

State of Arkansas

96th General Assembly

Regular Session, 2027

# A Bill

SENATE BILL\_\_\_\_

By: Joshua P. Irby

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS CRIMINAL FIREARM LAW ENFORCEMENT ACCOUNTABILITY ACT; TO ENSURE FULL AND CONSISTENT ENFORCEMENT OF EXISTING CRIMINAL FIREARM LAWS; TO IMPROVE TRANSPARENCY AND INTERAGENCY COORDINATION WITHOUT CREATING NEW FIREARM RESTRICTIONS; AND TO PROTECT THE CONSTITUTIONAL RIGHTS OF LAWFUL FIREARM OWNERS.

## Subtitle

TO CREATE A STATEWIDE ACCOUNTABILITY FRAMEWORK FOR THE ENFORCEMENT OF EXISTING CRIMINAL FIREARM LAWS WHILE EXPRESSLY PROHIBITING REGISTRIES, NEW REGULATIONS, OR INFRINGEMENT OF LAWFUL FIREARM RIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. TITLE.

This act shall be known and may be cited as the “Arkansas Criminal Firearm Law Enforcement Accountability Act.”

### SECTION 2. FINDINGS AND PURPOSE.

(a) The General Assembly finds that:

1. Criminal misuse of firearms is already prohibited under existing Arkansas and federal law;
2. The right of law-abiding citizens to keep and bear arms is protected by the Second Amendment to the United States Constitution and Article 2, Section 5 of the Arkansas

Joshua Irby  
State Senate – District 16  
Paid for by Joshua Irby

Constitution;

3. Failure to consistently enforce existing criminal firearm laws undermines public safety and public confidence in the rule of law;
4. Public officials have a duty to enforce the laws already enacted rather than impose additional restrictions on lawful citizens;
5. Enforcement accountability must be limited to criminal conduct and must never be used to justify firearm registries, new regulations, or future restrictions; and
6. Transparency and coordination among criminal justice agencies strengthen constitutional governance when properly limited.

(b) It is the purpose of this act to:

1. Ensure consistent enforcement of existing criminal firearm laws;
2. Improve coordination and accountability among law enforcement agencies, prosecutors, and courts;
3. Protect lawful firearm ownership from regulatory or data-collection overreach; and
4. Enhance public safety without creating, authorizing, or implying new firearm restrictions.

### **SECTION 3. DEFINITIONS.**

(a) As used in this act:

1. "Criminal firearm law" means an existing provision of Arkansas Code or applicable federal law that prohibits criminal misuse, unlawful possession by a prohibited person, or criminal use of a firearm.
2. "Prohibited person" means an individual prohibited from possessing a firearm under existing state or federal law.
3. "Reporting entity" means the Arkansas State Police, a prosecuting attorney, a court, or any criminal justice agency responsible for enforcing or adjudicating criminal firearm offenses.
4. "NICS" means the National Instant Criminal Background Check System.

### **SECTION 4. LIMITATION TO CRIMINAL CONDUCT ONLY.**

(a) All reporting, certification, and compliance requirements under this act shall apply exclusively to alleged criminal conduct.

(b) Nothing in this act shall authorize the collection, reporting, analysis, or inference of data related to:

1. Lawful possession of firearms;

2. Lawful purchase, transfer, or ownership of firearms;
3. Lawful carry, transportation, or storage of firearms; or
4. Any constitutionally protected activity.

#### **SECTION 5. ENFORCEMENT REPORTING REQUIREMENTS.**

(a) Each reporting entity shall submit an annual aggregate report to the Arkansas Legislative Council no later than January 31 of each year for the preceding calendar year.

(b) Reports may include only:

1. The number of arrests for alleged violations of criminal firearm laws;
2. The number of charges filed;
3. The number of cases involving prohibited persons;
4. The number of convictions resulting in firearm possession prohibitions; and
5. Timeliness of required NICS reporting.

(c) Reports shall:

1. Contain no personally identifiable information;
2. Not identify, track, or infer the identity of any lawful firearm owner, firearm, or transaction; and
3. Not be used for investigative, regulatory, or enforcement purposes.

