

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

# A Bill

HOUSE BILL 1265

5 By: Representative Richey  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE POSSESSION AND CARRYING OF A  
9 CONCEALED OR UNCONCEALED HANDGUN; TO ESTABLISH A  
10 LICENSE TO CARRY AN UNCONCEALED HANDGUN; TO MAKE  
11 TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 CONCERNING THE POSSESSION AND CARRYING OF  
15 A CONCEALED OR UNCONCEALED HANDGUN; TO  
16 ESTABLISH A LICENSE TO CARRY AN  
17 UNCONCEALED HANDGUN; AND TO MAKE  
18 TECHNICAL CORRECTIONS.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 3-4-403(21), concerning what are considered  
25 Class A violations by the Alcoholic Beverage Control Division, is amended to  
26 read as follows:

27 (21)(A) Possession of a weapon on the permitted premises by a  
28 person without a possessory or proprietary interest in the permitted  
29 premises.

30 (B) When the permitted premises is a retail liquor store  
31 that sells alcoholic beverages for off-premises consumption, an employee of  
32 the retail liquor store that is licensed to carry a concealed or unconcealed  
33 handgun ~~by the state~~ under § 5-73-301 et seq. may possess a handgun on the  
34 permitted premises if the possession of the handgun is permitted under state  
35 law.  
36



1 SECTION 2. Arkansas Code § 5-73-119(e)(11) and (12), concerning when  
2 it is permissible to carry a concealed handgun on the developed property of a  
3 kindergarten through grade twelve private school operated by a church or  
4 other place of worship or a publicly owned and maintained parking lot, is  
5 amended to read as follows:

6 (11) The person has a license to carry a concealed or  
7 unconcealed handgun under § 5-73-301 et seq. and is carrying a ~~concealed~~  
8 handgun on the developed property of:

9 (A) A kindergarten through grade twelve (K-12) private  
10 school operated by a church or other place of worship that:

11 (i) Is located on the developed property of the  
12 kindergarten through grade twelve (K-12) private school;

13 (ii) Allows the person to carry a ~~concealed~~ handgun  
14 into the church or other place of worship under § 5-73-306; and

15 (iii) Allows the person to possess a ~~concealed~~  
16 handgun on the developed property of the kindergarten through grade twelve  
17 (K-12) private school; or

18 (B) A kindergarten through grade twelve (K-12) private  
19 school or a prekindergarten private school that through its governing board  
20 or director has set forth the rules and circumstances under which the  
21 licensee may carry a concealed or unconcealed handgun into a building or  
22 event of the kindergarten through grade twelve (K-12) private school or the  
23 prekindergarten private school; or

24 (12)(A) The person has a license to carry a concealed or unconcealed  
25 handgun under § 5-73-301 et seq. and is carrying a ~~concealed~~ handgun in his  
26 or her motor vehicle or has left the ~~concealed~~ handgun in his or her locked  
27 and unattended motor vehicle in a publicly owned and maintained parking lot.

28 (B)(i) As used in this subdivision (e)(12), "parking lot" means  
29 a designated area or structure or part of a structure intended for the  
30 parking of motor vehicles or a designated drop-off zone for children at a  
31 school.

32 (ii) "Parking lot" does not include a parking lot owned,  
33 maintained, or otherwise controlled by the Department of Correction or  
34 Department of Community Correction.

35  
36 SECTION 3. Arkansas Code § 5-73-120 is amended to read as follows:

1 5-73-120. Carrying a weapon.

2 (a) A person commits the offense of carrying a weapon if he or she  
3 possesses a handgun, knife, or club on or about his or her person, in a  
4 vehicle occupied by him or her, or otherwise readily available for use, with  
5 a purpose to ~~attempt to unlawfully~~ employ the handgun, knife, or club as a  
6 weapon against a person.

7 (b) As used in this section:

8 (1) "Club" means any instrument that is specially designed,  
9 made, or adapted for the purpose of inflicting serious physical injury or  
10 death by striking, including a blackjack, billie, and sap;

11 (2) "Handgun" means any firearm with a barrel length of less  
12 than twelve inches (12") that is designed, made, or adapted to be fired with  
13 one (1) hand;

14 (3) "Journey" means travel beyond the county in which a person  
15 lives; and

16 (4) "Knife" means any bladed hand instrument three inches (3")  
17 or longer that is capable of inflicting serious physical injury or death by  
18 cutting or stabbing, including a dirk, a sword or spear in a cane, a razor,  
19 an ice pick, a throwing star, a switchblade, and a butterfly knife.

