the carrying of a concealed handgun by staff members in the buildings or on the grounds of the public university, public college, or community college and posts notices as described in § 5-73-306(18).
(B) A governing board of the public university, public college, or community college may adopt differing policies for the carrying of a concealed handgun by staff members for different campuses, areas of a campus, or individual buildings of the public university, public college, or community college for which the governing board is responsible.
(C) A policy disallowing the carrying of a concealed handgun by staff members into the public university, public college, or community college expires 1 year after the date of adoption and must be readopted each year by the governing board of the public university, public college, or community college to remain in effect.
- (c) A licensee may possess a concealed handgun in the buildings and on the grounds of the private university or private college where he or she is employed unless otherwise prohibited by § 5-73-306 if:
- (1) He or she is a staff member; and
 - (2) The private university or private college does not adopt a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college and posts notices as described in § 5-73-306(18).
- (d) The storage of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(c).

§ 5-73-323. Parole board exemptions. A member of the Parole Board, a board investigator, or a parole revocation judge who has been issued a license to carry a concealed handgun by the Department of Arkansas State Police under this subchapter may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or parole revocation judge is on official business of the board.

TITLE 14. Local Government
Subtitle 2. County Government
Chapter 16 Powers Of Counties Generally
Subchapter 5 – Regulation of Use of Firearms and Archery Equipment

§ 14-16-501. Regulation upon request of suburban improvement district.

(a) Upon the written request of the governing body of a suburban improvement district, a county may by ordinance

regulate the discharge of firearms and the shooting of archery equipment within all or any part of the suburban improvement district.

(b) As used in this section, "suburban improvement district" means a suburban improvement district which includes as one of its purposes for organization the construction or maintenance of roads or streets and which is governed by § 14-92-201 et seq. or its predecessor acts.

§ 14-16-502. Regulation upon request of property owners' association. Upon the written request of a property owners' association which has a population at least equal to that prescribed for cities of the first class and which is located outside the boundaries of a municipality, a county may by ordinance regulate the discharge of firearms and the shooting of archery equipment within all or any part of the area included in the property owners' association.

§ 14-16-503. Exemptions. Nothing in this subchapter shall be construed to prohibit:

- (1)** The discharge of a firearm or archery equipment in the defense of life or property;
- (2)** The discharge of a firearm or archery equipment at a public or private shooting range or gallery; or
- (3)** The discharge of a firearm by a law enforcement officer in the performance of his or her duty.

§ 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) The provision in subdivision (b)(1)(A) of this section does not prevent the enactment of an ordinance regulating or forbidding the unsafe discharge of a firearm.

(2)(A) A local unit of government shall not have the authority to bring suit and shall not have the 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) However, subdivisions (b)(1)(A) and (B) of this section do 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) The governing body of a local unit of government, following the proclamation by the Governor of a state of emergency, is prohibited from enacting an emergency ordinance regulating the transfer, transportation, or carrying of firearms or components of firearms.

(2) A person who has his or her firearm seized in violation of subdivision (c)(1) of this section may bring an action in the circuit court having jurisdiction for the return of the seized firearm.