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2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1249

5 By: Representatives Collins, Drown, Ballinger, Bentley, Davis, Gonzales, Lowery, Lundstrum, Maddox,
6 Pilkington, Rye, B. Smith, Sullivan, Vaught, Wardlaw, Watson, Womack
7 By: Senator T. Garner
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING THE POSSESSION OF A CONCEALED
11 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR
12 COMMUNITY COLLEGE BUILDING; AND FOR OTHER PURPOSES.
13
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Subtitle

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16 CONCERNING THE POSSESSION OF A CONCEALED
17 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC
18 COLLEGE, OR COMMUNITY COLLEGE BUILDING.
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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 § 5-73-322 is amended to read as follows:
24 5-73-322. Concealed handguns in a university, college, or community
25 college building.

26 (a) As used in this section:

27 (1) "Hospital" means the facilities of an institution licensed,
28 certified, or approved by the Division of Health Facilities Services of the
29 Department of Health as a hospital that is primarily engaged in providing to
30 patients diagnostic and therapeutic services for medical diagnosis,
31 treatment, and care of persons with an injury, disability, or illness, by or
32 under the supervision of a physician or other medical professional;

33 ~~(1)(A)(2)(A)~~ "Public university, public college, or community
34 college" means an institution that:

35 (i) Regularly receives budgetary support from the
36 state government;



1 (ii) Is part of the University of Arkansas or
 2 Arkansas State University systems; or

3 (iii) Is required to report to the Arkansas Higher
 4 Education Coordinating Board.

5 (B) "Public university, public college, or community
 6 college" includes without limitation a public technical institute in a county
 7 with a population of at least two hundred thousand (200,000) according to the
 8 last federal decennial census and that borders another state.

9 ~~(B)(C)~~ "Public university, public college, or community
 10 college" does not include a private university or private college solely
 11 because:

12 (i) Students attending the private university or
 13 private college receive state-supported scholarships; or

14 (ii) The private university or private college
 15 voluntarily reports to the Arkansas Higher Education Coordinating Board; and

16 ~~(2)(3)(A)~~ "Staff member" means a person who is not enrolled as a
 17 full-time student at the university, college, or community college and is
 18 either employed by the university, college, or community college;

19 (i) ~~full~~ Full time; ~~or is on~~

20 (ii) On a nine-month or twelve-month appointment at
 21 the university, college, or community college as a faculty member; or

22 (iii) As a part-time faculty member at the
 23 university, college, or community college.

24 (B) "Staff member" does not include a graduate assistant.

25 (b) A licensee may possess a concealed handgun in the buildings and on
 26 the grounds, whether owned or leased by the public university, public
 27 college, or community college, of the public university, public college, or
 28 community college where he or she is employed unless otherwise prohibited by
 29 this section or § 5-73-306 if he or she is a staff member.+

30 ~~(1) He or she is a staff member; and~~

31 ~~(2)(A) The governing board of the public university, public~~
 32 ~~college, or community college does not adopt a policy expressly disallowing~~
 33 ~~the carrying of a concealed handgun by staff members in the buildings or on~~
 34 ~~the grounds of the public university, public college, or community college~~
 35 ~~and posts notices as described in § 5-73-306(18).~~

36 ~~(B) A governing board of the public university, public~~

1 college, or community college may adopt differing policies for the carrying
 2 of a concealed handgun by staff members for different campuses, areas of a
 3 campus, or individual buildings of the public university, public college, or
 4 community college for which the governing board is responsible.

5 ~~(C) A policy disallowing the carrying of a concealed~~
 6 ~~handgun by staff members into the public university, public college, or~~
 7 ~~community college expires one (1) year after the date of adoption and must be~~
 8 ~~readopted each year by the governing board of the public university, public~~
 9 ~~college, or community college to remain in effect.~~

10 (c) A licensee may possess a concealed handgun in the buildings and on
 11 the grounds of the private university or private college where he or she is
 12 employed unless otherwise prohibited by this section or § 5-73-306 if:

13 (1) He or she is a staff member; and

14 (2)(A) The private university or private college does not adopt
 15 a policy expressly disallowing the carrying of a concealed handgun in the
 16 buildings and on the grounds of the private university or private college and
 17 posts notices as described in § 5-73-306(18).

18 (B) A private university or private college that adopts a
 19 policy expressly disallowing the carrying of a concealed handgun in the
 20 buildings and on the grounds of the private university or private college
 21 shall post notices as described in § 5-73-306(18).

22 (C) A private university or private college that adopts a
 23 policy only allowing carrying of a concealed handgun under this section shall
 24 post notices as described in § 5-73-306(18) and subsection (k) of this
 25 section.

26 (d) The storage of a handgun in a university or college-operated
 27 student dormitory or residence hall is prohibited under § 5-73-119(c).

28 (e)(1) The governing board of a public university, public college, or
 29 public community college that operates a public medical school may adopt a
 30 policy expressly disallowing the carrying of a concealed handgun by a staff
 31 member in the buildings or on the grounds of the public medical school that
 32 are adjacent to or are up to within a radius of one-half (1/2) mile of an
 33 associated public hospital.

