

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/27/19  
**A Bill**

SENATE BILL 400

5 By: Senators B. Ballinger, T. Garner  
6 By: Representative Gonzales  
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**For An Act To Be Entitled**

9 AN ACT CONCERNING FIREARM NOISE SUPPRESSORS;  
10 CONCERNING COMPLIANCE WITH THE NATIONAL FIREARMS ACT;  
11 AND FOR OTHER PURPOSES.  
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**Subtitle**

15 CONCERNING FIREARM NOISE SUPPRESSORS; AND  
16 CONCERNING COMPLIANCE WITH THE NATIONAL  
17 FIREARMS ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-73-104 is amended to read as follows:  
23 5-73-104. Criminal use of prohibited weapons.

24 (a) A person commits the offense of criminal use of prohibited weapons  
25 if, except as authorized by law, he or she knowingly uses, possesses, makes,  
26 repairs, sells, or otherwise deals in any:

- 27 (1) Bomb;
- 28 (2) Machine gun;
- 29 (3) Sawed-off shotgun or rifle;
- 30 ~~(4) Firearm specially made or specially adapted for silent~~

31 ~~discharge;~~

- 32 ~~(5)~~(4) Metal knuckles; or
- 33 ~~(6)~~(5) Other implement for the infliction of serious physical  
34 injury or death that serves no lawful purpose.

35 (b) It is an exception to this section that the person uses,  
36 possesses, makes, repairs, sells, or otherwise deals in an item under this



1 section that is in compliance with the National Firearms Act, 26 U.S.C. §§  
2 5801 – § 5861, or other applicable federal law, as they existed on January 1,  
3 2019.

4 ~~(b)(c)~~ It is a defense to prosecution under this section that:

5 (1) The defendant was a law enforcement officer, prosecuting  
6 attorney, deputy prosecuting attorney, prison guard, or member of the armed  
7 forces acting in the course and scope of his or her duty at the time he or  
8 she used or possessed the prohibited weapon; or

9 (2) The defendant used, possessed, made, repaired, sold, or  
10 otherwise dealt in any article enumerated in subsection (a) of this section  
11 under circumstances negating any likelihood that the weapon could be used as  
12 a weapon.

13 ~~(e)(1)(d)(1)~~ Criminal use of prohibited weapons is a Class B felony if  
14 the weapon is a bomb, or machine gun, ~~or firearm specially made or specially~~  
15 ~~adapted for silent discharge.~~

16 (2) Criminal use of prohibited weapons is a Class A misdemeanor  
17 if the offense is possession of metal knuckles.

18 (3) Otherwise, criminal use of prohibited weapons is a Class D  
19 felony.

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21 SECTION 2. Arkansas Code § 5-73-109 is amended to read as follows:

22 5-73-109. Furnishing a deadly weapon to a minor.

23 (a) A person commits the offense of furnishing a deadly weapon to a  
24 minor if he or she sells, barter, leases, gives, rents, or otherwise  
25 furnishes a firearm or other deadly weapon to a minor without the consent of  
26 a parent, guardian, or other person responsible for general supervision of  
27 the minor's welfare.

28 (b)(1) Furnishing a deadly weapon to a minor is a Class A misdemeanor.

29 (2) However, furnishing a deadly weapon to a minor is a Class B  
30 felony if the deadly weapon is:

31 (A) A handgun;

32 (B) A sawed-off or short-barrelled shotgun, as defined in  
33 § 5-1-102;

34 (C) A sawed-off or short-barrelled rifle, as defined in §  
35 5-1-102;

36 ~~(D) A firearm that has been specially made or specially~~

1 ~~adapted for silent discharge;~~

2 ~~(E)~~(D) A machine gun;

3 ~~(F)~~(E) An explosive or incendiary device, as defined in §  
4 5-71-301;

5 ~~(G)~~(F) Metal knuckles;

6 ~~(H)~~(G) A defaced firearm, as defined in § 5-73-107; or

7 ~~(I)~~(H) Another implement for the infliction of serious  
8 physical injury or death that serves no ~~common~~ lawful purpose.

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10 SECTION 3. Arkansas Code § 5-73-129 is amended to read as follows:

11 5-73-129. Furnishing a handgun or a prohibited weapon to a felon.

12 (a) A person commits the offense of furnishing a handgun to a felon if  
13 he or she sells, barter, leases, gives, rents, or otherwise furnishes a  
14 handgun to a person who he or she knows has been found guilty of or pleaded  
15 guilty or nolo contendere to a felony.

16 (b) A person commits the offense of furnishing a prohibited weapon to  
17 a felon if he or she sells, barter, leases, gives, rents, or otherwise  
18 furnishes:

19 (1) A sawed-off shotgun or rifle;

20 ~~(2) A firearm that has been specially made or specially adapted  
21 for silent discharge;~~

22 ~~(3)~~(2) A machine gun;

23 ~~(4)~~(3) A bomb;

24 ~~(5)~~(4) Metal knuckles;

25 ~~(6)~~(5) A defaced firearm, as defined in § 5-73-107; or

26 ~~(7)~~(6) Other implement for the infliction of serious physical  
27 injury or death that serves no ~~common~~ lawful purpose, to a person ~~who~~ he or  
28 she knows has been found guilty of or who has pleaded guilty or nolo  
29 contendere to a felony.

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

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33 SECTION 4. Arkansas Code § 5-73-132 is amended to read as follows:

34 5-73-132. Sale, rental, or transfer of firearm to person prohibited  
35 from possessing firearms.

36 (a) A person shall not sell, rent, or transfer a firearm to any person

1 who he or she knows is prohibited by state or federal law from possessing the  
2 firearm.

3 (b)(1) Violation of this section is a Class A misdemeanor, unless the  
4 firearm is:

5 (A) A handgun;

6 (B) A sawed-off or short-barrelled shotgun, as defined in  
7 § 5-1-102;

8 (C) A sawed-off or short-barrelled rifle, as defined in §  
9 5-1-102;

10 ~~(D) A firearm that has been specially made or specially~~  
11 ~~adapted for silent discharge;~~

12 ~~(E)(D)~~ A machine gun;

13 ~~(F)(E)~~ An explosive or incendiary device, as defined in §  
14 5-71-301;

15 ~~(G)(F)~~ A defaced firearm, as defined in § 5-73-107; or

16 ~~(H)(G)~~ Other implement for the infliction of serious  
17 physical injury or death that serves no ~~common~~ lawful purpose.

18 (2) If the firearm is listed in subdivision (b)(1) of this  
19 section, a violation of this section is a Class B felony.

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*/s/B. Ballinger*