

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1495 of the Regular Session

State of Arkansas As Engrossed: H3/16/09 H3/20/09 H3/24/09 H3/27/09 S4/7/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 2160

By: Representatives Allen, T. Baker, Blount, Davis, J. Edwards, W. Lewellen, Rainey, Shelby, Williams,
Word

By: Senator Steele

For An Act To Be Entitled

AN ACT TO PROTECT THE HEALTH, SAFETY AND WELFARE
OF ARKANSAS CITIZENS BY REDUCING THE POSSIBILITY
THAT IMITATION FIREARMS ARE MISTAKEN AS REAL
FIREARMS; AND FOR OTHER PURPOSES.

Subtitle

THE ARKANSAS CHILDREN'S IMITATION
FIREARMS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The General Assembly finds that:

(1) When police officers, school officials, and others mistake replica weapons carried by young people as real weapons the health and safety of Arkansans is jeopardized;

(2) Citizens, including children, are killed in Arkansas and other states when a toy gun is mistaken for a real gun, or a real gun is mistaken for a toy;

(3) There is a real risk of an individual being shot by officers who are unable to establish the exact nature of the weapon; and

(4) Valuable time and resources are being used up when armed response teams have to be sent to incidents involving imitation firearms.

SECTION 2. Arkansas Code Title 20, Chapter 27, is amended to add an additional subchapter to read as follows:



1 20-27-2101. Definition.

2 (a) As used in this section, "imitation firearm" means a toy that is
3 identical in appearance to an original firearm that was manufactured,
4 designed, and produced after 1898, including only:

5 (1) Air-soft guns firing nonmetallic projectiles;

6 (2) Replica nonguns; and

7 (3) Water guns.

8 (b) "Imitation firearm" does not include:

9 (1) A nonfiring, collector replica of an antique firearm
10 developed before 1898;

11 (2) Traditional BB, paintball, or pellet-firing air guns that
12 expel a projectile through the force of air pressure; or

13 (3) A device:

14 (A) For which an orange solid plug or marking is
15 permanently affixed to the muzzle end of the barrel for a depth of not more
16 than six millimeters (6 mm);

17 (B) For which the entire exterior surface is predominately
18 colored other than black, brown, blue, silver, or metallic; or

19 (C) That is constructed of transparent or translucent
20 materials that permit unmistakable observation of the complete contents of
21 the device.

22
23 20-27-2102. Sale of imitation firearms prohibited -- Penalty.

24 (a) Except as provided under subsection (b) of this section, it is
25 unlawful to sell or offer for sale within this state, by mail or in any other
26 manner, an imitation firearm.

27 (b) A person may sell or offer for sale an imitation firearm if the
28 device is sold solely for purposes of:

29 (1) Export in interstate or foreign commerce;

30 (2) Lawful use in a theatrical production;

31 (3) Use in a certified or regulated sporting event or
32 competition;

33 (4) Use in a military or civil defense activity or ceremonial
34 activity; or

35 (5) A public display authorized by a public or private school.

36 (c) A person who violates subsection (a) of this section is subject in

1 an action brought by the city attorney or prosecuting attorney to a civil
2 penalty of not more than one thousand dollars (\$1,000) for each violation.

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4 *SECTION 3. This act becomes effective on January 1, 2010.*

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9 /s/ Allen

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11 **APPROVED: 4/14/2009**
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