



ARKANSAS

Summary of State Firearms Law

Last Updated December 14, 2011

Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Arkansas ranked 44 out of 50 – having enacted few gun violence prevention laws.

Arkansas does **not**:

- [Conduct its own background checks](#) for firearm sales, but instead relies on the FBI;
- Require a background check prior to [the transfer of a firearm between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- [License](#) firearm owners;
- Require the [registration of firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases;
- Regulate [unsafe handguns](#);
- Require firearm owners to [report lost or stolen firearms](#) to law enforcement; or
- Significantly regulate [ammunition sales](#).

Local governments in Arkansas generally [lack authority](#) to regulate firearms or ammunition, and the state requires local law enforcement to issue a [concealed handgun license](#) to any applicant who meets certain basic qualifications.

Arkansas Statistics

Gun Deaths

Arkansas has the 7th highest number of gun deaths per capita. In 2008, 444 people died from firearm-related injuries in Arkansas.¹

Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Guns originally purchased in [Arkansas](#) are recovered after being used in crimes in other states at the eleventh highest rate per capita among the states. In fact, Arkansas exports crime guns at a rate that is higher than the national average. Arkansas exports crime guns to other states at about the same rate (26.6 percent) it imports such guns from other states (27.5 percent).²

Number of Federally Licensed Firearms Dealers

There are 1,119 federally licensed firearms dealers and pawnbrokers in Arkansas.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2008, for National, Regional, and States*, at http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html.

² Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (December 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

Arkansas “Right to Bear Arms”

Arkansas’s constitution provides a right to bear arms, but courts have agreed that this provision allows for reasonable regulation that is within the police power. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Arkansas

Arkansas has enacted a broad preemption statute, depriving local governments of the authority to regulate firearms. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies in Arkansas

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Arkansas Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Arkansas has incorporated some of the federal prohibitions as state offenses. Arkansas prohibits any person from owning or possessing any firearm if he or she has been:

- Convicted of a felony (including cases where the sentence is suspended or the defendant is placed on probation) unless the case was dismissed or expunged or the person was subsequently granted a pardon explicitly restoring the ability to possess a firearm;
- Adjudicated mentally ill; or
- Committed involuntarily to any mental institution.⁴

A person who has entered a plea of guilty or nolo contendere prior to an adjudication of guilt for a felony is nevertheless considered as having a felony conviction for purposes of any law prohibiting possession of a firearm by certain persons.⁵

Arkansas law also grants the governor the authority to restore the right of a convicted felon or an adjudicated delinquent to possess a firearm under state law, without granting a pardon, upon recommendation of the chief law enforcement officer in the jurisdiction where the person resides, so long as the underlying felony or delinquency adjudication did not involve the use of a weapon and occurred more

⁴ Ark. Code Ann. § 5-73-103(a), (b).
⁵ Ark. Code Ann. §§ 16-93-303(c)(1).

than eight years previous.⁶ (Note that federal law may still prohibit the person from possessing firearms.)

For information on the background check process used to enforce these provisions, see the [Arkansas Background Checks](#) section.

⁶ Ark. Code Ann. § 5-73-103(d).

Arkansas Minimum Age to Purchase or Possess Firearms

With some exceptions, Arkansas prohibits any person under age 18 from possessing a handgun.⁷

In Arkansas, any person furnishing a firearm to a minor under 18 years of age without the consent of a parent, guardian, or other person responsible for general supervision of the minor's welfare, is criminally liable for a Class A misdemeanor.⁸ The crime becomes a Class B felony if the firearm is a handgun or other specified firearm.⁹

There is no minimum age to possess rifles and shotguns in Arkansas. [Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

⁷ Ark. Code Ann. §§ 5-73-119(a)(1), (e).

⁸ Ark. Code Ann. §§ 5-73-101(9), 5-73-109(a).

⁹ Ark. Code Ann. § 5-73-109(b).