20 (c) It is permissible to carry a weapon under this section if at the  
21 time of the act of carrying the weapon:

22 (1) The person is in his or her own dwelling or place of  
23 business or on property in which he or she has a possessory or proprietary  
24 interest;

25 (2) The person is a law enforcement officer, correctional  
26 officer, or member of the ~~armed forces~~ United States Armed Forces acting in  
27 the course and scope of his or her official duties;

28 (3) The person is assisting a law enforcement officer,  
29 correctional officer, or member of the ~~armed forces~~ United States Armed  
30 Forces acting in the course and scope of his or her official duties pursuant  
31 to the direction or request of the law enforcement officer, correctional  
32 officer, or member of the ~~armed forces~~ United States Armed Forces;

33 (4) The person is carrying a weapon when upon a journey, unless  
34 the journey is through a commercial airport when presenting at the security  
35 checkpoint in the airport or is in the person's checked baggage and is not a  
36 lawfully declared weapon;

1 (5) The person is a registered commissioned security guard  
2 acting in the course and scope of his or her duties;

3 (6) The person is hunting game with a handgun that may be hunted  
4 with a handgun under rules and regulations of the Arkansas State Game and  
5 Fish Commission or is en route to or from a hunting area for the purpose of  
6 hunting game with a handgun;

7 (7) The person is a certified law enforcement officer;

8 (8) The person is in possession of a ~~concealed~~ handgun and has a  
9 valid license to carry a concealed or unconcealed handgun under § 5-73-301 et  
10 seq., or recognized under § 5-73-321 and is not in a prohibited place as  
11 defined by § 5-73-306;

12 (9) The person is a prosecuting attorney or deputy prosecuting  
13 attorney carrying a firearm under § 16-21-147; or

14 (10) The person is in possession of a handgun and is a retired  
15 law enforcement officer with a valid concealed or unconcealed carry  
16 authorization issued under federal or state law.

17 (d) Carrying a weapon is a Class A misdemeanor.  
18

19 SECTION 4. Arkansas Code § 5-73-122(a)(3), concerning the exceptions  
20 to the prohibition against carrying a firearm or deadly weapon in a publicly  
21 owned building or facility or on the State Capitol grounds, is amended to  
22 read as follows:

23 (3) However, this subsection does not apply to a person carrying  
24 or possessing a firearm or other deadly weapon in a publicly owned building  
25 or facility or on the State Capitol grounds:

26 (A) For the purpose of participating in a shooting match  
27 or target practice under the auspices of the agency responsible for the  
28 publicly owned building or facility or State Capitol grounds;

29 (B) If necessary to participate in a trade show, exhibit,  
30 or educational course conducted in the publicly owned building or facility or  
31 on the State Capitol grounds; or

32 (C)(i) If the person has a license to carry a concealed or  
33 unconcealed handgun under § 5-73-301 et seq. and is carrying a ~~concealed~~  
34 handgun in his or her motor vehicle or has left the ~~concealed~~ handgun in his  
35 or her locked and unattended motor vehicle in a publicly owned and maintained  
36 parking lot.

1 (ii)(a) As used in this subdivision (a)(3)(C),  
 2 "parking lot" means a designated area or structure or part of a structure  
 3 intended for the parking of motor vehicles or a designated drop-off zone for  
 4 children at school.

5 (b) "Parking lot" does not include a parking  
 6 lot owned, maintained, or otherwise controlled by the Department of  
 7 Correction or Department of Community Correction.

8  
 9 SECTION 5. Arkansas Code § 5-73-127(d)(3), concerning the offense of  
 10 possession of loaded center-fire weapons in certain areas, is amended to read  
 11 as follows:

12 (3) Person possessing a valid concealed or unconcealed handgun  
 13 license under § 5-73-301 et seq.

14  
 15 SECTION 6. The title of Title 5, Chapter 73, Subchapter 3, is amended  
 16 to read as follows:

17 Subchapter 3

18 - ~~Concealed Handguns~~ License to Carry a Handgun Concealed or Unconcealed

19  
 20 SECTION 7. Arkansas Code § 5-73-301, concerning definitions pertaining  
 21 to concealed handgun licenses, is amended to add an additional definition to  
 22 read as follows:

23 (7) "Unconcealed" means to carry a handgun openly.

24  
 25 SECTION 8. Arkansas Code § 5-73-302 is amended to read as follows:

26 5-73-302. Authority to issue license.