#### **SECTION 6. PROSECUTORIAL TRANSPARENCY AND SAFEGUARDS.**

(a) Nothing in this act shall limit prosecutorial discretion or direct charging decisions.

(b) When a prosecuting attorney declines or dismisses a criminal firearm charge supported by probable cause, the prosecuting attorney may document a general justification for internal accountability purposes.

(c) Any documentation under this section:

1. Shall remain confidential;
2. Shall not be subject to public disclosure, subpoena, or discovery;
3. Shall not be admissible in any civil or criminal proceeding; and
4. Shall not create a cause of action, legal duty, or evidentiary presumption.

#### **SECTION 7. ENFORCEMENT CERTIFICATION.**

(a) The Arkansas State Police, prosecuting attorneys, and the Administrative Office of the Courts shall annually certify compliance with this act.

(b) Certification shall include affirmation of:

1. Enforcement of existing criminal firearm laws;
2. Completion of training on applicable statutes and constitutional limits; and
3. Timely reporting of disqualifying criminal records.

(c) Agencies shall maintain records sufficient to support their certification, including training logs, reporting summaries, and enforcement records, and shall provide them upon request to the Legislative Oversight Committee.

(d) Failure to submit certification, or to provide supporting records upon request, shall trigger legislative review and require the agency to submit a corrective plan to achieve compliance within 90 days.

(e) Summaries of annual certifications may be included in an annual report to the public to encourage transparency and accountability.

(f) Repeated or willful noncompliance may be referred to the appropriate state oversight bodies for further review or action.

#### **SECTION 8. NICS REPORTING COMPLIANCE.**

(a) Any criminal conviction or court order resulting in a firearm possession prohibition shall be reported to the appropriate state and federal databases, including NICS, within seventy-two (72) hours.

(b) The Arkansas Crime Information Center shall audit compliance and provide remedial training as necessary.

(c) This section shall not authorize expansion of reporting categories beyond existing law.

#### **SECTION 9. FIREARM LAW ENFORCEMENT COORDINATION TASK FORCE.**

(a) A temporary Firearm Law Enforcement Coordination Task Force is established.

(b) The task force shall:

1. Identify gaps in enforcement of existing criminal firearm laws;
2. Recommend procedural and training improvements only; and
3. Propose no new firearm regulations or restrictions.

(c) The task force shall sunset five (5) years after the effective date of this act.

#### **SECTION 10. FUNDING AND FISCAL LIMITATIONS.**

(a) Subject to appropriation, grants may be awarded for training, reporting technology, or interagency coordination related to enforcement of criminal firearm laws.

(b) Nothing in this act shall be construed to require additional appropriations.

(c) Funds shall not be used to study, recommend, or implement firearm regulation.

#### **SECTION 11. PROHIBITION ON REGISTRIES AND REGULATORY USE.**

(a) Nothing in this act shall be construed to:

1. Create or authorize a firearm registry;
2. Identify, track, or infer lawful firearm ownership;
3. Expand firearm regulation; or
4. Serve as justification for future firearm restrictions.

(b) No data collected under this act may be used to support or justify new firearm laws, regulations, or prohibitions.

#### **SECTION 12. CONSTITUTIONAL CONSTRUCTION.**

This act shall be:

1. Strictly construed in favor of the right to keep and bear arms as protected under the Second Amendment of the United States Constitution and Article 2, Section 5 of the Arkansas Constitution; and
2. Interpreted to limit government authority only to powers expressly granted under the U.S. Constitution, the Arkansas Constitution, and applicable state law.
3. Consistent with applicable precedent of the U.S. Supreme Court and Arkansas Supreme Court.

#### **SECTION 13. SUNSET.**

This act shall expire five (5) years after the effective date unless reauthorized by the General Assembly.

#### **SECTION 14. SEVERABILITY.**

If any provision of this act or its application is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application.

#### **SECTION 15. EFFECTIVE DATE.**

This act shall take effect on July 1, 20\_\_.