

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1953

5 By: Representative Clowney
6 By: Senator C. Tucker
7

For An Act To Be Entitled

9 AN ACT TO PROTECT VICTIMS OF DOMESTIC ABUSE;
10 PROHIBITING A PERSON CONVICTED OF MISDEMEANOR
11 DOMESTIC ABUSE OFFENSES FROM POSSESSING A FIREARM;
12 REQUIRE THAT THE COURT INFORM THE PERSON OF THE
13 PROHIBITION AGAINST POSSESSING A FIREARM; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 TO PROTECT VICTIMS OF DOMESTIC ABUSE; AND
19 TO PROHIBIT A PERSON CONVICTED OF
20 MISDEMEANOR DOMESTIC ABUSE OFFENSES FROM
21 POSSESSING A FIREARM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 5-26-302, concerning definitions used in
27 regard to domestic battering and assault, is amended to add an additional
28 subdivision to read as follows:

29 (7) "Misdemeanor offense involving domestic violence" means a
30 misdemeanor offense committed against a family or household member that
31 includes as an element:

32 (A) The use or attempted use of physical force; or

33 (B) The threatened use of a deadly weapon.
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35 SECTION 2. Arkansas Code § 5-26-313 is amended to read as follows:

36 5-26-313. Notice - Record of conviction.



1 (a) A person who is convicted of ~~any~~ a misdemeanor ~~of~~ crime of
 2 domestic violence shall be notified by the court that it is unlawful for the
 3 person to ship, transport, or possess a firearm or ammunition pursuant to 18
 4 U.S.C. § ~~922(g)(8) and (9), as they~~ 922(g)(9), as it existed on January 1,
 5 2007.

6 (b)(1) Upon entering a conviction for a misdemeanor offense involving
 7 domestic violence, the court shall indicate on the record of the conviction
 8 that the conviction prohibits the person from possessing a firearm and shall
 9 transmit a copy of the record of the conviction to the Arkansas Crime
 10 Information Center.

11 (2) After receiving the copy of the record of the conviction
 12 under subdivision (b)(1) of this section, the center shall include the
 13 conviction in the National Instant Criminal Background Check System.
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15 SECTION 3. Arkansas Code § 5-73-101, concerning definitions used in
 16 conjunction with criminal offenses involving weapons, is amended to add an
 17 additional subdivision to read as follows:

18 (12) "Misdemeanor offense involving domestic violence" means:

19 (A) The same as defined in § 5-26-302; and

20 (B) A misdemeanor offense under federal, tribal, or
 21 another state's law, as it existed on January 1, 2021, committed against a
 22 family or household member as defined in or substantially similar to § 5-26-
 23 302, when the offense includes as an element:

24 (i) The use or attempted use of physical force; or

25 (ii) The threatened use of a deadly weapon.
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27 SECTION 4. Arkansas Code § 5-73-103(a), concerning persons who are
 28 prohibited from possessing a firearm, is amended to read as follows:

29 (a) Except as provided in subsection (d) of this section or unless
 30 authorized by and subject to such conditions as prescribed by the Governor,
 31 or his or her designee, or the United States Bureau of Alcohol, Tobacco,
 32 Firearms, and Explosives, or other bureau or office designated by the United
 33 States Department of Justice, ~~no~~ a person shall not possess or own any
 34 firearm who has been:

35 (1) Convicted of:

36 (A) a A felony; or

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- (B) A misdemeanor offense involving domestic violence;
(2) Adjudicated mentally ill; or
(3) Committed involuntarily to any mental institution.