

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

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

*As Engrossed: S2/16/17*

# 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: Senators T. Garner, *Collins-Smith*  
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  
14

## Subtitle

15  
16 CONCERNING THE POSSESSION OF A CONCEALED  
17 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC  
18 COLLEGE, OR COMMUNITY COLLEGE BUILDING.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

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.

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

23 (b) A licensee may possess a concealed handgun in the buildings and on  
24 the grounds, whether owned or leased by the public university, public  
25 college, or community college, of the public university, public college, or  
26 community college where he or she is employed unless otherwise prohibited by  
27 this section or § 5-73-306 if he or she is a staff member and completes the  
28 required training under subsection (1) of this section.

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

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

35 ~~(B) A governing board of the public university, public  
36 college, or community college may adopt differing policies for the carrying~~

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

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

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

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

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

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

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

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

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

33 (2) This subsection does not limit the governing board of a  
34 public university, public college, or public community college from tailoring  
35 its policy to permit the carrying of a concealed handgun into certain public  
36 hospital or public medical school facilities within the one-half-mile radius.

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

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

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

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

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

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

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

32           (B) During a meeting conducted for the purpose of job  
33 performance, tenure issues, personnel evaluations, grievances, disciplinary  
34 matters, university audit investigations, or student discipline at a public  
35 university, public college, or community college;

36           (C) Into a location during which a special function,

1 special event, or special meeting of a public university, public college, or  
2 community college is being conducted if the governing body of the public  
3 university, public college, or community college has authorized by a majority  
4 vote the prohibition against a staff member carrying a concealed handgun into  
5 the location during which a special function, special event, or special  
6 meeting is being held; or

7 (D) Into the following locations if the governing body of  
8 the public university, public college, or community college prohibits  
9 concealed handguns from being carried or stored in the location:

10 (i) A student health and counseling center and an  
11 office where mental health services are provided at a public university,  
12 public college, or community college; and

13 (ii) Housing located on the grounds or campus of the  
14 public university, public college, or community college.

15 (2) As used in this subsection, "special function, special  
16 event, or special meeting" does not include a regularly scheduled or ongoing  
17 event, such as a class at a public university, public college, or public  
18 community college.

19 (3) A person who knowingly violates subdivision (h)(1) of this  
20 section upon conviction is guilty of a Class A misdemeanor.

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

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

28 (k)(1) If a private university or private college permits carrying a  
29 concealed handgun under this section, the private university or private  
30 college may revise any sign or notice required to be posted under § 5-73-  
31 306(18) to indicate that carrying a concealed handgun under this section is  
32 permitted.

33 (2) If a public university, public college, or community college  
34 permits the carrying of a concealed handgun under this section, the public  
35 university, public college, or community college shall place at each roadway  
36 entrance to the public university, public college, or community college a

1 written notice clearly readable at a distance of not less than ten feet (10')  
2 that "carrying a concealed handgun in the buildings of this campus other than  
3 by licensed employees is prohibited".

4 (1)(1) The governing board of a public university, public college, or  
5 public community college shall require a licensee to complete a training  
6 program consisting of the following topics before a licensee who is a staff  
7 member is permitted to carry a concealed handgun in the buildings and on the  
8 grounds of the public university, public college, or public community  
9 college:

10 (A) Legal limitations on the use of firearms;

11 (B) Fundamental use of firearms, including firearm safety  
12 drills, tactics, and required qualification on an approved course of fire;

13 (C) Active shooter training;

14 (D) Active shooter simulation scenarios;

15 (E) Trauma care;

16 (F) Defensive tactics;

17 (G) Weapon retention; and

18 (H) Handgun safety and maintenance.

19 (2) A training program administered under this subsection shall  
20 consist of at least sixteen (16) hours.

21 (3) A training program under this subsection shall have  
22 comparable standards to an active shooter or related training program  
23 administered by the commission.

24 (m)(1) Before carrying a concealed handgun in the buildings and on the  
25 grounds of a public university, public college, or community college under  
26 this section, a staff member shall notify the campus police department or  
27 another law enforcement agency having jurisdiction in the absence of a campus  
28 police department in writing of his or her intent to carry a concealed  
29 handgun in the buildings and on the grounds of the public university, public  
30 college, or community college.

31 (2) The written notification required under this subsection is  
32 exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-  
33 105.

34 (n)(1) Unless carrying a concealed handgun is a requirement of the  
35 staff member's job description, the carrying of a concealed handgun under  
36 this section is a personal choice made by the staff member and not a

1 requirement of the employing public university, public college, or community  
2 college.

3 (2) A staff member who carries a concealed handgun in the  
4 buildings and on the grounds of a public university, public college, or  
5 community college at which the staff member is employed is not:

6 (A) Acting in the course of or scope of his or her  
7 employment when carrying or using a concealed handgun;

8 (B) Entitled to worker's compensation benefits for  
9 injuries arising from his or her carrying or his or her use of a concealed  
10 handgun;

11 (C) Immune from personal liability with respect to use or  
12 carrying of a concealed handgun; or

13 (D) Permitted to carry a concealed handgun openly or in  
14 any other manner in which the concealed handgun is visible to ordinary  
15 observation.

16 (3) A public university, public college, or community college is  
17 immune from claims for monetary damages arising from or related to the staff  
18 member's use of, or failure to use, a concealed handgun, if the staff member  
19 is employed by the public university, public college, or community college  
20 against whom the claim is filed and the staff member elects to carry the  
21 concealed handgun under this section.

22  
23 SECTION 2. DO NOT CODIFY. Training program.

24 The Department of Arkansas State Police shall promulgate rules to  
25 design a training program described under Section 1 of the act within ninety  
26 (90) days of the effective date of this act.

27  
28 SECTION 3. DO NOT CODIFY. Effective date.

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

30  
31 /s/Collins  
32  
33  
34  
35  
36