



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-083

December 17, 2025

The Honorable Steve Unger
State Representative
Post Office Box 1262
Springdale, Arkansas 72765

Dear Representative Unger:

I am writing in response to your request for an opinion on what you have identified as a potential statutory conflict regarding the county sheriff's authority to award a service pistol to a retiring deputy sheriff. You state that under A.C.A. § 12-15-302, when a deputy sheriff retires from service, the sheriff may award the retiring deputy the pistol the deputy carried at the time of his or her retirement. Yet A.C.A. § 14-14-1102(3)(A) provides that the county judge is responsible for the disposal of county property, and A.C.A. § 12-15-301 allows a retiring deputy to purchase the firearm issued to the deputy only if the county judge approves the purchase.

Against this background, you ask the following question:

Under A.C.A. § 12-15-302, does a sheriff have to receive approval from the county judge to award the retiring deputy his issued pistol as required under A.C.A. § 12-15-301, or does A.C.A. § 12-15-302 allow a sheriff to make this decision on his own without approval from the county judge?

RESPONSE

Under A.C.A. § 12-15-302, a county sheriff may award a retiring deputy sheriff the pistol carried by the deputy at the time of his or her retirement without obtaining approval from the county judge.

DISCUSSION

You have identified three statutes as relevant to your question:

1. Arkansas Code § 12-15-301 permits a retiring or honorably departing deputy sheriff to purchase his or her issued firearm for its fair market value, contingent upon the county judge's approval;

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2. Arkansas Code § 12-15-302 allows the county sheriff to award a retiring or deceased deputy or deputy's spouse the service pistol carried by the deputy at the time of his or her death or retirement; and
3. Arkansas Code § 14-14-1102(3)(A) vests the county judge with custody of county property, including the right to dispose of county property in accordance with the law.

Statutes that concern the same subject matter must be construed harmoniously if possible.¹ And, in my opinion, the three statutes you have cited can be read together harmoniously. Two principles of statutory construction guide the analysis: the general/specific canon and the rule against surplusage.

1. General/specific canon. Under this canon of statutory construction, specific statutes take precedence over general statutes.² So if a specific statute covers a particular subject matter, the general statute does not apply.³ In this case, A.C.A. § 14-14-1102(3)(A) is a general provision concerning the administration of county property. By contrast, A.C.A. § 12-15-302 is a specific statute governing a narrow circumstance: the honorary award of a service pistol to a deputy sheriff upon his or her retirement or death. This is the exact situation you have asked about. Thus, A.C.A. § 12-15-302—which allows a sheriff to award a service pistol to a retiring deputy and contains no requirement for county judge approval—controls.

2. Rule against surplusage. Because A.C.A. § 12-15-301 requires county judge approval of a firearm *purchase* by a retiring deputy, you question whether such approval may also be required for the *award* of a pistol to a retiring deputy under A.C.A. § 12-15-302, which is silent on the matter. But a common rule of statutory construction is to give effect to each word of a statute so that no language is reduced to surplusage.⁴ If we read both A.C.A. § 12-15-301 and § 12-15-302 to require county judge approval, but only one of the statutes includes a clause with that requirement, then the inclusion of that clause becomes surplusage. If the General Assembly wanted to require county judge approval for the award of a service pistol to a retiring deputy, it knew how to do so in unambiguous language. Thus, we can presume that the General Assembly's omission of such language from A.C.A. § 12-15-302 is intentional: county judge approval is not mentioned because it is not required for the award of a service pistol to a retiring deputy.

¹ *Thomas v. State*, 349 Ark. 447, 454, 79 S.W.3d 347, 351 (2002).

² *Searcy Farm Supply, LLC v. Merchants & Planters Bank*, 369 Ark. 47, 492 256 S.W.3d 496, 501 (2007) (“[I]t is blackletter law for statutory construction to give effect to the specific statute over the general.”) (citation omitted).

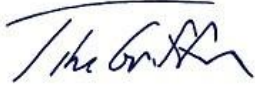
³ *Donoho v. Donoho*, 318 Ark. 637, 639–40, 887 S.W.2d 290, 291 (1994) (“This court has also held that a general statute does not apply when there is a specific statute covering a particular subject matter.”) (citation omitted).

⁴ *Locke v. Cook*, 245 Ark. 787, 793, 434 S.W.2d 598, 601 (1968) (“A statute should be construed so that no word is void, superfluous, or insignificant[,] and meaning and effect must be given to every word contained therein, if possible.”) (citations omitted).

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Deputy Attorney General Kelly Summerside prepared this opinion, which I hereby approve.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Griffin", with a horizontal line above it.

TIM GRIFFIN
Attorney General