

INTERIM STUDY PROPOSAL 2025-045

State of Arkansas *As Engrossed: H2/10/25 H2/18/25 H4/2/25*
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1057

By: Representative R. Scott Richardson

By: Senator Irvin

Filed with: House Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

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.

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

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 practices. The right of a convicted felon to own, possess, ship, receive, and transport a firearm shall be restored upon a petition to a circuit court 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, breaking or entering, § 5-39-202, and operating a chop shop — dealing in stolen or forged motor vehicle parts, § 5-36-109;~~

~~(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;~~

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

3 (xxvi) Terrorism, § 5-54-201 et seq.;

4 (xxvii) Animals, § 5-62-101 et seq.;

5 (xxviii) Uniform Controlled Substances Act, § 5-64-101 et seq., sale
 6 of drug devices, § 5-64-801 et seq., ephedrine and other nonprescription drugs, § 5-64-1101 et seq.,
 7 and anhydrous ammonia, § 5-64-1301 et seq.;

8 (xxix) Aggravated riot, § 5-71-202;

9 (xxx) Stalking, § 5-71-229;

10 (xxxi) Weapons, § 5-73-101 et seq.;

11 (xxxii) The Arkansas Criminal Gang, Organization, or Enterprise Act, §
 12 5-74-101 et seq.;

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

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

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

21 (2)(A) The convicted felon completed his or her sentence for the underlying felony,
 22 including without limitation the full payment of fines, court costs, and restitution and any other
 23 terms or conditions of the sentence, no less than ten (10) years ago.

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

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

32 (3) The convicted felon has not had a felony conviction in
 33 another state.

34 (f)(1) A person who is eligible to have his or her firearms rights restored under subsection (e)
 35 of this section may file a uniform petition in the circuit court of the county in which he or she
 36 resides.

(2) Within fifteen (15) business days after the uniform petition is filed, the court shall:

(A) Grant or deny the uniform petition;

(B) Notify the petitioner by mail of the court's decision;

(C) If the petition is granted, notify the Arkansas Crime Information Center of the restoration of firearms rights.

(g) The Arkansas Crime Information Center shall:

(1) Adopt and provide the following to be used by a petitioner and any circuit court in this state:

(A) A uniform petition for restoration of firearms rights;

and

(B) A uniform order to restore firearms rights; and

(2) After receiving the notification required under (f)(2)(C) of this section, notify the National Crime Information Center or its successor of the restoration of firearms rights.

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);

/s/R. Scott Richardson

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2 Referred requested by the Arkansas House of Representatives

3 Prepared by: CEB/AMS

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