Domestic Violence and Firearms in Arkansas

Arkansas law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike [federal law](#));
- Prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law; or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

Arkansas does require courts to notify a person who has been convicted of a domestic violence misdemeanor that it is unlawful for the person to possess firearms or ammunition pursuant to federal law.¹⁰ Orders of protection must contain notification that federal law prohibits anyone subject to an order of protection or convicted of a misdemeanor of domestic violence to possess firearms or ammunition.¹¹

For laws governing the procedure for surrender of firearms by a person subject to a protective order, see the section entitled [Disarming Prohibited Persons](#), below.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

¹⁰ Ark. Code Ann. § 5-26-313.

¹¹ Ark. Code Ann. § 9-15-207(b)(3).

Disarming Prohibited Persons in Arkansas

Arkansas has no law requiring the removal of firearms from [persons who have become prohibited from possessing them](#). However, Arkansas law authorizes criminal courts to issue a no contact order, which may include a prohibition against firearms possession, to a defendant in a criminal proceeding if it appears that a danger exists that the defendant will commit a serious crime, seek to intimidate a witness, or otherwise unlawfully interfere with the orderly administration of justice.¹²

¹² Ark. Code Ann. § 16-85-714.

Sales & Transfers

Background Checks in Arkansas

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Arkansas is not a point of contact state for the NICS. Arkansas has no law requiring firearms dealers to initiate background checks prior to transferring a firearm. As a result, in Arkansas, firearms dealers must initiate the background check required by federal law by contacting the FBI directly.

See the section below for information regarding the [Retention of Sales / Background Check Records in Arkansas](#).

Arkansas does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

Mental Health Reporting in Arkansas

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”¹³ No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Arkansas requires a court clerk, upon filing any of the orders specified below, to forward a copy of such order to the Arkansas Crime Information Center. The requirement applies to orders:

- Finding that a defendant lacks “fitness to proceed” because he or she lacks the capacity to understand the proceeding against him or her or to assist effectively in his or her own defense as a result of mental disease or defect;¹⁴
- Committing a person acquitted of a crime by reason of a mental disease or defect, who continues to be affected by the mental disease or defect, to the custody of the director of the Department of Health and Human Services for an examination by a psychiatrist or a licensed psychologist;¹⁵
- Detaining a person for treatment for 45 days after determining that a person is a danger to self or others¹⁶; or
- Detaining a person beyond 45 days because he or she continues to be a danger to self or others.¹⁷

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Arkansas Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

¹³ 18 U.S.C. § 922(d)(4).

¹⁴ Ark. Code Ann. § 5-2-310(b)(2)(E), and see Ark. Code Ann. § 5-2-302.

¹⁵ Ark. Code Ann. § 5-2-314(b)(2).

¹⁶ Ark. Code Ann. § 20-47-214(e).

¹⁷ Ark. Code Ann. § 20-47-215.

Multiple Purchases / Sales of Firearms in Arkansas

Arkansas has no law restricting sales or purchases of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in Arkansas

Arkansas has no laws requiring the retention of sales or background check records by firearm sellers generally, or requiring the reporting of sales of firearms to a state or local agency.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

Arkansas Waiting Periods

Arkansas imposes no waiting period between the time of purchase and the actual physical transfer of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Arkansas Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Arkansas does not require that firearms dealers be licensed.

For information about the Arkansas law:

- Requiring federally licensed dealers to conduct background checks on firearm purchasers, see the [Arkansas Background Checks](#) section.
- Applicable to both licensed and private firearm sellers, see the [Arkansas Private Sales](#) section.

Private Sales in Arkansas

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

Arkansas law has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer.

Arkansas prohibits any person from furnishing a firearm to a minor without the consent of a parent, guardian, or other person responsible for general supervision of the minor's welfare.¹⁸ A violation is a Class B felony if the firearm is a handgun or other specified firearm.¹⁹

In addition, the state prohibits any person transferring or furnishing a handgun to another individual who the transferor knows has been found guilty of, or who has pleaded guilty or no contest to, a felony.²⁰

Arkansas prohibits a person from selling, renting, or otherwise transferring a firearm to any person who he or she knows is prohibited by state or federal law from possessing the firearm.²¹ A violation of this section is a Class A misdemeanor, unless the firearm is a handgun (or other specified firearm, such as a machine gun), in which case the violation rises to a Class B felony.²²

See the section entitled [Firearms Trafficking](#) for additional laws that limit private sales of firearms.

