

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1488

5 By: Representatives Lemons, Tosh, Baine, Ballinger, Bell, Bentley, Brown, Copeland, Cozart, Dotson,
6 Eads, Eaves, Farrer, M. Gray, Henderson, Holcomb, Jean, Johnson, Ladyman, Lampkin, Lowery,
7 Lundstrum, Magie, Nicks, Richmond, Rushing, B. Smith, Sorvillo, Speaks, Vaught, Wallace
8 By: Senator E. Williams
9

For An Act To Be Entitled

11 AN ACT CONCERNING THE REQUIREMENT THAT THE CHIEF LAW
12 ENFORCEMENT OFFICER OF A JURISDICTION MAKE CERTAIN
13 CERTIFICATIONS CONCERNING THE RECEIPT OR MANUFACTURE
14 OF A FIREARM; AND FOR OTHER PURPOSES.
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Subtitle

18 CONCERNING THE REQUIREMENT THAT THE CHIEF
19 LAW ENFORCEMENT OFFICER OF A JURISDICTION
20 MAKE CERTAIN CERTIFICATIONS CONCERNING
21 THE RECEIPT OR MANUFACTURE OF A FIREARM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 5-73-112. Certification by a chief law enforcement officer regarding
29 receipt or manufacture of a firearm.

30 (a) As used in this section:

31 (1) "Certification" means the participation and assent of the
32 chief law enforcement officer or his or her designee necessary under federal
33 law for the approval of an application to transfer or manufacture a firearm;
34 and

35 (2) "Firearm" means the same as defined in the National Firearms
36 Act, 26 U.S.C. § 5845(a) as it existed on January 1, 2015.



1 (b)(1) When certification by the chief law enforcement officer of a
2 jurisdiction is required by federal law or regulation for the transfer or
3 manufacture of a firearm within fifteen (15) days of receipt of a request for
4 certification, the chief law enforcement officer or his or her designee shall
5 provide the certification if the applicant is not prohibited by law from
6 receiving or manufacturing the firearm or is not the subject of a proceeding
7 that could result in the applicant's being prohibited by law from receiving
8 or manufacturing the firearm.

9 (2) If the applicant is prohibited by law from receiving or
10 manufacturing the firearm or is the subject of a proceeding that could result
11 in a prohibition against his or her receiving or manufacturing the firearm,
12 the chief law enforcement officer or his or her designee shall provide
13 written notification to the applicant that states the reasons for his or her
14 findings and that the certification is denied.

15 (c)(1) An applicant whose request for certification is denied may
16 appeal the denial to the circuit court where the applicant resides.

17 (2) The circuit court shall review the denial de novo.

18 (3) If the circuit court finds that the applicant is not
19 prohibited by law from receiving or manufacturing the firearm or is not the
20 subject of a proceeding that could result in a prohibition against his or her
21 receiving or manufacturing the firearm, the circuit court shall order the
22 chief law enforcement officer to issue the certification and award court
23 costs and reasonable attorney's fees to the applicant.

24 (d) Except as provided in subdivision (c)(3) of this section, the
25 chief law enforcement officer of a jurisdiction and his or her employees who
26 act in good faith are immune from civil liability arising from any act or
27 omission in making a certification under this section.

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