27 (a) The Director of the Department of Arkansas State Police may issue  
 28 a license to carry a concealed or unconcealed handgun to a person qualified  
 29 as provided in this subchapter.

30 (b)(1) ~~For new licenses issued after July 31, 2007, the~~ The license to  
 31 carry a concealed or unconcealed handgun is valid throughout the state for a  
 32 period of five (5) years from the date of issuance.

33 (2) ~~After July 31, 2007, upon~~ Upon renewal, an existing valid  
 34 license to carry a concealed or unconcealed handgun shall be issued for a  
 35 period of five (5) years.

36 (c)(1)(A) ~~After July 31, 2007, a~~ A license or renewal of a license

1 issued to a former elected or appointed sheriff of any county of this state  
 2 shall be issued for a period of five (5) years.

3 (B) The license issued to a former elected or appointed  
 4 sheriff is revocable on the same grounds as other licenses.

5 (2)(A) The former elected or appointed sheriff shall meet the  
 6 same qualifications as all other applicants.

7 (B) However, the former elected or appointed sheriff is  
 8 exempt from the fee prescribed by § 5-73-311(a)(2) and from the training  
 9 requirements of § 5-73-309(13) for issuance.

10  
 11 SECTION 9. Arkansas Code § 5-73-304(a), concerning exemptions from the  
 12 concealed handgun licensing requirements, is amended to read as follows:

13 (a)(1)(A) A current or former certified law enforcement officer, chief  
 14 of police, court bailiff, or county sheriff is exempt from the licensing  
 15 requirements of this subchapter if otherwise authorized to carry a concealed  
 16 or unconcealed handgun.

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

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

26  
 27 SECTION 10. Arkansas Code § 5-73-306 is amended to read as follows:

28 5-73-306. Prohibited places.

29 ~~No~~ A license to carry a concealed or unconcealed handgun issued  
 30 ~~pursuant to this subchapter authorizes any~~ under this subchapter does not  
 31 authorize a person to carry a ~~concealed~~ handgun into:

32 (1) ~~Any~~ An police station, sheriff's station, or Department of  
 33 Arkansas State Police station;

34 (2) ~~Any~~ An Arkansas Highway Police Division of the Arkansas  
 35 State Highway and Transportation Department facility;

36 (3)(A) ~~Any~~ A building of the Arkansas State Highway and

1 Transportation Department or onto grounds adjacent to any building of the  
2 Arkansas State Highway and Transportation Department.

3 (B) However, subdivision (3)(A) of this section does not  
4 apply to:

5 (i) A rest area or weigh station of the Arkansas  
6 State Highway and Transportation Department; or

7 (ii) A publicly owned and maintained parking lot  
8 that is a publicly accessible parking lot if the licensee is carrying a  
9 ~~concealed~~ handgun in his or her motor vehicle or has left the ~~concealed~~  
10 handgun in his or her locked and unattended motor vehicle in the publicly  
11 owned and maintained parking lot;

12 (4) Any part of a detention facility, prison, or jail, including  
13 without limitation a parking lot owned, maintained, or otherwise controlled  
14 by the Department of Correction or Department of Community Correction;

15 (5) ~~Any~~ A courthouse, courthouse annex, or other building owned,  
16 leased, or regularly used by a county for conducting court proceedings or  
17 housing a county office unless:

18 (A) The licensee is either:

19 (i) Employed by the county; or

20 (ii) A countywide elected official;

21 (B) The licensee's principal place of employment is within  
22 the courthouse, the courthouse annex, or other building owned, leased, or  
23 regularly used by the county for conducting court proceedings or housing a  
24 county office; and

25 (C) The quorum court by ordinance approves a plan that  
26 allows licensees permitted under this subdivision (5) to carry a ~~concealed~~  
27 handgun into the courthouse, the courthouse annex, or other building owned,  
28 leased, or regularly used by the county for conducting court proceedings or  
29 housing a county office as set out by the local security and emergency  
30 preparedness plan;

31 (6)(A) ~~Any~~ A courtroom.

32 (B) However, ~~nothing in~~ this subchapter ~~precludes~~ does not  
33 preclude a judge from carrying a ~~concealed weapon~~ handgun or determining who  
34 will carry a ~~concealed weapon~~ handgun into his or her courtroom;

35 (7) ~~Any~~ A meeting place of the governing body of any  
36 governmental entity;

1           (8) ~~Any~~ A meeting of the General Assembly or a committee of the  
2 General Assembly;

3           (9) ~~Any~~ A state office;

4           (10) ~~Any~~ An athletic event not related to firearms;

5           (11) ~~Any~~ A portion of an establishment, except a restaurant as  
6 defined in § 3-5-1202, licensed to dispense alcoholic beverages for  
7 consumption on the premises;

8           (12) ~~Any~~ A portion of an establishment, except a restaurant as  
9 defined in § 3-5-1202, where beer or light wine is consumed on the premises;

10          (13)(A) A school, college, community college, or university  
11 campus building or event.

