

Hall of the House of Representatives
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of House Bill 1057

TO AMEND THE LAW CONCERNING POSSESSION OF A FIREARM BY CERTAIN
PERSONS; AND TO PERMIT THE RESTORATION OF THE RIGHT TO POSSESS A
FIREARM TO A NONVIOLENT FELON.

Amendment No. 1 to House Bill 1057

Amend House Bill 1057 as originally introduced:

Add Senator Irvin

AND

Delete everything after the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 5-73-103 is amended to read as follows:

5-73-103. Possession of firearms by certain persons.

(a) Except as provided in ~~subsection (d)~~ subsections (d) and (e) 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~~ a bureau or office designated by the United States Department of Justice, no person shall possess or own ~~any~~ a firearm who has been:

(1) Convicted of a felony, with the exception of:

(A) An antitrust violation;

(B) An unfair trade practice;

(C) Restraint of trade; or

(D) Another offense relating to the regulation of business

practices;

(2) Adjudicated mentally ill; or

(3) Committed involuntarily to ~~any~~ a 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;

(C) The person has a prior felony conviction for an offense that had as an element of the offense the use or possession of a deadly weapon; or

(D) 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 to own, possess, ship, receive, and transport~~ 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.

(e) ~~As used in this section, "felony" means any state or federal felony, excluding a federal or state felony offense for which the person convicted has completed his or her sentence and pertaining to:~~

- ~~(1) An antitrust violation;~~
- ~~(2) An unfair trade practice;~~
- ~~(3) Restraint of trade; or~~
- ~~(4) Another offense relating to the regulation of business~~

The right of a convicted felon to own, possess, ship, receive, and transport a firearm shall be automatically restored by the Department of Public Safety if the following conditions are met:

(1) The underlying felony was not:

(A) A serious felony involving violence as defined in § 5-4-501(c)(2);

(B) A felony involving violence as defined in § 5-4-501(d)(2); or

(C) A felony listed below or contained in the following chapters or subchapters:

(i) Homicide, § 5-10-101 et seq.;

(ii) Kidnapping and related offenses, § 5-11-101 et seq.;

(iii) Robbery, § 5-12-101 et seq.;

(iv) Assault and battery, § 5-13-101 et seq.;

(v) Sexual offenses, § 5-14-101 et seq.;

(vi) Voyeurism offenses, § 5-16-101 et seq.;

(vii) Death threats, § 5-17-101 et seq.;

(viii) The Human Trafficking Act of 2013, § 5-18-101 et seq.;

(ix) Domestic battering and assault, § 5-26-301 et seq.;

(x) Custody and visitation, § 5-26-501 et seq.;

(xi) Exposing a child to a chemical substance or methamphetamine, § 5-27-230;

(xii) The Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-301 et seq.;

(xiii) Use of children in sexual performances, § 5-27-401 et seq.;

(xiv) Computer crimes against minors, § 5-27-601 et seq.;

(xv) Abuse of adults, § 5-28-101 et seq.;

(xvi) The Vulnerable Person Protection Act, § 5-29-201 et seq.;

(xvii) Damage or destruction of property, § 5-38-101 et seq.;

(xviii) Causing a catastrophe, § 5-38-202;

(xix) Arson, § 5-38-301;

(xx) Residential burglary, § 5-39-201;

(xxi) Aggravated residential burglary, § 5-39-204;

(xxii) Treason, § 5-51-201;

(xxiii) First degree escape, § 5-54-110, second degree escape, § 5-54-111, third degree escape, § 5-54-112, and permitting escape in the first degree, § 5-54-113;

(xxiv) Fleeing, § 5-54-125;

(xxv) Killing or injuring animals used by law enforcement or search and rescue dogs, § 5-54-126;

(xxvi) Terrorism, § 5-54-201 et seq.;

(xxvii) Animals, § 5-62-101 et seq.;

(xxviii) Trafficking a controlled substance, § 5-64-440;

(xxix) Aggravated riot, § 5-71-202;

(xxx) Stalking, § 5-71-229;

(xxxi) Weapons, § 5-73-101 et seq.;

(xxxii) The Arkansas Criminal Gang, Organization, or Enterprise Act, § 5-74-101 et seq.;

(xxxiii) A felony that requires a person to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(xxxiv) An attempt, solicitation, or conspiracy to commit any of the felonies listed in subdivisions (d)(1) of this section, if the attempt, solicitation, or conspiracy itself is a felony; or

(xxxv) A felony traffic offense committed in a motor vehicle if the person was a holder of a commercial learner's permit or a commercial driver's license at the time the felony traffic offense was committed; and

(2)(A) The convicted felon completed his or her sentence for the underlying felony, including without limitation the full payment of fines,

court costs, and restitution and any other terms or conditions of the sentence, no less than ten (10) years ago.

(B)(i) The ten-year period of subdivision (e)(2)(A) of this section shall be calculated from the date in which all terms of the sentence for a felony other than an offense listed as an exception under subdivision (a)(1) of this section were completed.

(ii) If the convicted felon has more than one (1) felony conviction, the ten-year period of subdivision (e)(2)(A) of this section shall be calculated from the latest date in which all terms of a sentence for a felony other than an offense that is listed as an exception under subdivision (a)(1) of this section were completed.

(f) The Department of Public Safety shall send by mail to a convicted felon at his or her last known address a notification that he or she has met the requirements for restoration under subsection (e) of this section.

(g) The Department of Public Safety shall promulgate rules to implement subsections (e) and (f) of this section, including without limitation setting forth the procedure by which the Department of Public Safety will verify that the requisite conditions under subsection (e) of this section have been met.

SECTION 2. Arkansas Code § 5-73-309(5), concerning the circumstances in which the Director of the Division of Arkansas State Police shall issue a license to carry a concealed handgun, is amended to read as follows:

(5) Has not been convicted of a felony in a court of this state, of any other state, or of the United States unless:

(A) The applicant is subsequently granted a pardon by the Governor or the President of the United States explicitly restoring his or her ability to possess a firearm;

(B) The applicant was sentenced prior to March 13, 1995, and the record of conviction has been sealed or expunged under Arkansas law;
or

(C) The applicant's offense was dismissed and sealed or expunged under § 16-93-301 et seq. or § 16-98-303(g);

(D) The applicant's felony conviction was for an offense that is listed as an exception under § 5-73-103(a)(1); or

(E) The applicant's ability to possess a firearm is

subsequently restored under § 5-73-103(d) or § 5-73-103(e);

SECTION 3. DO NOT CODIFY. Notification.

The Department of Public Safety shall by June 30, 2026, send the notification required by § 5-73-103(f) to all residents of the state who have met the requirements of § 5-73-103(e) as of the effective date of this act.

SECTION 4. DO NOT CODIFY. Temporary language.

(a) When adopting the initial rules to implement Section 1 of this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before December 31, 2025; or

(2) If approval under § 10-3-309 has not occurred by December 31, 2025, as soon as practicable after approval under § 10-3-309.

(b) The Department of Public Safety shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of December 31, 2025, so that the Legislative Council may consider the rule for approval before December 31, 2025.

The Amendment was read _____
By: Representative R. Scott Richardson
CEB108/CEB - 02-06-2025 10:19:31
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Chief Clerk