

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1057

5 By: Representative R. Scott Richardson
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For An Act To Be Entitled

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

15 TO AMEND THE LAW CONCERNING POSSESSION
16 OF A FIREARM BY CERTAIN PERSONS; AND TO
17 PERMIT THE RESTORATION OF THE RIGHT TO
18 POSSESS A FIREARM TO A NONVIOLENT FELON.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-73-103 is amended to read as follows:
24 5-73-103. Possession of firearms by certain persons.

25 (a) Except as provided in subsection (d) of this section or unless
26 authorized by and subject to such conditions as prescribed by the Governor,
27 or his or her designee, or the United States Bureau of Alcohol, Tobacco,
28 Firearms, and Explosives, or other bureau or office designated by the United
29 States Department of Justice, no person shall possess or own ~~any~~ a firearm
30 who has been:

31 (1) Convicted of a felony, with the exception of:

32 (A) An antitrust violation;

33 (B) An unfair trade practice;

34 (C) Restraint of trade; or

35 (D) Another offense relating to the regulation of business

36 practices;



1 (2) Adjudicated mentally ill; or

2 (3) Committed involuntarily to ~~any~~ a mental institution.

3 (b)(1) Except as provided in subdivisions (b)(2) and (3) of this
 4 section, a determination by a jury or a court that a person committed a
 5 felony constitutes a conviction for purposes of subsection (a) of this
 6 section even though the court suspended imposition of sentence or placed the
 7 defendant on probation.

8 (2) Subdivision (b)(1) of this section does not apply to a
 9 person whose case was dismissed and expunged under § 16-93-301 et seq. or §
 10 16-98-303(g).

11 (3) The determination by the jury or court that the person
 12 committed a felony does not constitute a conviction for purposes of
 13 subsection (a) of this section if the person is subsequently granted a pardon
 14 explicitly restoring the ability to possess a firearm.

15 (c)(1) A person who violates this section commits a Class B felony if:

16 (A) The person has a prior violent felony conviction;

17 (B) The person's current possession of a firearm involves
 18 the commission of another crime;

19 (C) The person has a prior felony conviction for an
 20 offense that had as an element of the offense the use or possession of a
 21 deadly weapon; or

22 (D) The person has been previously convicted under this
 23 section or a similar provision from another jurisdiction.

24 (2) A person who violates this section commits a Class D felony
 25 if he or she has been previously convicted of a felony and his or her present
 26 conduct or the prior felony conviction does not fall within subdivision
 27 (c)(1) of this section.

28 (3) Otherwise, the person commits a Class A misdemeanor.

29 (d) ~~The Governor may restore without granting a pardon the right of a~~
 30 ~~convicted felon or an adjudicated delinquent to own and possess a firearm~~
 31 ~~upon the recommendation of the chief law enforcement officer in the~~
 32 ~~jurisdiction in which the person resides, so long as the underlying felony or~~
 33 ~~delinquency adjudication:~~ The right of a convicted felon or an adjudicated
 34 delinquent to own and possess a firearm shall be automatically restored by
 35 the Department of Public Safety, if:

36 (1) ~~Did~~ The underlying felony or delinquency adjudication did

1 not involve ~~the use of a weapon~~ violence and involved any felony that is not
2 listed below or contained in the following chapters or subchapters; and:

- 3 (A) Homicide, § 5-10-101 et seq.;
4 (B) Kidnapping and related offenses, § 5-11-101 et seq.;
5 (C) Robbery, § 5-12-101 et seq.;
6 (D) Assault and battery, § 5-13-101 et seq.;
7 (E) Sexual offenses, § 5-14-101 et seq.;
8 (F) Voyeurism offenses, § 5-16-101 et seq.;
9 (G) Death threats, § 5-17-101 et seq.;
10 (H) The Human Trafficking Act of 2013, § 5-18-101 et seq.;
11 (I) Domestic battering and assault, § 5-26-301 et seq.;
12 (J) Custody and visitation, § 5-26-501 et seq.;
13 (K) The Arkansas Protection of Children Against
14 Exploitation Act of 1979, § 5-27-301 et seq.;
15 (L) Exposing a child to a chemical substance or
16 methamphetamine, § 5-27-230;
17 (M) Use of children in sexual performances, § 5-27-401 et
18 seq.;
19 (N) Computer crimes against minors, § 5-27-601 et seq.;
20 (O) Abuse of adults, § 5-28-101 et seq.;
21 (P) Damage or destruction of property, § 5-38-101 et seq.;
22 (Q) Causing a catastrophe, § 5-38-202;
23 (R) Arson, § 5-38-301;
24 (S) Residential burglary, § 5-39-201;
25 (T) Aggravated residential burglary, § 5-39-204;
26 (U) Treason, § 5-51-201;
27 (V) First degree escape, § 5-54-110, second degree escape,
28 § 5-54-111, third degree escape, § 5-54-112, and permitting escape in the
29 first degree, § 5-54-113;
30 (W) Fleeing, § 5-54-125;
31 (X) Killing or injuring animals used by law enforcement or
32 search and rescue dogs, § 5-54-126;
33 (Y) Terrorism, § 5-54-201 et seq.;
34 (Z) Animals, § 5-62-101 et seq.;
35 (AA) Trafficking a controlled substance, § 5-64-440;
36 (BB) Aggravated riot, § 5-71-202;

1 (CC) Stalking, § 5-71-229;

2 (DD) Weapons, § 5-73-101 et seq.;

3 (EE) The Arkansas Criminal Gang, Organization, or
 4 Enterprise Act, § 5-74-101 et seq.;

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

8 (GG) A serious felony involving violence as defined in §
 9 5-4-501(c)(2) or a felony involving violence as defined in § 5-4-501(d)(2);

10 (HH) An attempt, solicitation, or conspiracy to commit any
 11 of the felonies listed in subdivisions (d)(1) of this section, if the
 12 attempt, solicitation, or conspiracy itself is a felony; or

13 (II) A felony traffic offense committed in a motor vehicle
 14 if the person was a holder of a commercial learner's permit or a commercial
 15 driver's license at the time the felony traffic offense was committed.

16 (2) ~~Occurred~~ The underlying felony or delinquency adjudication
 17 for an offense that would constitute a felony occurred more than ~~eight (8)~~
 18 ten (10) years ago; and

19 (3) The convicted felon or adjudicated delinquent completed the
 20 terms of his or her sentence no less than ten (10) years ago.

21 ~~(e) As used in this section, "felony" means any state or federal~~
 22 ~~felony, excluding a federal or state felony offense for which the person~~
 23 ~~convicted has completed his or her sentence and pertaining to:~~

24 ~~(1) An antitrust violation;~~

25 ~~(2) An unfair trade practice;~~

26 ~~(3) Restraint of trade; or~~

27 ~~(4) Another offense relating to the regulation of business~~
 28 ~~practices.~~

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