

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

1 State of Arkansas *As Engrossed: S2/16/17 S2/22/17 S2/22/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1249

4

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*

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For An Act To Be Entitled

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.

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14

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Subtitle

16

CONCERNING THE POSSESSION OF A CONCEALED

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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; and*

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

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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) "Staff member" means a person who is not enrolled as a full-~~
17 ~~time student at the university, college, or community college and is either~~
18 ~~employed by the university, college, or community college full time or is on~~
19 ~~a nine-month or twelve-month appointment at the university, college, or~~
20 ~~community college as a faculty member.~~

21 (b) A licensee who has completed the training required under
22 subsection (1) of this section may possess a concealed handgun in the
23 buildings and on the grounds of a public university, public college, or
24 community college, 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:

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

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

34 ~~(B) A governing board of the public university, public~~
35 ~~college, or community college may adopt differing policies for the carrying~~
36 ~~of a concealed handgun by staff members for different campuses, areas of a~~

1 ~~campus, or individual buildings of the public university, public college, or~~
2 ~~community college for which the governing board is responsible.~~

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

8 (c)(1) A licensee may possess a concealed handgun in the buildings and
9 on the grounds of the private university or private college where he or she
10 is employed unless otherwise prohibited by this section or § 5-73-306 if+

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

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

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

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

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

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

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

36 (3) A policy adopted under this subsection is invalid until

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) The governing board of a public university, public college, or

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

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

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

12 (1)(1) A licensee who intends to carry a concealed handgun in the
13 buildings and on the grounds of a public university, public college, or
14 community college is required to complete an active shooter or related
15 training program as prescribed and approved by the Director of the Department
16 of Arkansas State Police.

17 (2)(A) A training program administered under this subsection may
18 consist of up to sixteen (16) hours and may include:

19 (i) Active shooter training;

20 (ii) Defensive tactics;

21 (iii) Weapon retention; and

22 (iv) Handgun safety and maintenance.

23 (B) The costs of the training program under this
24 subsection shall not exceed a nominal amount.

25 (C) The Department of Arkansas State Police shall maintain
26 a list of licensees who have successfully completed a training program under
27 this subsection.

28 (3) Training required under this subsection shall need to be
29 renewed after the time period for which a license to carry a concealed
30 handgun is valid throughout the state under § 5-73-302.

31 (4) A licensee who completes a training program under this
32 subsection and is at least twenty-five (25) years of age shall be given an
33 endorsement by the department on his or her license that the person is
34 permitted to carry a concealed handgun in the buildings and on the grounds of
35 a public university, public college, or community college.

36 (5)(A) The training program under this subsection may be

1 designed by the department in conjunction with the Arkansas Commission on Law
2 Enforcement Standards and Training.

3 (B) A training program under this subsection shall at a
4 minimum have comparable standards to an active shooter or related training
5 program administered by the commission.

6 (C)(i) Training under this subsection may be offered by
7 all training instructors and at all concealed carry training courses.

8 (ii) However, a person who has already completed the
9 required training for a license to carry a concealed handgun may take the
10 training required under this section independently from concealed handgun
11 licensing training to avoid duplicative concealed handgun training.

12 (m)(1) Unless carrying a concealed handgun is a requirement of a
13 licensee's job description, the carrying of a concealed handgun under this
14 section is a personal choice made by the licensee and not a requirement of
15 the employing public university, public college, or community college.

16 (2) A licensee who carries a concealed handgun in the buildings
17 and on the grounds of a public university, public college, or community
18 college at which the licensee is employed is not:

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

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

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

26 (D) Permitted to carry a concealed handgun openly or in
27 any other manner in which the concealed handgun is visible to ordinary
28 observation.

29 (3) A public university, public college, or community college is
30 immune from a claim for monetary damages arising from or related to a
31 licensee's use of, or failure to use, a concealed handgun, if the licensee is
32 employed by the public university, public college, or community college
33 against whom the claim is filed and the licensee elects to carry the
34 concealed handgun under this section.

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36 SECTION 2. DO NOT CODIFY. Effective date.

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

/s/Collins