

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Hatfield

HOUSE BILL 1535

"AN ACT TO PROHIBIT THE CARRYING OF A LOADED RIFLE OR SHOTGUN
IN A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY; AND FOR OTHER
PURPOSES."

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

SECTION 1. For the purpose of this Act:

(A) "Rifle" means any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

(B) "Shotgun" means any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

(C) "Public Street or highway" means the entire part of the street, road, or highway, including the road shoulder or road right-of-way or any other part of the roadway between the property boundaries, which is open to vehicular traffic and which is maintained by the State or by a political subdivision of the State of Arkansas or through federal funds."

SECTION 2. (A) It shall be unlawful to carry or transport a loaded rifle or

a loaded shotgun in a motor vehicle at any time on a public street or highway.

(B) Subsection (A) of this section shall not apply to law enforcement officers, a licensed security officer, a person employed by an armored car firm licensed to do business in this state, or a member of the armed forces or national guard or persons employed by a penal institution while in actual discharge of official duties.

SECTION 3. (A) For purposes of this act, it shall be presumed by the arresting officer that a rifle or shotgun being transported in a motor vehicle is in a functioning, loaded state. The burden shall be upon the person suspected of violating this act to prove that the rifle or shotgun was not loaded at the time of arrest or citation issuance.

(B) It shall be prima facie evidence that the unlawful carrying of a loaded rifle or loaded shotgun was done by the driver of the motor vehicle.

SECTION 4. Unlawful carrying of a loaded rifle or loaded shotgun in a motor vehicle is a class A misdemeanor.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

