

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Keet**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §5-73-124 TO INCREASE THE
9 SIZE OF A TEAR GAS CONTAINER THAT A PERSON MAY CARRY FOR
10 SELF-DEFENSE FROM FIFTY (50) CUBIC CENTIMETERS TO ONE-
11 HUNDRED AND FIFTY (150) CUBIC CENTIMETERS; AND FOR OTHER
12 PURPOSES."

Subtitle

14 "AN ACT TO INCREASE THE SIZE OF A TEAR GAS CONTAINER THAT
15 A PERSON MAY CARRY FOR SELF DEFENSE FROM 50 TO 150 CUBIC
16 CENTIMETERS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 5-73-124 is hereby amended to read as
22 follows:

23 "5-73-124. Tear gas.

24 (a) Any person who shall carry or have in his possession any tear gas
25 in any form whatever, and any person who shall carry or have in his possession
26 any gun, bomb, grenade, cartridge, or other weapon designed for the discharge
27 of tear gas, shall be guilty of a misdemeanor.

28 (1) It is lawful for a person to possess or carry, and use, a
29 small container of tear gas to be used for self-defense purposes only, but the
30 capacity of the cartridge or container shall not exceed one hundred and fifty
31 (150) cubic centimeters.

32 (2) The provisions of this section shall not apply to any peace
33 officer while engaged in the discharge of his official duties, nor to any
34 banking institution desiring to have possession of tear gas in any form for
35 the purpose of securing funds in its custody from theft or robbery.

1 (b) (1) Any person convicted of a violation of the provisions of this
2 section shall be punished by a fine of not less than fifty dollars (\$50.00)
3 nor more than two hundred dollars (\$200) or by imprisonment in the county jail
4 for not less than thirty (30) days nor more than three (3) months, or by both
5 fine and imprisonment.

6 (2) Any person who shall use tear gas in any form against any law
7 enforcement officer who is on duty and is acting within the scope of his
8 authority as a law enforcement officer shall be guilty of a misdemeanor and
9 upon conviction shall be punished by a fine of not less than one hundred
10 dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisonment of
11 not more than ninety (90) days, or both."

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13 SECTION 2. All provisions of this act of general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provisions of this act or the application thereof to
18 any person or circumstance is held invalid, the invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provisions or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 4. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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