12                   (B) However, subdivision (13)(A) of this section does not  
13 apply to:

14                           (i) A kindergarten through grade twelve (K-12)  
15 private school operated by a church or other place of worship that:

16                                   (a) Is located on the developed property of  
17 the kindergarten through grade twelve (K-12) private school;

18                                   (b) Allows the licensee to carry a ~~concealed~~  
19 handgun into the church or other place of worship under this section; and

20                                   (c) Allows the licensee to possess a ~~concealed~~  
21 handgun on the developed property of the kindergarten through grade twelve  
22 (K-12) private school under § 5-73-119(e);

23                           (ii) A kindergarten through grade twelve (K-12)  
24 private school or a prekindergarten private school that through its governing  
25 board or director has set forth the rules and circumstances under which the  
26 licensee may carry a ~~concealed~~ handgun into a building or event of the  
27 kindergarten through grade twelve (K-12) private school or the  
28 prekindergarten private school;

29                           (iii) Participation in an authorized firearms-  
30 related activity;

31                           (iv) Carrying a ~~concealed~~ handgun as authorized  
32 under § 5-73-322; or

33                           (v) A publicly owned and maintained parking lot of a  
34 school, college, community college, or university if the licensee is carrying  
35 a ~~concealed~~ handgun in his or her motor vehicle or has left the ~~concealed~~  
36 handgun in his or her locked and unattended motor vehicle;

1 (14) Inside the passenger terminal of any airport, except that  
 2 ~~no~~ a person is not prohibited from carrying ~~any~~ a legal firearm into the  
 3 passenger terminal if the firearm is encased for shipment for purposes of  
 4 checking the firearm as baggage to be lawfully transported on any aircraft;

5 (15)(A) ~~Any~~ A church or other place of worship.

6 (B) However, this subchapter does not preclude a church or  
 7 other place of worship from determining who may carry a ~~concealed~~ handgun  
 8 into the church or other place of worship;

9 (16) ~~Any~~ A place where the carrying of a firearm is prohibited  
 10 by federal law;

11 (17) ~~Any~~ A place where a parade or demonstration requiring a  
 12 permit is being held, and the licensee is a participant in the parade or  
 13 demonstration; or

14 (18)(A)(i) ~~Any~~ A place at the discretion of the person or entity  
 15 exercising control over the physical location of the place by placing at each  
 16 entrance to the place a written notice clearly readable at a distance of not  
 17 less than ten feet (10') that "carrying a handgun is prohibited".

18 (ii)(a) If the place does not have a roadway  
 19 entrance, there shall be a written notice placed anywhere upon the premises  
 20 of the place.

21 (b) In addition to the requirement of  
 22 subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1)  
 23 written notice posted within every three (3) acres of a place with no roadway  
 24 entrance.

25 (iii) A written notice as described in subdivision  
 26 (18)(A)(i) of this section is not required for a private home.

27 (iv) Any licensee entering a private home shall  
 28 notify the occupant that the licensee is carrying a concealed or unconcealed  
 29 handgun.

30 (B) Subdivision (18)(A) of this section does not apply if  
 31 the physical location is:

32 (i) A public university, public college, or  
 33 community college, as defined in § 5-73-322, and the licensee is carrying a  
 34 ~~concealed~~ handgun as provided under § 5-73-322; or

35 (ii) A publicly owned and maintained parking lot if  
 36 the licensee is carrying a ~~concealed~~ handgun in his or her motor vehicle or

1 has left the ~~concealed~~ handgun in his or her locked and unattended motor  
2 vehicle.

