

actual damages resulting from the unlawful use of the firearm by the minor.

G. This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and adjudicated delinquent for any other criminal conduct involving the use or exhibition of the deadly weapon.

H. A person who violates subsection A is guilty of a class 6 felony.

13-3113. Adjudicated delinquents; firearm possession; violation; classification. A person who was previously adjudicated delinquent for an offense that would be a felony if committed by an adult and who possesses, uses or carries a firearm within ten years from the date of his adjudication or his release or escape from custody is guilty of a class 5 felony for a first offense and a class 4 felony for a second or subsequent offense if the person was previously adjudicated for an offense that if committed as an adult would constitute:

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

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

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

13-3115. Forensics firearms identification system

The department of public safety is authorized to establish and maintain a forensics firearms identification system designed to provide investigative information on criminal street gangs and the unlawful use of firearms.

13-3117. Remote stun guns; sales records; use; classification; definitions.

A. It is unlawful for a person or entity to do any of the following:

1. Sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser with the manufacturer of the authorized remote stun gun. The identification that is required by this paragraph shall be verified with a government issued identification. This requirement does not apply to secondary sales.

2. Knowingly use or threaten to use a remote stun gun or an authorized remote stun gun against a law enforcement officer who is en-

gaged in the performance of the officer's official duties.

B. This section does not:

1. Preclude the prosecution of any person for the use of a remote stun gun or an authorized remote stun gun during the commission of any criminal offense.

2. Preclude any justification defense under chapter 4 of this title.

C. The regulation of remote stun guns and authorized remote stun guns is a matter of statewide concern.

D. A violation of:

1. Subsection A, paragraph 1 is a petty offense.

2. Subsection A, paragraph 2 is a class 4 felony.

E. For the purposes of this section:

1. "Authorized remote stun gun" means a remote stun gun that has all of the following:

(a) An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.

(b) A serial or identification number on all projectiles that are discharged from the remote stun gun.

(c) An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.

(d) A training program that is offered by the manufacturer.

2. "Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.

13-3118. Possession or storage of firearms; restrictions prohibited; exceptions.

(a) Except for the legislature, this state and any agency or political subdivision of this state shall not enact or implement any law, rule or ordinance relating to the possession or storage of firearms other than as provided in statute.

(b) This section does not prohibit:

(1) a state, county or municipal judicial department, law enforcement agency or

prosecutorial agency from prohibiting a deadly weapon pursuant to section 13-3102(a)(10).

(2) a political subdivision of this state from enacting any rule or ordinance requiring a business that obtains a secondhand firearm by purchase, trade or consignment to retain the firearm for a period of not more than ten days at its place of business or another storage location that is approved by the applicable law enforcement agency.

Title 15. Education

Chapter 3. Local Governance of Schools

Article 3. Powers and Duties of School District Governing Boards

15-341. General powers and duties; immunity; delegation.

A. The governing board shall: ...

25. Notwithstanding section 13-3108, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator. ...

Title 44. Trade and Commerce

Chapter 11. Regulations Concerning Particular Businesses

Article 3. Pawnbrokers

44-1627. Licensing; requirements.

A. A person shall not act as a pawnbroker until licensed by the sheriff of the county in which the person regularly conducts business.

B. A pawnbroker shall obtain a separate license for each pawnshop owned by that pawnbroker.

C. A pawnbroker license may not be sold or transferred without the approval of the sheriff or the sheriff's designee.

D. A pawnbroker shall not conduct business at a location other than a licensed location except for firearms transactions that are permitted by a federally licensed firearms dealer at an organized gun show. ...

[Current through the First Regular Session of the 48th Legislature 2007]

ARKANSAS

ARK. CODE

Title 5. Criminal Offenses

Chapter 73. Weapons

Subchapter 1. Possession and Use Generally

5-73-101. Definitions. As used in this chapter:

(1) "Blasting agent" means any material or mixture consisting of fuel and oxidizer intended for blasting if finished product as mixed for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined;

(2) "Contraband" means any explosive material that was used with the knowledge and consent of the owner to facilitate a violation of this subchapter, as well as any explosive

material possessed under circumstances prohibited by law;

(3) "Destruction Device" means:

(A) Any of the following:

(i) Any explosive, incendiary or poison gas;

(ii) Bomb;

(iii) Grenade;

(iv) Rocket having a propellant charge of more than four ounces (4 ozs);

(v) Missile having an explosive or incendiary charge of more than one-quarter ounce;

(vi) Mine; or

(vii) Similar device; and

(B) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision

(3)(A) and from which a destructive device may be readily assembled for use as a weapon;

(4)(A) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation.

