

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/8/21

A Bill

SENATE BILL 59

5 By: Senators B. Ballinger, T. Garner
6 By: Representatives Gonzales, Pilkington, McCollum, Dotson
7

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE INTRASTATE FIREARMS
10 PROTECTION ACT; TO PREVENT THE UNITED STATES
11 GOVERNMENT FROM REGULATING THE MANUFACTURE, ASSEMBLY,
12 AND TRADE OF FIREARMS WITHIN THE BORDERS OF ARKANSAS;
13 AND FOR OTHER PURPOSES.
14
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Subtitle

16 TO BE KNOWN AS THE INTRASTATE FIREARMS
17 PROTECTION ACT; AND TO PREVENT THE UNITED
18 STATES GOVERNMENT FROM REGULATING THE
19 MANUFACTURE, ASSEMBLY, AND TRADE OF
20 FIREARMS WITHIN THE BORDERS OF ARKANSAS
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 2. Arkansas Code Title 4 is amended to add an additional
27 chapter to read as follows:

Chapter 21 – Jurisdiction Over Firearm Regulation

4-21-101. Scope.

31 (a)(1) The Tenth Amendment to the United States Constitution
32 guarantees to the states and their people all powers not granted to the
33 United States Government elsewhere in the United States Constitution and
34 reserves to the State of Arkansas and its people certain powers as those
35 powers were understood at the time that Arkansas was admitted into statehood
36 in 1836.



1 (2) The guaranty of those powers is a matter of contract between
2 the State of Arkansas and its people and the United States as of the time
3 that the compact with the United States was agreed upon and adopted by
4 Arkansas and the United States in 1836.

5 (b)(1) The Ninth Amendment to the United States Constitution
6 guarantees to the people rights not granted in the United States Constitution
7 and reserves to the people of Arkansas certain rights as they were understood
8 at the time that Arkansas was admitted into statehood in 1836.

9 (2) The guaranty of those rights is a matter of contract between
10 the State of Arkansas and its people and the United States as of the time
11 that the compact with the United States was agreed upon and adopted by
12 Arkansas and the United States in 1836.

13 (c) The regulation of intrastate commerce is vested in the states
14 under the Ninth and Tenth Amendments to the United States Constitution.

15 (d) The Second Amendment to the United States Constitution reserves
16 the right to keep and bear arms to the people as that right was understood at
17 the time that Arkansas was admitted into statehood in 1836, and the guaranty
18 of the right is a matter of contract between the State of Arkansas and its
19 people and the United States as of the time that the compact with the United
20 States was agreed upon and adopted by Arkansas and the United States in 1836.

21 (e)(1) Arkansas Constitution, Article 2, § 5, clearly secures to
22 Arkansas citizens and prohibits government interference with the right of
23 individual Arkansas citizens to keep and bear arms.

24 (2) This constitutional protection is unchanged from the 1836
25 Arkansas Constitution, which was approved by the United States Congress and
26 the people of Arkansas, and the right exists as it was understood at the time
27 that the compact with the United States was agreed upon and adopted by
28 Arkansas and the United States in 1836.

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30 4-21-102. Definitions.

31 As used in this chapter:

32 (1) "Borders of Arkansas" means the boundaries of Arkansas
33 described in the Arkansas Constitution, Article 1;

34 (2) "Firearms accessory" means an item that is used in
35 conjunction with or mounted upon a firearm but is not essential to the basic
36 function of a firearm, including without limitation telescopic or laser

1 sights, magazines, flash or sound suppressors, folding or aftermarket stocks
2 and grips, speedloaders, ammunition carriers, and lights for target
3 illumination;

4 (3) "Generic and insignificant part" means a small component
5 used in the manufacture of a firearm, including without limitation a spring,
6 a screw, a nut, or a pin; and

7 (4) "Manufactured" means that a firearm, a firearm accessory, or
8 ammunition has been created from basic materials for functional usefulness,
9 including without limitation forging, casting, machining, or other processes
10 for working materials.

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12 4-21-103. Prohibitions.

13 (a) A personal firearm, a firearm accessory, or ammunition that is
14 manufactured commercially or privately in Arkansas and that remains within
15 the borders of Arkansas is not subject to federal law or federal regulation,
16 including registration, under the authority of the United States Congress to
17 regulate interstate commerce, as those items have not traveled in interstate
18 commerce.

19 (b)(1) This chapter applies to a firearm, a firearm accessory, or
20 ammunition that is manufactured in Arkansas from basic materials and that can
21 be manufactured without the inclusion of any significant parts imported from
22 another state.

23 (2) Generic and insignificant parts that have other
24 manufacturing or consumer product applications are not firearms, firearms
25 accessories, or ammunition that are imported into Arkansas and incorporation
26 into a firearm, a firearm accessory, or ammunition manufactured in Arkansas
27 do not subject the firearm, firearm accessory, or ammunition to federal
28 regulation.

29 (3) Basic materials, such as unmachined steel and unshaped wood,
30 are not firearms, firearms accessories, or ammunition and are not subject to
31 congressional authority to regulate firearms, firearms accessories, and
32 ammunition under interstate commerce as if they were actually firearms,
33 firearms accessories, or ammunition.

34 (4) The authority of United States Congress to regulate
35 interstate commerce in basic materials does not include authority to regulate
36 firearms, firearms accessories, and ammunition made in Arkansas from the

1 materials contained in this subsection as long as the firearm is not taken or
2 sold outside the boundaries of the state of Arkansas.

3 (c) Firearms accessories that are imported into Arkansas from another
4 state and that are subject to federal regulation as being in interstate
5 commerce do not subject a firearm to federal regulation under interstate
6 commerce because they are attached to or used in conjunction with a firearm
7 in Arkansas.

8 (d) This section does not apply to:

9 (1) A firearm that cannot be carried and used by one (1) person;

10 (2) A firearm that has a bore diameter greater than one and one-
11 half inches (1 1/2") and that uses smokeless powder, not black powder, as a
12 propellant;

13 (3) Ammunition with a projectile that explodes using an
14 explosion of chemical energy after the projectile leaves the firearm; or

15 (4) Other than shotguns, a firearm that discharges two (2) or
16 more projectiles with one (1) activation of the trigger or other firing
17 device.

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19 4-21-104. Marketing of firearms.

20 A firearm manufactured or sold in Arkansas that is subject to this
21 chapter must have the words "Made in Arkansas" clearly and conspicuously
22 stamped on a central metallic part, such as the receiver or frame.

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25 /s/B. Ballinger
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