3  
4 SECTION 11. The lead-in language to Arkansas Code § 5-73-309,  
5 regarding licensing requirements for a license to carry a concealed handgun,  
6 is amended to read as follows:

7 The Director of the Department of Arkansas State Police shall issue a  
8 license to carry a concealed or unconcealed handgun if the applicant:

9  
10 SECTION 12. Arkansas Code § 5-73-309(9), concerning the licensing  
11 requirements for a license to carry a concealed handgun, is amended to read  
12 as follows:

13 (9) Desires a legal means to carry a concealed or  
14 unconcealed handgun to defend himself or herself;

15  
16 SECTION 13. The lead-in language to Arkansas Code § 5-73-310,  
17 concerning the application form for a license to carry a concealed handgun,  
18 is amended to read as follows:

19 The application for a license to carry a concealed or unconcealed  
20 handgun shall be completed, under oath, on a form promulgated by the Director  
21 of the Department of Arkansas State Police and shall include only:

22  
23 SECTION 14. Arkansas Code § 5-73-310(7), concerning the application  
24 form for a license to carry a concealed handgun, is amended to read as  
25 follows:

26 (7) A statement that the applicant desires a legal means  
27 to carry a concealed or unconcealed handgun to defend himself or herself;

28  
29 SECTION 15. Arkansas Code § 5-73-311(a), concerning the application  
30 procedure for obtaining a license to carry a concealed handgun, is amended to  
31 read as follows:

32 (a) The applicant for a license to carry a concealed or unconcealed  
33 handgun shall submit the following to the Department of Arkansas State  
34 Police:

35 (1) A completed application, as described in § 5-73-310;

36 (2) A nonrefundable license fee of one hundred dollars (\$100),

1 except that the nonrefundable license fee is fifty dollars (\$50.00) if the  
2 applicant is sixty-five (65) years of age or older;

3 (3)(A) A full set of fingerprints of the applicant.

4 (B) In the event a legible set of fingerprints, as  
5 determined by the department and the Federal Bureau of Investigation, cannot  
6 be obtained after a minimum of two (2) attempts, the Director of the  
7 Department of Arkansas State Police shall determine eligibility in accordance  
8 with criteria that the department shall establish by promulgating rules.

9 (C) Costs for processing the set of fingerprints as  
10 required in subdivision (a)(3)(A) of this section shall be borne by the  
11 applicant;

12 (4)(A) A waiver authorizing the department access to any  
13 medical, criminal, or other records concerning the applicant and permitting  
14 access to all of the applicant's criminal records.

15 (B) If a check of the applicant's criminal records  
16 uncovers any unresolved felony arrests over ten (10) years old, then the  
17 applicant shall obtain a letter of reference from the county sheriff,  
18 prosecuting attorney, or circuit judge of the county where the applicant  
19 resides that states that to the best of the county sheriff's, prosecuting  
20 attorney's, or circuit judge's knowledge that the applicant is of good  
21 character and free of any felony convictions.

22 (C) The department shall maintain the confidentiality of  
23 the medical, criminal, or other records; and

24 (5) A digital photograph of the applicant or a release  
25 authorization to obtain a digital photograph of the applicant from another  
26 source.

27  
28 SECTION 16. Arkansas Code § 5-73-312(a), concerning the revocation of  
29 a license to carry a concealed handgun, is amended to read as follows:

30 (a)(1) A license to carry a concealed or unconcealed handgun issued  
31 under this subchapter shall be revoked if the licensee becomes ineligible  
32 under the criteria set forth in § 5-73-308(a) or § 5-73-309.

33 (2)(A) Any law enforcement officer making an arrest of a  
34 licensee for a violation of this subchapter or any other statutory violation  
35 that requires revocation of a license to carry a concealed or unconcealed  
36 handgun shall confiscate the license and forward it to the Director of the

1 Department of Arkansas State Police.

2 (B) The license shall be held until a determination of the  
3 charge is finalized, with the appropriate disposition of the license after  
4 the determination.

5  
6 SECTION 17. Arkansas Code § 5-73-314 is amended to read as follows:

7 5-73-314. Lost, destroyed, or duplicate license – Change of address.

8 (a) Within thirty (30) days after the changing of a permanent address,  
9 or within thirty (30) days after having lost a license to carry a concealed  
10 or unconcealed handgun ~~lost~~, the licensee shall notify the Director of the  
11 Department of Arkansas State Police in writing of the change or loss.

12 (b) If a license to carry a concealed or unconcealed handgun is lost  
13 or destroyed, or a duplicate is requested, the person to whom the license to  
14 carry a concealed or unconcealed handgun was issued shall comply with the  
15 provisions of subsection (a) of this section and may obtain a duplicate  
16 license or replacement license upon:

17 (1) Paying the Department of Arkansas State Police a fee  
18 established by the director under the Arkansas Administrative Procedure Act,  
19 § 25-15-201 et seq.; and

20 (2) Furnishing a notarized statement to the department that the  
21 license to carry a concealed or unconcealed handgun has been lost or  
22 destroyed or that a duplicate is requested.