34 (2) This subsection does not limit the governing board of a
 35 public university, public college, or public community college from tailoring
 36 its policy to permit the carrying of a concealed handgun into certain public

1 hospital or public medical school facilities within the one-half-mile radius.

2 (3) A policy adopted under this subsection is invalid until
3 public notices as described under § 5-73-306(18) are posted in and around the
4 premises of the public medical school and associated public hospital that are
5 subject to the policy.

6 (f)(1) The governing board of a public university, public college, or
7 public community college may adopt a policy expressly disallowing the
8 carrying of a concealed handgun by a staff member in the buildings or on the
9 grounds of the public university, public college, or public community college
10 that are adjacent to or are up to within a radius of one-half (1/2) mile of a
11 federally owned and operated presidential library.

12 (2) This subsection does not limit the governing board of a
13 public university, public college, or public community college from tailoring
14 its policy to permit the carrying of a concealed handgun into certain
15 facilities where carrying a concealed handgun is not otherwise prohibited by
16 federal law within the one-half-mile radius.

17 (3) A policy adopted under this subsection is invalid until
18 public notices as described under § 5-73-306(18) are posted in and around the
19 premises of the public university, public college, or public community
20 college that are adjacent to or up to within a radius of one-half (1/2) mile
21 of a federally owned and operated presidential library that are subject to
22 the policy.

23 (g) A policy disallowing the carrying of a concealed handgun under
24 subsection (e) or subsection (f) of this section expires one (1) year after
25 the date of adoption and shall be readopted each year by the governing board
26 to remain in effect.

27 (h)(1) A staff member who is a licensee and who may carry a concealed
28 handgun on the campus of a public university, public college, or public
29 community college under this section may not carry a concealed handgun:

30 (A) Into a licensed daycare or childcare facility that is
31 located on the campus of the public university, public college, or public
32 community college;

33 (B) Into a location during which an official meeting
34 lasting no more than (9) hours is being conducted in accordance with
35 documented grievance and disciplinary procedures as established by the public
36 university, public college, or public community college if:

1 (i) At least twenty-four (24) hours' notice is given
2 to participants of the official meeting; and

3 (ii) Notice is posted on the door of or entryway
4 into the location in which the official meeting is being conducted that
5 possession of a handgun by a licensee under this section is prohibited during
6 the official meeting; or

7 (C) Into a location during which a special function,
8 special event, or special meeting lasting no more than seventy-two (72)
9 consecutive hours of a public university, public college, or community
10 college is being conducted if:

11 (i) The governing body of the public university,
12 public college, or community college has authorized by a majority vote the
13 prohibition against a staff member carrying a concealed handgun into the
14 location during which a special function, special event, or special meeting
15 is being held;

16 (ii) There is a law enforcement presence equal to or
17 greater than the larger of:

18 (a) One (1) law enforcement officer per one
19 hundred (100) people attending, or, if over ten thousand (10,000) people
20 attending, one (1) law enforcement officer per five hundred (500) people
21 attending, the official function, special event, or special meeting; or

22 (b) One (1) law enforcement officer per seven
23 thousand five hundred square feet (7,500 sq. ft.) of building or event area;

24 (iii) At least twenty-four (24) hours' notice is
25 given to participants of the official function, special event, or special
26 meeting; and

27 (iv) Temporary notice is posted on the door or
28 entryway into the location in which the official function, special event, or
29 special meeting is held that possession of a concealed handgun by a licensee
30 under this section is prohibited during the official function, special event,
31 or special meeting.

32 (2) As used in this subsection, "special function, special
33 event, or special meeting" does not include a regularly scheduled or ongoing
34 event, such as a class at a public university, public college, or public
35 community college.

36 (3) A person who knowingly violates subdivision (h)(1) of this

1 section upon conviction is guilty of a Class A misdemeanor.

2 (i) The governing board of a public university, public college, or
 3 public community college may prohibit a person possessing an out-of-state
 4 concealed handgun license that otherwise is valid in this state from carrying
 5 a concealed handgun on the property or in a building of a public university,
 6 public college, or public community college under this section.

7 (j) This section does not affect a licensee’s ability to store a
 8 concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

9 (k)(1) If a private university or private college permits carrying a
 10 concealed handgun under this section, the private university or private
 11 college may revise any sign or notice required to be posted under § 5-73-
 12 306(18) to indicate that carrying a concealed handgun under this section is
 13 permitted.

14 (2) If a public university, public college, or community college
 15 permits the carrying of a concealed handgun under this section, the public
 16 university, public college, or community college shall place at each roadway
 17 entrance to the public university, public college, or community college a
 18 written notice clearly readable at a distance of not less than ten feet (10’)
 19 that “carrying a concealed handgun in the buildings of this campus other than
 20 by licensed employees is prohibited”.

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 22 SECTION 2. DO NOT CODIFY. Effective date.

23 The effective date of this act is September 1, 2017.

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