

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT JLC/CLJ
SENATE BILL

5 By: Senator Hill
6

For An Act To Be Entitled

8 AN ACT TO CONDUCT A STUDY OF THE PROPRIETY AND
9 POTENTIAL PROCEDURE FOR RESTORING THE RIGHT TO
10 POSSESS A FIREARM TO A PERSON WHO WAS DECLARED
11 MENTALLY INCOMPETENT OR WAS COMMITTED TO A MENTAL
12 HEALTH TREATMENT FACILITY; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO CONDUCT A STUDY OF THE PROPRIETY AND
16 POTENTIAL PROCEDURE FOR RESTORING THE
17 RIGHT TO POSSESS A FIREARM TO A PERSON
18 WHO WAS DECLARED MENTALLY INCOMPETENT OR
19 WAS COMMITTED TO A MENTAL HEALTH
20 TREATMENT FACILITY.
21

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative Council
27 study.

28 (a)(1) The Legislative Council shall conduct a study to determine the
29 propriety of and potential procedure for restoring the right to possess a
30 firearm to a person who was adjudicated mentally incompetent or was
31 voluntarily or involuntarily committed to a mental health treatment facility.

32 (2) The purpose of the study under this section is to examine:

33 (A) The propriety of restoring the right to possess a
34 firearm to a person who was declared mentally incompetent or was voluntarily
35 or involuntarily committed to a mental health facility in the past but whose
36 mental health has since been restored; and

1 (B) Whether current law, including Arkansas Code § 5-73-
2 103, should be amended to permit the possession of a firearm by a person who
3 experienced mental health issues in the past but later recovered.

4 (3)(A) In order to achieve the purposes of the study as set
5 forth in subdivision (a)(2) of this section, the Legislative Council, through
6 the Game and Fish/State Police Subcommittee of the Legislative Council, shall
7 study and consider without limitation the following:

8 (i) Whether the current law prohibiting the
9 possession of a firearm should be amended with regard to persons who were
10 declared mentally incompetent or were committed to a mental health facility
11 and are later recovered; and

12 (ii) If it is determined that the current law should
13 be amended to restore the right to possess a firearm to certain persons, the
14 circumstances that would permit the restoration of the right to possess a
15 firearm and the process that would be required to restore the right to
16 possess a firearm.

17 (B) If the subcommittee determines that current law should
18 be amended, the subcommittee should recommend legislation incorporating the
19 subcommittee's findings.

20 (b) Any state entity with information concerning persons declared
21 mentally incompetent or persons who have been voluntarily or involuntarily
22 committed to a mental health facility shall fully cooperate in the conduct of
23 the study by providing any relevant information, including without
24 limitation:

25 (1) The Department of Health; and

26 (2) The Administrative Office of the Courts.

27 (c) On or before December 1, 2026, the Legislative Council shall file
28 with the Governor, the President Pro Tempore of the Senate, and the Speaker
29 of the House of Representatives a final report of the Legislative Council's
30 activities, findings, and recommendations, including recommended legislation,
31 related to the study and the study shall be complete upon filing of the final
32 report.