

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 743

5 By: Senator Bond
6

For An Act To Be Entitled

8 AN ACT ESTABLISHING THE OPTION OF A MUNICIPALITY TO
9 SPECIFICALLY PROHIBIT THE OPEN POSSESSION OF A
10 HANDGUN IN PUBLIC BY A MAJORITY VOTE OF THE CITIZENS
11 OF A MUNICIPALITY; AND FOR OTHER PURPOSES.
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Subtitle

14 ESTABLISHING THE OPTION OF A MUNICIPALITY
15 TO SPECIFICALLY PROHIBIT THE OPEN
16 POSSESSION OF A HANDGUN IN PUBLIC BY A
17 MAJORITY VOTE OF THE CITIZENS OF A
18 MUNICIPALITY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 14-54-1411 is amended to read as follows:
25 14-54-1411. Firearms and ammunition.

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

28 (b)(1)(A) A Except as permitted under § 14-54-1412 or otherwise
29 provided under state or federal law, a local unit of government shall not
30 enact ~~any~~ an ordinance or regulation pertaining to, or regulate in any other
31 manner, the ownership, transfer, transportation, carrying, or possession of
32 firearms, ammunition for firearms, or components of firearms, ~~except as~~
33 ~~otherwise provided in state or federal law.~~

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

36 (2)(A) A local unit of government shall have no authority to



1 bring suit and shall have no right to recover against any firearm or
2 ammunition manufacturer, trade association, or dealer for damages, abatement,
3 or injunctive relief resulting from or relating to the lawful design,
4 manufacture, marketing, or sale of firearms or ammunition to the public.

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

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

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

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

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22 SECTION 2. Arkansas Code Title 14, Chapter 54, Subchapter 14, is
23 amended to add an additional section to read as follows:

24 14-54-1412. Local option for open possession of handgun in public.

25 (a) The governing body of a municipality may pose to all qualified
26 electors residing within its limits the question of whether to specifically
27 prohibit the open possession of a handgun in public.

28 (b) The question under subsection (a) of this section shall be
29 presented to the electorate of the municipality at an election held only on a
30 regular biennial November general election day.

31 (c)(1) After a vote in the affirmative to specifically prohibit the
32 open possession of a handgun in public, the governing body of the
33 municipality may pass an ordinance that states that a person shall not openly
34 possess a handgun in public within the limits of the municipality.

35 (2)(A) An ordinance passed under this subsection may create a
36 violation and penalty for the violation of open possession of a handgun that

1 is separate and distinct from any potential charge, conviction, or sentence
2 found under § 5-73-120.

3 (B) However, this section shall not be construed to limit
4 in any manner the ability for the state to arrest or prosecute a person for a
5 violation of § 5-73-120.

6 (d) A municipality that exercises a local option election under this
7 section shall bear all of the costs related to placing the measure on the
8 ballot.

9 (e) A municipality that has passed an ordinance under this section
10 shall post at all roadway entrances to the municipality:

11 (1) That open possession of a handgun in public is not permitted
12 within the limits of the municipality;

13 (2) A citation to and text of the ordinance; and

14 (3) The penalty for a violation of the ordinance, if applicable.

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