¹⁸ Ark. Code Ann. § 5-73-109(a). Arkansas defines minor as any person under 18 years of age. Ark. Code Ann. § 5-73-101(9).

¹⁹ Ark. Code Ann. § 5-73-129.

²⁰ *Id.*

²¹ Ark. Code Ann. § 5-73-132(a).

²² Ark. Code Ann. § 5-73-132(b).

Arkansas Gun Shows

Arkansas has no law regulating gun shows.

See the [Arkansas Private Sales](#) section for additional state laws that may apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

Arkansas Immunity Statutes

Arkansas law reserves the authority to bring a lawsuit and the right to recover against a firearm or ammunition manufacturer, trade association, or dealer exclusively to the state. A city, town or county may not seek relief for loss resulting from the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.²³

A similar statute prohibits a person or entity from bring an action other than produce liability action against a firearms, nonpowder gun or ammunition manufacturer, importer, or dealer for loss arising from injury, damage, or death caused by a firearm, nonpowder gun, or ammunition. A court must dismiss any action prohibited by this statute and award reasonable attorney's fees and costs to the defendants.²⁴

There are exceptions for actions claiming:

- Intentional or negligent discharge of a firearm, a nonpowder gun, or ammunition by the manufacturer, importer, or dealer; or
- An act of the manufacturer, importer, or dealer in violation of a state or federal law or regulation. The plaintiff has the burden to prove, in such a case, that the defendant violated the state or federal law or regulation.²⁵

Arkansas law provides that the proximate cause of injury in a product liability action involving firearms, nonpowder guns or ammunition, may not be the inherent capability of these devices to cause injury, damage, or death.²⁶ In addition, the manufacturer's, importer's, or distributor's placement of a firearm, a nonpowder gun, or ammunition into the stream of commerce may not be deemed to constitute the proximate cause of injury, damage, or death, even if the device discharges unintentionally and the discharge was foreseeable.²⁷

A plaintiff may recover in an action in which he or she proves that the proximate cause of the injury, damage, or death was:

- A defective firearm, nonpowder gun, or ammunition; or

²³ Ark. Code Ann. §§ 14-16-504(b)(2), 14-54-1411(b)(2). There is an exception for breach of contract or warranty lawsuits for firearms or ammunition purchased by the local unit of government.

²⁴ Ark. Code Ann. § 16-116-202.

²⁵ *Id.*

²⁶ Ark. Code Ann. § 16-116-201.

²⁷ *Id.*

- A defectively designed firearm, nonpowder gun, or ammunition that did not function as reasonably expected by the ordinary consumer.²⁸

There are no cases interpreting these laws.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

²⁸ Ark. Code Ann. § 16-116-203.

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Arkansas

Arkansas has no law requiring gun owners or purchasers to obtain a license.

See [*Regulating Guns in America: Licensing of Gun Owners or Purchasers*](#) for a comprehensive discussion of this issue.

Arkansas Registration of Firearms

Arkansas has no law requiring firearm owners to register their firearms.

See the section entitled [Retention of Sales / Background Check Records in Arkansas](#) for information about sales reporting requirements.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms in Arkansas

Arkansas does not require firearm owners to report the loss or theft of a firearm.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Concealed Weapons Permitting in Arkansas

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Arkansas is a “shall issue” state, meaning that local law enforcement must issue a concealed weapons license if the applicant meets certain qualifications. The Director of the Department of Arkansas State Police (“the Director” and “State Police”) must issue a license to carry a concealed handgun if the applicant:

- Is a citizen of the United States;
- Has been a resident of Arkansas continuously for the past 90 days or longer;
- Is 21 years of age or older;
- Does not suffer from a mental or physical infirmity which prevents the safe handling of a handgun and has not threatened or attempted suicide;
- Has not been convicted of a felony, without having been pardoned and had firearms possession rights restored, or having had the record sealed or expunged for a sentence prior to March 13, 1995;
- Is not subject to any federal, state or local law which makes it unlawful to receive, possess or transport any firearm, and has had his or her background check successfully completed through the Department of Arkansas State Police and the FBI’s National Instant Criminal Background Check System;
- Does not chronically or habitually abuse controlled substances to the extent that his or her normal faculties are impaired (*i.e.*, the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or has been found guilty of a crime under the of the Uniform Controlled Substances Act, § 5-64-101 *et seq.*, or similar laws, within the last three years);
- Does not chronically or habitually use alcoholic beverages to the extent that his or her normal faculties are impaired (*i.e.*, the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two or more offenses related to the use of alcohol within the last three years);
- Desires a legal means to carry a concealed handgun to defend himself or herself;
- Has not been adjudicated mentally incompetent;
- Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility;

