

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 1088

4
5 By: Senator B. King
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE REGULATION OF FIREARMS TO BE
9 KNOWN AS THE ARKANSAS FIREARM FREEDOM ACT; AND FOR
10 OTHER PURPOSES.

Subtitle

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13 CONCERNING THE REGULATION OF FIREARMS TO
14 BE KNOWN AS THE ARKANSAS FIREARM FREEDOM
15 ACT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 4 is amended to create a new chapter to
22 read as follows:

Chapter 21 – Jurisdiction Over Firearm Regulation

4-21-101. Scope.

23 (a)(1) The Tenth Amendment to the United States Constitution
24 guarantees to the states and their people all powers not granted to the
25 federal government elsewhere in the United States Constitution and reserves
26 to the State of Arkansas and its people certain powers as they were
27 understood at the time that Arkansas was admitted into statehood in 1836.

28 (2) The guaranty of those powers is a matter of contract between
29 the State of Arkansas and its people and the United States as of the time
30 that the compact with the United States was agreed upon and adopted by
31 Arkansas and the United States in 1836.

32 (b)(1) The Ninth Amendment to the United States Constitution
33 guarantees to the people rights not granted in the United States Constitution
34 and reserves to the people of Arkansas certain rights as they were understood
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1 at the time that Arkansas was admitted into statehood in 1836.

2 (2) The guaranty of those rights is a matter of contract between
3 the State of Arkansas and its people and the United States as of the time
4 that the compact with the United States was agreed upon and adopted by
5 Arkansas and the United States in 1836.

6 (c) The regulation of intrastate commerce is vested in the states
7 under the Ninth and Tenth Amendments to the United States Constitution.

8 (d) The Second Amendment to the United States Constitution reserves to
9 the people the right to keep and bear arms as that right was understood at
10 the time that Arkansas was admitted into statehood in 1836, and the guaranty
11 of the right is a matter of contract between the State of Arkansas and its
12 people and the United States as of the time that the compact with the United
13 States was agreed upon and adopted by Arkansas and the United States in 1836.

14 (e)(1) Arkansas Constitution, Article 2, § 5, clearly secures to
15 Arkansas citizens and prohibits government interference with the right of
16 individual Arkansas citizens to keep and bear arms.

17 (2) This constitutional protection is unchanged from the 1836
18 Arkansas Constitution, which was approved by the United States Congress and
19 the people of Arkansas, and the right exists as it was understood at the time
20 that the compact with the United States was agreed upon and adopted by
21 Arkansas and the United States in 1836.

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23 4-21-102. Definitions.

24 (a) As used in this chapter:

25 (1) "Borders of Arkansas" means the boundaries of Arkansas
26 described in the Arkansas Constitution, Article 1;

27 (2) "Firearms accessory" means an item that is used in
28 conjunction with or mounted upon a firearm but is not essential to the basic
29 function of a firearm, including without limitation telescopic or laser
30 sights, magazines, flash or sound suppressors, folding or aftermarket stocks
31 and grips, speedloaders, ammunition carriers, and lights for target
32 illumination;

33 (3) "Generic and insignificant part" means a small component
34 used in the manufacture of a firearm, including without limitation a spring,
35 a screw, a nut, or a pin; and

36 (4) "Manufactured" means that a firearm, a firearm accessory, or

1 ammunition has been created from basic materials for functional usefulness,
2 including without limitation forging, casting, machining, or other processes
3 for working materials.

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5 4-21-103. Prohibitions.

6 (a) A personal firearm, a firearm accessory, or ammunition that is
7 manufactured commercially or privately in Arkansas and that remains within
8 the borders of Arkansas is not subject to federal law or federal regulation,
9 including registration, under the authority of the United States Congress to
10 regulate interstate commerce, as those items have not traveled in interstate
11 commerce.

12 (b)(1) This chapter applies to a firearm, a firearm accessory, or
13 ammunition that is manufactured in Arkansas from basic materials and that can
14 be manufactured without the inclusion of any significant parts imported from
15 another state.

16 (2) Generic and insignificant parts that have other
17 manufacturing or consumer product applications are not firearms, firearms
18 accessories, or ammunition, and their importation into Arkansas and
19 incorporation into a firearm, a firearm accessory, or ammunition manufactured
20 in Arkansas does not subject the firearm, firearm accessory, or ammunition to
21 federal regulation.

22 (3) Basic materials, such as unmachined steel and unshaped wood,
23 are not firearms, firearms accessories, or ammunition and are not subject to
24 congressional authority to regulate firearms, firearms accessories, and
25 ammunition under interstate commerce as if they were actually firearms,
26 firearms accessories, or ammunition.

27 (4) The authority of United States Congress to regulate
28 interstate commerce in basic materials does not include authority to regulate
29 firearms, firearms accessories, and ammunition made in Arkansas from the
30 materials contained in this subdivision (b)(4) as long as the firearm does
31 not travel or is not sold outside the boundaries of the state of Arkansas.

32 (c) Firearms accessories that are imported into Arkansas from another
33 state and that are subject to federal regulation as being in interstate
34 commerce do not subject a firearm to federal regulation under interstate
35 commerce because they are attached to or used in conjunction with a firearm
36 in Arkansas.

1 (d) This section does not apply to:

2 (1) A firearm that cannot be carried and used by one (1) person;

3 (2) A firearm that has a bore diameter greater than one and one-
4 half inches (1 1/2") and that uses smokeless powder, not black powder, as a l
5 propellant;

6 (3) Ammunition with a projectile that explodes using an
7 explosion of chemical energy after the projectile leaves the firearm; or

8 (4) Other than shotguns, a firearm that discharges two (2) or
9 more projectiles with one (1) activation of the trigger or other firing
10 device.

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12 4-21-104. Marketing of firearms.

13 A firearm manufactured or sold in Arkansas that is subject to this
14 chapter must have the words "Made in Arkansas" clearly and conspicuously
15 stamped on a central metallic part, such as the receiver or frame.

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