23 (c) The fee described in subdivision (b)(1) of this section shall be  
24 reduced by fifty percent (50%) if a person sixty-five (65) years of age or  
25 older is requesting a replacement or duplicate license under this section.

26  
27 SECTION 18. Arkansas Code § 5-73-315 is amended to read as follows:

28 5-73-315. Authority to carry ~~concealed~~ handgun – Identification of  
29 licensee.

30 (a) ~~Any A~~ licensee possessing a valid license issued ~~pursuant to~~ under  
31 this subchapter may carry a ~~concealed~~ handgun concealed or unconcealed.

32 (b) The licensee shall:

33 (1) Carry the license, or an electronic copy of the license in  
34 an acceptable electronic format, together with valid identification, at any  
35 time when the licensee is carrying a ~~concealed~~ handgun; and

36 (2) Display both the license, or an electronic copy of the

1 license in an acceptable electronic format, and proper identification upon  
 2 demand by a law enforcement officer.

3 (c) The presentment of proof of a license to carry a concealed or  
 4 unconcealed handgun in electronic form does not:

5 (1) Authorize a search of any other content of an electronic  
 6 device without a search warrant or probable cause; or

7 (2) Expand or restrict the authority of a law enforcement  
 8 officer to conduct a search or investigation.

9  
 10 SECTION 19. Arkansas Code § 5-73-319 is amended to read as follows:

11 5-73-319. Transfer of a license to Arkansas.

12 (a) ~~Any~~ A person who becomes a resident of Arkansas who has a valid  
 13 license to carry a concealed or unconcealed handgun issued by a reciprocal  
 14 state may apply to transfer his or her license to Arkansas by submitting the  
 15 following to the Department of Arkansas State Police:

16 (1) The person's current reciprocal state license;

17 (2) Two (2) properly completed fingerprint cards;

18 (3) A nonrefundable license fee of thirty-five dollars (\$35.00);

19 (4) Any fee charged by a state or federal agency for a criminal  
 20 history check; and

21 (5) A digital photograph of the person or a release  
 22 authorization to obtain a digital photograph of the person from another  
 23 source.

24 (b) ~~After July 31, 2007, the~~ A newly transferred license is valid for  
 25 a period of five (5) years from the date of issuance and binds the holder to  
 26 all Arkansas laws and regulations regarding the carrying of ~~the concealed~~ a  
 27 handgun.

28  
 29 SECTION 20. Arkansas Code § 5-73-320(a)(2)(A), concerning concealed  
 30 handgun licenses for certain members of the Arkansas National Guard or a  
 31 reserve component or active duty military personnel, is amended to read as  
 32 follows:

33 (A) A completed concealed or unconcealed handgun license  
 34 application as prescribed by the department;

35  
 36 SECTION 21. Arkansas Code § 5-73-321 is amended to read as follows:

1 5-73-321. Recognition of other states' licenses.

2 A person in possession of a valid license to carry a concealed or  
3 unconcealed handgun issued to the person by another state is entitled to the  
4 privileges and subject to the restrictions prescribed by this subchapter.

5  
6 SECTION 22. Arkansas Code § 5-73-322 is amended to read as follows:

7 5-73-322. ~~Concealed handguns~~ Handguns in a university, college, or  
8 community college building.

9 (a) As used in this section:

10 (1)(A) "Public university, public college, or community college"  
11 means an institution that:

12 (i) Regularly receives budgetary support from the  
13 state government;

14 (ii) Is part of the University of Arkansas or  
15 Arkansas State University systems; or

16 (iii) Is required to report to the Arkansas Higher  
17 Education Coordinating Board.

18 (B) "Public university, public college, or community  
19 college" does not include a private university or private college solely  
20 because:

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

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

25 (2) "Staff member" means a person who is not enrolled as a full-  
26 time student at the university, college, or community college and is either  
27 employed by the university, college, or community college full time or is on  
28 a nine-month or twelve-month appointment at the university, college, or  
29 community college as a faculty member.

30 (b) A licensee may possess a ~~concealed~~ handgun in the buildings and on  
31 the grounds, whether owned or leased by the public university, public  
32 college, or community college, of the public university, public college, or  
33 community college where he or she is employed unless otherwise prohibited by  
34 § 5-73-306 if:

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

36 (2)(A) The governing board of the public university, public

1 college, or community college does not adopt a policy expressly disallowing  
 2 the carrying of a ~~concealed~~ handgun by staff members in the buildings or on  
 3 the grounds of the public university, public college, or community college  
 4 and posts notices as described in § 5-73-306(18).