- Is not a fugitive from justice or does not have an active warrant for his or her arrest;
- Has satisfactorily completed a training course as prescribed and approved by the Director; and
- Signs a statement of allegiance to the United States and Arkansas Constitutions.²⁹

The Director may deny a license to carry a concealed handgun if, within the preceding five years, the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor, or for the offense of carrying a weapon.³⁰

The Director may also deny a license if the sheriff or chief of police of the applicant's place of residence submits an affidavit that the applicant has been, or is reasonably likely to be:

[A] danger to himself or herself or others or to the community at large, as demonstrated by past patterns of behavior or participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation at the time of applying for a license to carry a concealed handgun.³¹

The Director has 120 days to review the completed application, and in that period must issue the license or deny the application based solely on the ground that the applicant fails to qualify under the specified criteria.³²

When the State Police receives notification from any law enforcement agency or court that a licensee has been found guilty of, or has pled guilty or no contest to, any crime involving the use of a weapon, the license shall be immediately revoked.³³ In addition, the Director must revoke the license of any licensee who has pleaded guilty or no contest to, or been found guilty of, an alcohol-related offense committed while carrying a handgun.³⁴

The Director may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three years.³⁵

²⁹ Ark. Code Ann. § 5-73-309(1). For detailed provisions concerning the application and background check processes, including information required on the application form, see §§ 5-73-310 and 5-73-311.

³⁰ Ark. Code Ann. § 5-73-308(a).

³¹ Ark. Code Ann. § 5-73-308(b).

³² *Id.*

³³ Ark. Code Ann. § 5-73-312(b).

³⁴ Ark. Code Ann. § 5-73-312(c).

³⁵ Ark. Code Ann. § 5-73-308(a)(1).

Firearm Safety Training

Arkansas requires concealed carry permit applicants to complete a training course prescribed and approved by the State Police.³⁶ Training can be obtained from any person who is registered with the State Police as a Firearms Safety Instructor.³⁷ Arkansas does not mandate how many hours of training applicants must obtain. Rather, instructors are required to evaluate an applicant's competence via a live firing demonstration. Instructors may only certify that an applicant's training is complete if he or she demonstrates "a basic level of knowledge, understanding, and practical operation for safe handling of a handgun."³⁸ In addition, the State Police publishes a manual that contains the minimum information to be covered in a training class. The manual is available at the [State Police website](#).

Duration & Renewal

Licenses to carry concealed handguns issued or renewed after July 31, 2007, are valid for five years from the date of issuance.³⁹ (A license to carry a concealed handgun issued before that time was valid for only four years.) Those seeking to renew their license must pay a \$35 renewal fee plus costs for processing a new background check, complete a training course and provide a digital photograph.⁴⁰

Disclosure or Use of Information

The State Police must maintain an automated listing of license holders available on-line, upon request, at all times, to all law enforcement agencies through the Arkansas Crime Information Center.⁴¹

Medical, criminal, or other records collected pursuant to the licensing process must be kept confidential.⁴²

The following records are exempt from public disclosure:

Records pertaining to the issuance, renewal, expiration, suspension, or revocation of a license to carry a concealed handgun, or a present or past licensee under section 5-73-301 *et seq.*, including without limitation all records provided to or obtained by any local, state, or federal governments, their officials, agents, or employees in the

³⁶ Ark. Code Ann. § 5-73-309(1).

³⁷ 130 00 Code of Arkansas Rules and Regulations 001, *et. seq.*

³⁸ *Id.*

³⁹ Ark. Code Ann. § 5-73-302.

