

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1095

5 By: Representative Johnson
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE REQUIREMENTS FOR A CONCEALED
10 HANDGUN LICENSE FOR A CURRENT OR FORMER MEMBER OF THE
11 UNITED STATES ARMED FORCES; AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE REQUIREMENTS FOR A
16 CONCEALED HANDGUN LICENSE FOR A CURRENT
17 OR FORMER MEMBER OF THE UNITED STATES
18 ARMED FORCES.
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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 § 5-73-304 is amended to read as follows:
24 5-73-304. Exemptions from licensing requirement.

25 (a)(1) The following persons are exempt from the licensing
26 requirements of this subchapter if otherwise authorized to carry a concealed
27 handgun:

28 (A) A current or former:

29 (i) ~~certified~~ Certified law enforcement officer~~;~~;

30 (ii) ~~chief~~ Chief of police~~;~~;

31 (iii) ~~court~~ Court bailiff~~;~~ or

32 (iv) ~~county~~ County sheriff;

33 (B) A member of the National Guard, a member of a reserve
34 component of the United States Armed Forces, a member of the United States
35 Armed Forces who is currently on active duty or who is leaving active duty
36 with an honorable discharge if the person holds a live-fire qualification



1 issued or granted by a branch of the United States Armed Forces or, in lieu
 2 of a live-fire qualification, is issued a letter dated and personally signed
 3 by a commanding officer or his or her designee stating that the person:

4 (i) Is a member of the National Guard, a member of a
 5 reserve component of the United States Armed Forces, or a member of the
 6 United States Armed Forces who is currently on active duty or who is leaving
 7 active duty with an honorable discharge;

8 (ii) Is of good character and sound judgment; and

9 (iii) Has met the military qualification
 10 requirements for issuance and operation of a handgun within one (1) year
 11 prior to the date of the letter; and

12 (C) A former federally recognized commissioned or
 13 noncommissioned member of the National Guard or a reserve component of the
 14 United States Armed Forces or member of the United States Armed Forces who
 15 has been honorably discharged for no more than five (5) years and at the time
 16 of his or her discharge met the military qualification requirements for
 17 issuance and operation of a handgun.

18 ~~is exempt from the licensing requirements of this subchapter if~~
 19 ~~otherwise authorized to carry a concealed handgun.~~

20 ~~(B)(2)~~ A former certified law enforcement officer whose
 21 employment was terminated by a law enforcement agency due to disciplinary
 22 reasons or because he or she committed a disqualifying criminal offense is
 23 not exempt from the licensing requirements of this subchapter.

24 ~~(2)(3)~~ Solely for purposes of this subchapter, an auxiliary law
 25 enforcement officer certified by the Arkansas Commission on Law Enforcement
 26 Standards and Training and approved by the county sheriff of the county where
 27 he or she is acting as an auxiliary law enforcement officer is deemed to be a
 28 certified law enforcement officer.

29 (b) An auxiliary law enforcement officer or employee of a local
 30 detention facility is exempt from the licensing requirements of this
 31 subchapter if the auxiliary law enforcement officer or employee of a local
 32 detention facility:

33 (1) If an auxiliary law enforcement officer, has completed the
 34 minimum training requirements and is certified as an auxiliary law
 35 enforcement officer in accordance with the commission; and

36 (2) Is authorized in writing as exempt from the licensing

1 requirements of this subchapter by the chief of police or county sheriff ~~that~~
 2 who has appointed the auxiliary law enforcement officer or employs the
 3 employee of a local detention facility.

4 (c) The authorization prescribed in subdivision (b)(2) of this section
 5 shall be carried on the person of the auxiliary law enforcement officer or
 6 employee of a local detention facility and be produced upon demand at the
 7 request of any law enforcement officer or owner or operator of any of the
 8 prohibited places as set out in § 5-73-306.

9 (d) As used in this section, "employee of a local detention facility"
 10 means a person who:

11 (1) Is employed by a county sheriff or municipality that
 12 operates a local detention facility and whose job duties include:

- 13 (A) Securing a local detention facility;
- 14 (B) Monitoring inmates in a local detention facility; and
- 15 (C) Administering the daily operation of the local

16 detention facility; and

17 (2) Has completed the minimum training requirements for his or
 18 her position.

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 20 SECTION 2. Arkansas Code § 5-73-320 is repealed.

21 ~~5-73-320. License for certain members of the Arkansas National Guard~~
 22 ~~or a reserve component or active duty military personnel.~~

23 ~~(a) The Department of Arkansas State Police may issue a license under~~
 24 ~~this subchapter to a person who:~~

25 ~~(1) Is currently serving as a federally recognized commissioned~~
 26 ~~or noncommissioned officer of the National Guard or a reserve component of~~
 27 ~~the United States Armed Forces or an active duty member of the United States~~
 28 ~~Armed Forces;~~

29 ~~(2) Submits the following documents:~~

30 ~~(A) A completed concealed handgun license application as~~
 31 ~~prescribed by the department;~~

32 ~~(B) A form specified by the Director of the Department of~~
 33 ~~Arkansas State Police reflecting the fingerprints of the applicant;~~

34 ~~(C) A properly completed and dated certificate from a~~
 35 ~~concealed handgun carry training instructor who is registered with the~~
 36 ~~department;~~

1 ~~(D) A live fire qualification issued or granted by a~~
 2 ~~branch of the United States Armed Forces or, in lieu of a live fire~~
 3 ~~qualification, a letter dated and personally signed by a commanding officer~~
 4 ~~or his or her designee stating that the applicant;~~

5 ~~(i) Is a current member of the National Guard or a~~
 6 ~~reserve component of the United States Armed Forces or an active duty member~~
 7 ~~of the United States Armed Forces;~~

8 ~~(ii) Is of good character and sound judgment; and~~

9 ~~(iii) Has met the military qualification~~
 10 ~~requirements for issuance and operation of a handgun within one (1) year of~~
 11 ~~the application date;~~

12 ~~(E) A copy of the face or photograph side of a current~~
 13 ~~United States Uniformed Services Identification Card, if the applicant is a~~
 14 ~~member of the United States Armed Forces; and~~

15 ~~(F) An electronic passport-style photo of the applicant,~~
 16 ~~if the applicant does not hold an Arkansas driver's license or identification~~
 17 ~~card; and~~

18 ~~(3) Submits any required fees.~~

19 ~~(b) Except as otherwise specifically stated in this section, the~~
 20 ~~license issued under this section is subject to the provisions of this~~
 21 ~~subchapter and any rules promulgated under § 5-73-317.~~

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