5 (B) A governing board of the public university, public  
 6 college, or community college may adopt differing policies for the carrying  
 7 of a ~~concealed~~ handgun by staff members for different campuses, areas of a  
 8 campus, or individual buildings of the public university, public college, or  
 9 community college for which the governing board is responsible.

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

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

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

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

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

25  
 26 SECTION 23. Arkansas Code § 5-73-323 is amended to read as follows:

27 5-73-323. Parole ~~board~~ Board exemptions.

28 A member of the Parole Board, a board investigator, or a parole  
 29 revocation judge who has been issued a license to carry a concealed or  
 30 unconcealed handgun by the Department of Arkansas State Police under this  
 31 subchapter may carry his or her ~~concealed~~ handgun into a building in which or  
 32 a location on which a law enforcement officer may carry a handgun if the  
 33 board member, board investigator, or parole revocation judge is on official  
 34 business of the board.

35  
 36 SECTION 24. Arkansas Code § 7-1-101(31)(B), concerning the definition

1 of "proof of identity" under Title 7 of the Arkansas Code, is amended to read  
 2 as follows:

3 (B) A proof of identity that complies with the  
 4 requirements under subdivision (31)(A) of this section may include without  
 5 limitation:

- 6 (i) A driver's license;
- 7 (ii) A photo identification card;
- 8 (iii) A ~~concealed handgun carry~~ license to carry a  
 9 concealed or unconcealed handgun under § 5-73-301 et seq.;
- 10 (iv) A United States passport;
- 11 (v) An employee badge or identification document;
- 12 (vi) A United States military identification  
 13 document;
- 14 (vii) A student identification card issued by an  
 15 accredited postsecondary educational institution in the State of Arkansas;
- 16 (viii) A public assistance identification card; and
- 17 (ix) A voter identification card under § 7-5-322;

18  
 19 SECTION 25. The title of Title 12, Chapter 15, Subchapter 2, is  
 20 amended to read as follows:

21 Subchapter 2

22 - ~~Concealed Handgun Permits~~ License to Carry a Concealed or Unconcealed  
 23 Handgun

24  
 25 SECTION 26. Arkansas Code § 12-15-202 is amended to read as follows:  
 26 12-15-202. Eligibility to carry concealed or unconcealed handgun.

27 (a) ~~Any~~ A certified law enforcement officer, auxiliary law enforcement  
 28 officer, employee of a local detention facility, prosecuting attorney, or  
 29 deputy prosecuting attorney designated by the prosecuting attorney may carry  
 30 a concealed or unconcealed handgun if the certified law enforcement officer,  
 31 auxiliary law enforcement officer, employee of a local detention facility,  
 32 prosecuting attorney, or deputy prosecuting attorney designated by the  
 33 prosecuting attorney:

- 34 (1) Is presently in the employ of a public law enforcement  
 35 department, office, or agency;
- 36 (2) Is authorized by the public law enforcement department,

1 office, or agency to carry a firearm in the course and scope of his or her  
2 duties;

3 (3) Is not subject to any disciplinary action that suspends his  
4 or her authority as a certified law enforcement officer, auxiliary law  
5 enforcement officer, employee of a local detention facility, prosecuting  
6 attorney, or deputy prosecuting attorney designated by the prosecuting  
7 attorney;

8 (4) Is carrying a badge and appropriate written photographic  
9 identification issued by the public law enforcement department, office, or  
10 agency identifying him or her as a certified law enforcement officer,  
11 auxiliary law enforcement officer, employee of a local detention facility,  
12 prosecuting attorney, or deputy prosecuting attorney designated by the  
13 prosecuting attorney;

14 (5) Is not otherwise prohibited under federal law;

15 (6) Is not under the influence of alcohol or another  
16 intoxicating or hallucinatory drug or substance; and

17 (7) Has fingerprint impressions on file with the Department of  
18 Arkansas State Police Automated Fingerprint Identification System.