⁴⁰ Ark. Code Ann. §§ 5-73-313(b), (d), (e).

⁴¹ Ark. Code Ann. § 5-73-307(a).

⁴² Ark. Code Ann. § 5-73-311(a)(4)(C).

investigation of an applicant, licensee, or past licensee and all records pertaining to a criminal or health history check conducted on the applicant, licensee, or past licensee.⁴³

There are exceptions for:

- Information released to a law enforcement agency for the purpose of assisting in a criminal investigation or prosecution, or for determining validity of or eligibility for a license;
- The names of an applicant, licensee, or past licensee if contained in investigative or arrest reports of law enforcement that are subject to release as public records; and
- The name and zip code of an applicant, licensee, or past licensee "upon request by a citizen of Arkansas."⁴⁴

Reciprocity

Arkansas recognizes an out-of-state license to carry a concealed handgun if the state that issued the license recognizes concealed handgun licenses issued by Arkansas.⁴⁵ A list of state permits that will be recognized in Arkansas must be provided to law enforcement agencies within the state.⁴⁶ A person who has a valid concealed weapons permit from another state who becomes a resident of Arkansas may use an abbreviated procedure to transfer that license to Arkansas.⁴⁷

⁴³ Ark. Code Ann. § 25-19-105(b)(19).

⁴⁴ *Id.*

⁴⁵ Ark. Code Ann. § 5-73-321.

⁴⁶ *Id.*

⁴⁷ Ark. Code Ann. § 5-73-319.

Open Carrying in Arkansas

Arkansas does not allow a handgun to be carried on or about the person, openly or concealed, if it is "readily available for use with a purpose to employ [it] as a weapon against a person."⁴⁸ However, it is a defense to prosecution for a violation of this section if at the time of the act of carrying a handgun, the person is:

- In his or her own dwelling, place of business (excluding a "vehicular business" such as a taxi cab or other motor vehicle used for commercial purposes;⁴⁹) or on property in which he or she has a possessory or proprietary interest;
- Assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of official duties pursuant to [their] direction or request;
- Carrying a weapon when upon a journey;⁵⁰
- Hunting game with a handgun under rules and regulations of the Arkansas State Game and Fish Commission, or is en route to or from a hunting area for the purpose of hunting game with a handgun;
- In a motor vehicle and the holder of a valid license to carry a concealed weapon.⁵¹

For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).

⁴⁸ Ark. Code Ann. § 5-73-120(a).

⁴⁹ See *Boston v. State*, 952 S.W.2d 671 (Ark. 1997).

⁵⁰ See *Riggins v. State*, 703 S.W.2d 463, 464 (Ark. Ct. App. 1986), "[a] journey has long been defined as 'where one travels a distance from home sufficient to carry him beyond the circle of his neighbors and general acquaintances and outside of the routine of his daily business...'" (citations omitted)). However, a firearm may not be carried through a commercial airport at the security checkpoint or in the person's checked baggage if it is not a lawfully declared weapon. *Id.*

⁵¹ Ark. Code Ann. § 5-73-120(c).

Location Restrictions

Guns in Vehicles in Arkansas

Arkansas prohibits any person from carrying a handgun in a vehicle.⁵² It is a defense to prosecution for a violation of this section if the person has a concealed weapon permit.⁵³

⁵² Ark. Code Ann. § 5-73-120(a).

⁵³ Ark. Code Ann. § 5-73-120(c).

Guns in Schools in Arkansas

Arkansas prohibits the possession of a firearm, concealed or unconcealed:

- Upon the developed property of the public or private schools, K-12;
- In or upon any school bus; or
- At a designated bus stop as identified on the route lists published by school districts each year.⁵⁴

Arkansas prohibits possession of a handgun on the property of any private or publicly-supported institution of higher education, either on the person, in a vehicle, or otherwise readily available for use with the purpose to employ it as a weapon against a person.⁵⁵ The Arkansas Attorney General has opined that persons licensed to carry a concealed handgun are not subject to this provision.⁵⁶

See [LCAV's policy page on Guns in Schools](#) for further information.

⁵⁴ Ark. Code Ann. § 5-73-119(b)(1).