(B) A detonator may not contain more than ten (10) grams of total explosives by weight, excluding ignition or delay charges, and may include, without limitation, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-instantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric leg wires;

(5) "Distribute" means to sell, issue, give, transfer, or otherwise dispose of explosive material;

(6) "Explosive Material" means an explosive, blasting agent, or detonator;

(7)(A) "Explosive" means any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.

(B) "Explosive" includes, without limitation:

(i) Dynamite and other high explosive;

(ii) Black powder;

(iii) Pellet powder;

(iv) An initiating explosive;

(v) A detonator;

(vi) A safety fuse;

(viii) A squib;

(viii) A detonating cord;

(ix) An igniter cord;

(x) An igniter;

(xi) Any material determined to be within the scope of Title 18 U. S. C. § 841; and

(xii) Any material classified as an explosive other than consumer fireworks, 1.4 (Class C, Common), by the United States Department of Transportation.

(8) "Instrument of crime" means anything manifestly designed, made, adapted, or commonly used for a criminal purpose.

(9) "Minor" means any person under eighteen (18) years of age; and

(10) "Violent felony conviction" means a conviction for any felony offense against the person which is codified in § 5-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-301 et seq., and § 5-14-201 et seq., or any other offense containing as an element of the offense one (1) of the following:

(A) The use of physical force;

(B) The use or threatened use of serious physical force;

(C) The infliction of physical harm; or

(D) The creation of a substantial risk of serious physical harm.

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 or her designee, or the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice, 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) 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) However, the determination by a 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; or

(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 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 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;

(5) Metal knuckles; or

(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, 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 chapter 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. Otherwise, it is a Class D felony.

(2) 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 when 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.

5-73-108. Criminal acts involving explosives.

(a)(1) A person commits the offense of criminal possession of explosive material or a destructive device if the person:

(A) Sells, possesses, manufactures, transfers, or transports explosive material or a destructive device; and

(B) Either:

(i) Has the purpose of using that explosive material or destructive device to commit an offense; or

(ii) Knows or should know that another person intends to use that explosive material or destructive device to commit an offense.

(2) Criminal possession of explosive material or a destructive device is a Class B felony.

(b)(1) A person commits the offense of criminal distribution of explosive material if he or she knowingly distributes explosive material to any individual who:

(A) Has pleaded guilty or nolo contendere to or been found guilty of a crime in state or federal court punishable by imprisonment for a term exceeding one (1) year;

(B) Is under indictment or has been formally charged for a crime punishable by imprisonment for a term exceeding one (1) year;

(C) Is a fugitive from justice;

(D) Is an unlawful user of or addicted to any controlled substance; or

(E) Has been adjudicated mentally incompetent.

(2) Criminal distribution of explosive material is a Class C felony.

(c)(1) A person commits the offense of possession of stolen explosive material if he or she:

(A) Receives, possesses, transports, ships, conceals, stores, barter, sells, disposes of, or pledges or accepts as security for a loan any stolen explosive materials; and

(B) Knows or has reasonable cause to believe that the explosive material was stolen.

(2) Possession of stolen explosive material is a Class C felony.

(d) It is a Class A misdemeanor for any person to store any explosive material in a manner not in conformity with the Arkansas Fire Prevention Code.

(e) A person who commits theft of any explosive material with the intent to cause harm to a person or property is guilty of a Class B felony.

(f) Any explosive material determined to be contraband is subject to seizure by a law enforcement officer and to being destroyed in conformity with the Arkansas Fire Prevention Code.

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-barreled shotgun, as defined in § 5-1-102;
- (C) A sawed-off or short-barreled 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) Metal knuckles;
- (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 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 pursuant to subsection (a) of this section may be:

- (1) Returned to the parent, guardian, or other person entrusted with care and supervision of the person so disarmed; or
- (2) Delivered to the custody of a court having jurisdiction to try criminal offenses, in which case the court shall:

(A) Treat the property as contraband under §§ 5-5-101 and 5-5-102; or

(B) Issue an order requiring that at a certain time the parent, guardian, or person entrusted with the care and supervision of the person disarmed show cause why the seized property should not be so treated.

(c) Notice of the show cause proceedings may be given in the manner provided for service of criminal summons under Rule 6.3 of Arkansas Rules of Criminal Procedure.

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

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

(2)(A) A violation of subdivision (a)(1) of this section is 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) Pleaded guilty or nolo contendere to, or been found guilty of, a felony in circuit court

while under the age of eighteen (18) years of age.