19 (b)(1) A concealed or unconcealed handgun may be carried by any  
20 retired law enforcement officer or retired auxiliary law enforcement officer  
21 acting as a retired auxiliary law enforcement officer who:

22 (A) Retired in good standing from service with a public  
23 law enforcement department, office, or agency for reasons other than mental  
24 disability;

25 (B) Immediately before retirement was a certified law  
26 enforcement officer authorized by a public law enforcement department,  
27 office, or agency to carry a firearm in the course and scope of his or her  
28 duties;

29 (C) Is carrying appropriate written photographic  
30 identification issued by a public law enforcement department, office, or  
31 agency identifying him or her as a retired and former certified law  
32 enforcement officer;

33 (D) Is not otherwise prohibited under federal law from  
34 receiving or possessing a firearm;

35 (E) Has fingerprint impressions on file with the system  
36 together with written authorization for state and national level criminal

1 history record screening;

2 (F) During the most recent twelve-month period has met, at  
3 the expense of the retired law enforcement officer, the standards of this  
4 state for training and qualification for active law enforcement officers to  
5 carry firearms;

6 (G) Before his or her retirement, worked or was employed  
7 as a law enforcement officer or acted as an auxiliary law enforcement officer  
8 for an aggregate of ten (10) years or more; and

9 (H) Is not under the influence of alcohol or another  
10 intoxicating or hallucinatory drug or substance.

11 (2)(A) The chief law enforcement officer of the city or county  
12 shall keep a record of all retired law enforcement officers authorized to  
13 carry a concealed or unconcealed handgun in his or her jurisdiction and shall  
14 revoke any authorization for good cause shown.

15 (B) The Director of the Department of Arkansas State  
16 Police shall keep a record of all retired department officers authorized to  
17 carry a concealed or unconcealed handgun in the state and shall revoke any  
18 authorization for good cause shown.

19 (c)(1)(A) A firearms instructor certified by the Arkansas Commission  
20 on Law Enforcement Standards and Training who is employed by any law  
21 enforcement agency in this state may certify or recertify that a retired law  
22 enforcement officer has met the training and qualification requirements for  
23 certification set by the commission for active law enforcement officers to  
24 carry firearms.

25 (B) A retired law enforcement officer shall pay the  
26 expenses for meeting the training and qualification requirements described in  
27 subdivision (c)(1)(A) of this section.

28 (2) A firearms instructor who certifies or recertifies that a  
29 retired law enforcement officer has met the training and qualification  
30 requirements for certification set by the commission for active law  
31 enforcement officers to carry firearms under subdivision (c)(1)(A) of this  
32 section shall complete and submit any required paperwork to the commission.

33 (d) ~~Any~~ A certified law enforcement officer or retired law enforcement  
34 officer carrying a concealed or unconcealed handgun under this section is not  
35 subject to the prohibitions and limitations of § 5-73-306.

36 (e)(1) ~~Any~~ A presently employed certified law enforcement officer

1 authorized by another state to carry a concealed or unconcealed handgun shall  
2 be entitled to the same privilege while in this state, but subject to the  
3 same restrictions of this section, provided that the state which has  
4 authorized the officer to carry a concealed or unconcealed handgun extends  
5 the same privilege to presently employed Arkansas-certified law enforcement  
6 officers.

7 (2) The director shall make a determination as to which states  
8 extend the privilege to carry a concealed or unconcealed handgun to presently  
9 employed Arkansas-certified law enforcement officers and shall then determine  
10 which states' officers' authority to carry concealed or unconcealed handguns  
11 will be recognized in Arkansas.

12  
13 SECTION 27. Arkansas Code § 25-19-105(b)(19), concerning what is not  
14 deemed to be open to the public under the Freedom of Information Act of 1967,  
15 is amended to read as follows:

16 (19) Records pertaining to the issuance, renewal, expiration,  
17 suspension, or revocation of a license to carry a concealed or unconcealed  
18 handgun, or a present or past licensee under § 5-73-301 et seq., including  
19 without limitation all records provided to or obtained by a local, state, or  
20 federal government or their officials, agents, or employees in the  
21 investigation of an applicant, licensee, or past licensee, and all records  
22 pertaining to a criminal or health history check conducted on the applicant,  
23 licensee, or past licensee except that:

24 (A) Information or other records regarding an applicant,  
25 licensee, or past licensee may be released to a law enforcement agency to  
26 assist in a criminal investigation or prosecution or to determine the  
27 validity of or eligibility for a license; and

28 (B) The name of an applicant, licensee, or past licensee  
29 may be released as contained in investigative or arrest reports of law  
30 enforcement that are subject to release as public records;

31  
32 SECTION 28. DO NOT CODIFY. Temporary legislation.

33 A license to carry a concealed handgun issued under § 5-73-301 et seq.  
34 before the effective date of this act shall immediately become a license to  
35 carry a concealed or unconcealed handgun under § 5-73-301 et seq. upon the  
36 effective date of this act.