⁵⁵ Ark. Code Ann. § 5-73-119(c)(1).

⁵⁶ Ark. Op. Att'y Gen. No. 2003-372 (2003), 2003 Ark. AG LEXIS 407.

Other Location Restrictions

No person may carry a handgun into an establishment that sells alcoholic beverages.⁵⁷

A license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun into:

- Any police, sheriff's, State Police or Highway Police station or facility;
- Any buildings of the Arkansas State Highway and Transportation Department, or onto grounds adjacent to such buildings (except "rest areas and weigh stations");
- Any detention facility, prison, or jail;
- Any courthouse or courtroom;⁵⁸
- Any polling place;
- Any meeting place of "the governing body of any governmental entity" or any meeting of the legislature or a committee thereof;
- Any state office;
- Any athletic event not related to firearms;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, or any portion of an establishment in which beer or light wine is consumed on the premises, excepting certain restaurants;⁵⁹
- Any school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearm-related activity (see also [Ark. Op. Att'y Gen. No. 2003-372 \(2003\)](#), [2003 Ark. AG LEXIS 407](#));
- The passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft;
- Any church or other place of worship;
- Any place where the carrying of firearms is prohibited by federal law;

⁵⁷ Ark. Code Ann. § 5-73-120(d)(1).

⁵⁸ See also Ark. Code Ann. § 5-73-122(b).

⁵⁹ See Ark. Code Ann. § 3-9-402.

- Any place where a parade or demonstration requiring a permit is being held, if the licensee is a participant in the parade or demonstration; or
- Any place at the discretion of the person or entity exercising control over the physical location, by displaying a written notice "clearly readable" at a distance of not less than ten feet, and posted at each entrance to the location, stating that "carrying a handgun is prohibited." A written notice is not required for private homes, and any licensee entering a private home must notify the occupants that he or she is carrying a concealed handgun.⁶⁰

No person other than a law enforcement officer, a security guard employed by the state or any city or county, or military personnel may knowingly carry or possess:

- A loaded firearm in any publicly owned building or facility or on the State Capitol grounds; or
- A firearm, whether loaded or unloaded, in the State Capitol Building or the Justice Building in Little Rock.⁶¹

This does not apply to persons carrying or possessing firearms:

[I]n a publicly owned building or facility or on the State Capitol grounds for the purpose of participating in shooting matches or target practice under the auspices of the agency responsible for the building or facility or grounds or if necessary to participate in trade shows, exhibits, or educational courses conducted in the building or facility or on the grounds.⁶²

Arkansas also generally prohibits any person from possessing a handgun in the courtroom of any state court.⁶³

Arkansas prohibits a person who is not licensed to carry a concealed weapon from possession of any loaded center-fire weapon, other than a shotgun, and other than

⁶⁰ Ark. Code Ann. § 5-73-306.

⁶¹ Ark. Code Ann. §§ 5-73-122(a)(1), (2).

⁶² Ark. Code Ann. § 5-73-122(a)(3). As used in section 5-73-122, "facility" means municipally-owned or maintained parks, football fields, baseball fields, soccer fields, and other similar municipally owned or maintained recreational structures and property. Ark. Code Ann. § 5-73-122(a)(4). The Arkansas Attorney General has opined that a concealed handgun licensee is allowed to carry a concealed handgun in a municipal park, unless the municipality has prohibited concealed carry by posting signs pursuant to section 5-73-306(b)(1). [Ark. Op. Att'y Gen. No. 2003-244, 2003 Ark. AG LEXIS 254.](#)

⁶³ Ark. Code Ann. § 5-73-122(b).

in a residence or business of the owner, in certain parts of: Baxter County, Benton County, Carroll County, Conway County, Garland County, Marion County, and platted subdivisions located in unincorporated areas.⁶⁴

A person who has been issued a permit to manufacture or sell alcoholic beverages will be assessed a fine for possession of a weapon on the permitted premises by a person without a possessory or proprietary interest in those premises.⁶⁵

⁶⁴ Ark. Code Ann. § 5-73-127.

⁶⁵ Ark. Code Ann. § 3-4-403.

