

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: H3/4/11*

# A Bill

HOUSE BILL 1232

5 By: Representatives T. Thompson, Powers, T. Steele, Nickels, Wright, Williams  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE USE OF TEAR  
9 GAS OR PEPPER SPRAY; AND FOR OTHER PURPOSES.

### Subtitle

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12 TO AMEND THE LAW CONCERNING THE USE OF  
13 TEAR GAS OR PEPPER SPRAY.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. Arkansas Code § 5-13-202(a)(4), concerning battery in the*  
20 *second degree, is amended to read as follows:*

21 *(a) A person commits battery in the second degree if:*

22 *(1) With the purpose of causing physical injury to another*  
23 *person, the person causes serious physical injury to any person;*

24 *(2) With the purpose of causing physical injury to another*  
25 *person, the person causes physical injury to any person by means of a deadly*  
26 *weapon other than a firearm;*

27 *(3) The person recklessly causes serious physical injury to*  
28 *another person by means of a deadly weapon; or*

29 *(4) The person knowingly, without legal justification, causes*  
30 *physical injury to or incapacitates a person he or she knows to be:*

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32 *SECTION 2. Arkansas Code § 5-73-124 is amended to read as follows:*

33 *5-73-124. Tear gas – Pepper spray.*

34 *(a)(1) Except as otherwise provided in this section, any person who*  
35 *carries or has in his or her possession any tear gas or pepper spray in any*  
36 *form, ~~and~~ or any person who knowingly carries or has in his or her possession*



1 any gun, bomb, grenade, cartridge, or other weapon designed for the discharge  
2 of tear gas or pepper spray, upon conviction is guilty of a Class A  
3 misdemeanor.

4 (2)(A) It is lawful for a person to possess or carry, and use, a  
5 ~~small~~ container of tear gas or pepper spray to be used for self-defense  
6 purposes only.

7 (B) However, the capacity of the ~~cartridge or~~ container  
8 shall not exceed one hundred fifty cubic centimeters (150 cc).

9 (b) The provisions of this section do not apply to any:

10 (1) Peace officer while engaged in the discharge of his or her  
11 official duties; or

12 (2) Banking institution desiring to have possession of tear gas  
13 or pepper spray in any form for the purpose of securing funds in its custody  
14 from theft or robbery.

15 ~~(c)(1) Any person convicted of a violation of a provision of this~~  
16 ~~section shall be punished by a fine of not less than fifty dollars (\$50.00)~~  
17 ~~nor more than two hundred dollars (\$200) or by imprisonment in the county~~  
18 ~~jail for not less than thirty (30) days nor more than three (3) months, or by~~  
19 ~~both fine and imprisonment.~~

20 ~~(2) Any person who uses tear gas or pepper spray in any form~~  
21 ~~against any law enforcement officer who is on duty and is acting within the~~  
22 ~~scope of his or her authority as a law enforcement officer is guilty of a~~  
23 ~~Class A misdemeanor.~~

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25 /s/T. Thompson

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28 **APPROVED: 04/04/2011**