(b)(i) No person in this state shall possess a firearm:

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

(B) In or upon any school bus; or

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

(2)(A) A violation of subdivision (b)(1) of this section shall be a Class D felony.

(B) No sentence imposed for a violation of subdivision (b)(1) of this sections shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.

(c)(1) No person in this state shall possess a handgun upon the property of any private institution of higher education or a publicly supported institutions 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 shall be a Class D felony.

(d) A "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 a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:

(1) The person is in his own dwelling or place of business or on property in which he 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 licensed 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, unless the person is eighteen (18) years of age or less; or

(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 non-profit 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; or

(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 twenty-one (21) years of age or older standing in loco parentis, or is traveling to

or from this activity with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis.

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

(a) The sale of shotguns and rifles and ammunition in this state to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., as the act is in effect on March 4, 1969.

(b) A resident of this state is permitted to purchase a rifle, shotgun, or ammunition in an adjacent state as expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., as the act is in effect on March 4, 1969.

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;
- (4) A bomb;
- (5) Metal knuckles;
- (6) A defaced firearm, as defined in § 5-73-107; or
- (7) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose, to a person who has been found guilty of or who has pleaded guilty or nolo contendere to a felony.

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

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-barreled shotgun, as defined in § 5-1-102;

(C) A sawed-off or short-barreled 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.

5-73-133. Possession of a taser stun gun.

(a) As used in this section, "taser stun gun" means any device that:

(1) Is powered by an electrical charging unit such as a battery; and

(2) Either:

(A) Emits an electrical charge in excess of twenty thousand (20,000) volts; or

(B) Is otherwise capable of incapacitating a person by an electrical charge.

(b)(1) No person who is eighteen (18) years of age or under may purchase or possess a taser stun gun.

(2) No person shall sell, barter, lease, give, rent, or otherwise furnish a taser stun gun to a person who is eighteen (18) years of age or under.

(c) Any law enforcement officer using a taser stun gun shall be properly trained in the use of the taser stun gun and informed of any danger or risk of serious harm and injury that may be caused by the use of the taser stun gun on a person.

(d)(1) A person who violates subdivision (b)(1) of this section is deemed guilty of an unclassified misdemeanor punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(2) A person who violates subdivision (b)(2) of this section is deemed guilty of a Class B felony.

Subchapter 2. Uniform Machine Gun Act

5-73-201. Title.

This subchapter may be cited as the "Uniform Machine Gun Act."

5-73-202 Definitions.

As used in this sub-chapter:

(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.

5-73-203. Uniformity of interpretation.

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

5-73-204. Possession or use for offensive or aggressive purposes unlawful.

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

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

(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 , 18 U.S.C. §921 et seq.;

(2) The machine gun is being used primarily to test ammunition in a non-offensive and non-aggressive 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 weapon is found.

5-73-207. Manufacture for military, non-aggressive, 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 any provision of this section is punishable by a fine of not less than hundred dollars.

Subchapter 3. Concealed Handguns

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:

...

(14) Any school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearms-related activity;...

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 on-line, 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 five (5) years the applicant has been found guilty of one (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 one (1) or more crimes of violence within the preceding three (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 if the sheriff or chief of police, if applicable, of the applicant's place of residence 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 the result of the applicant's mental or psychological state, 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.

(2) Within one hundred twenty (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 final.

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;

(2)(A) Is a resident of the state and has been a resident continuously for ninety (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) Retired city, county, state, or federal law enforcement officer; or

(ii) Active duty military personnel who submit documentation of their active duty status;

(3) Is twenty-one (21) years of age or older;

(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;

(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 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 three-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 two (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 three-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.

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

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

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

(1) Payment to 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 handgun or license has been lost or disposed of

5-73-315. Possession of license - 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, together with valid identification, at any time when the licensee is carrying a concealed handgun; and

(2) Display both the license and proper identification upon demand by a law enforcement officer.

5-73-317. Rules and regulations.

The director is authorized to promulgate rules and regulations to permit the efficient administration of this subchapter.

Title 14. Local Government

Chapter 16. Powers of Counties Generally

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

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

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

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

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

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

Chapter 54. Powers of Municipalities Generally

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

[Current through the 2008 First Extraordinary Session , June 18, 2008]

CALIFORNIA CAL. CODE

California Penal Code

Part I. Of Crimes and Punishment

Title 15. Miscellaneous Crimes

Chapter 1. Schools

626.9. Possession of firearm in school zone or on grounds of public or private university or college; Exceptions

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

(b) Any person who possesses a firearm in a place that the person knows, or reasonably

should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).