Consumer & Child Safety

Arkansas Design Safety Standards for Handguns

Arkansas does not specifically regulate junk guns or unsafe firearms.

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

Locking Devices in Arkansas

Arkansas does not require a locking device to accompany the sale of a firearm, and no state statutes require firearm owners to affirmatively lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms in Arkansas

Arkansas does not require firearms to be personalized.

See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

Arkansas Child Access Prevention

A parent must prevent illegal firearm possession or report the possession to an appropriate authority if he or she knows that his or her minor child is in illegal possession of a firearm in or upon:

- The premises of a public or private school;
- A public or private school's athletic stadium or other facility or building in which school-sponsored events are conducted; or
- A public park, playground, or civic center.⁶⁶

For purposes of this provision, "parent" is defined as a parent, stepparent, legal guardian, or person in loco parentis or who has legal custody of a student pursuant to a court order and with whom the student resides.⁶⁷

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁶⁶ Ark. Code Ann. § 5-27-210(b). Minor is defined as a person under 18 years of age. Ark. Code Ann. § 5-25-101(4).

⁶⁷ Ark. Code Ann. § 5-27-210(a)(2).

Classes of Weapons / Ammunition

Assault Weapons in Arkansas

Arkansas has no laws regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in Arkansas

Arkansas has no laws regulating large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in Arkansas

Arkansas has no law restricting fifty caliber rifles.

See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Arkansas

Arkansas defines “machine gun” as “a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device.”⁶⁸

Possession or use of a machine gun for “offensive or aggressive purpose” is prohibited and punishable by imprisonment in the state penitentiary for 10 years or more.⁶⁹

With limited exceptions, possession of a machine gun is presumed “offensive or aggressive” when it is:

- On premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;
- In the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;
- In the immediate vicinity of empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun.⁷⁰

Arkansas requires all manufacturers of machine guns to register all machine guns manufactured or handled.⁷¹

A person commits criminal use of a prohibited weapon if, except as authorized by law, he or she uses, possesses, makes, repairs, sells, or otherwise deals in a machine gun.⁷² However, it is a defense to prosecution for a violation of this

⁶⁸ Ark. Code Ann. § 5-73-202(2).

⁶⁹ Ark. Code Ann. § 5-73-204.

⁷⁰ Ark. Code Ann. § 5-73-205.

⁷¹ *Id.*

⁷² Ark. Code Ann. § 5-73-104.

section under circumstances “negating any likelihood that the weapon could be used as a weapon.”⁷³

See [LCAV’s policy page on Machine Guns](#) for further information.

⁷³ *Id.*

Non-Powder Guns in Arkansas

Arkansas does not specifically regulate non-powder guns.

See the [Arkansas Immunity Statutes](#) section for immunity laws relating to non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

Ammunition Regulation in Arkansas

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

Arkansas law does not, among other things:

- Prohibit individuals ineligible to possess firearms under state law from possessing ammunition;
- Require a license for the possession of ammunition; or
- Require a license to sell ammunition.

Investigating Gun Crimes

Arkansas Microstamping/Ballistic Identification

Arkansas has no laws regarding microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for a comprehensive discussion of these issues.

Firearms Trafficking in Arkansas

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

Arkansas prohibits any person from transferring or furnishing a handgun to another individual who the transferor knows has been found guilty of, or who has pleaded guilty or no contest to, a felony.⁷⁴

Arkansas prohibits a person from selling, renting, or otherwise transferring a firearm to any person who he or she knows is prohibited by state or federal law from possessing the firearm.⁷⁵ A violation of this section is a Class A misdemeanor, unless the firearm is a handgun (or other specified firearm, such as a machine gun), in which case the violation rises to a Class B felony.⁷⁶

⁷⁴ *Id.*

⁷⁵ Ark. Code Ann. § 5-73-132(a).

⁷⁶ Ark. Code Ann. § 5-73-132(b).

Arkansas State Links

[Arkansas Attorney General](#)

[Arkansas State Police – Concealed Handgun Licensing](#)

[Bureau of Alcohol, Tobacco, Firearms and Explosives, New Orleans Field Division \(AR, LA, MS\)](#)

[Arkansas Coalition Against Domestic Violence](#)