

1 State of Arkansas
2 91st General Assembly
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4

A Bill

HOUSE BILL 1367

5 By: Representatives Watson, Holcomb
6 By: Senator Teague
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ABILITY OF AN AUXILIARY LAW
10 ENFORCEMENT OR A RETIRED LAW ENFORCEMENT OFFICER TO
11 CARRY A CONCEALED HANDGUN AND TO BE EXEMPTED FROM THE
12 LICENSING REQUIREMENTS TO CARRY A CONCEALED HANDGUN;
13 CONCERNING RETIRED LAW ENFORCEMENT OFFICERS; AND FOR
14 OTHER PURPOSES.
15

Subtitle

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18 CONCERNING AN AUXILIARY LAW ENFORCEMENT
19 OR A RETIRED LAW ENFORCEMENT OFFICER
20 CARRYING A CONCEALED HANDGUN; AND
21 CONCERNING RETIRED LAW ENFORCEMENT
22 OFFICERS.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-73-301, concerning definitions used in
28 the concealed handguns subchapter, is amended to add an additional definition
29 to read as follows:

30 (7) "Retired law enforcement officer" means a person who retired
31 as a certified law enforcement officer from a local or state law enforcement
32 agency with at least ten (10) years of experience as a law enforcement
33 officer.
34

35 SECTION 2. Arkansas Code § 5-73-304 is amended to read as follows:
36 5-73-304. Exemptions.



1 (a)(1)(A) A current or former certified law enforcement officer, chief
 2 of police, court bailiff, ~~or county sheriff, or retired law enforcement~~
 3 officer is exempt from the licensing requirements of this subchapter if
 4 otherwise authorized to carry a concealed handgun.

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

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

14 (b)(1) An auxiliary law enforcement officer ~~or employee of a local~~
 15 ~~detention facility~~ is exempt from the licensing requirements of this
 16 subchapter if the auxiliary law enforcement officer ~~or employee of a local~~
 17 ~~detention facility~~.

18 ~~(1) If an auxiliary law enforcement officer,~~ has completed the
 19 minimum training requirements and is certified as an auxiliary law
 20 enforcement officer in accordance with the commission, ~~and.~~

21 (2) ~~Is~~ An employee of a local detention facility is exempt from
 22 the licensing requirements of this subchapter if the employee of a local
 23 detention facility is authorized in writing as exempt from the licensing
 24 requirements of this subchapter by the chief of police or county sheriff that
 25 ~~has appointed the auxiliary law enforcement officer or~~ employs the employee
 26 of a local detention facility.

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

32 (d) A retired law enforcement officer is exempt from the licensing
 33 requirements of this subchapter if the retired law enforcement officer is
 34 permitted to carry a concealed handgun under § 12-15-202(b).

35 ~~(d)(e)~~ (e) As used in this section, "employee of a local detention
 36 facility" means a person who:

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

- 3 (A) Securing a local detention facility;
- 4 (B) Monitoring inmates in a local detention facility; and
- 5 (C) Administering the daily operation of the local
 6 detention facility; and

7 (2) Has completed the minimum training requirements for his or
 8 her position.

9
 10 SECTION 3. Arkansas Code § 12-9-304(f), concerning law enforcement
 11 training requirements for an auxiliary law enforcement officer, is amended to
 12 read as follows:

13 (f)(1) It shall be the responsibility of the appointing law
 14 enforcement agency to provide or have provided not less than one hundred
 15 (100) hours of commission-approved law enforcement training, which will
 16 include a firearms qualification course equivalent to the firearms
 17 qualification requirements for a full-time law enforcement officer, and no
 18 auxiliary law enforcement officer shall bear arms until having successfully
 19 completed the training.

20 (2) An auxiliary law enforcement officer is not required to
 21 requalify for firearms qualification beyond what a full-time law enforcement
 22 officer is required to complete for requalification for the purposes of
 23 carrying a concealed handgun while the auxiliary law enforcement officer
 24 remains appointed as an auxiliary law enforcement officer.

25
 26 SECTION 4. Arkansas Code § 12-15-201(1), concerning the definition of
 27 "auxiliary law enforcement officer" as used in concealed handgun licensing,
 28 is amended to read as follows:

29 (1) "Auxiliary law enforcement officer" means a person certified
 30 by the Arkansas Commission on Law Enforcement Standards and Training and
 31 approved by the county sheriff or chief of police of a municipality where he
 32 or she is acting as an auxiliary law enforcement officer if+

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

36 ~~(B) The chief of police of the law enforcement agency or~~

1 ~~county sheriff authorizes the status of the auxiliary law enforcement officer~~
 2 ~~and the authorization is:~~

- 3 ~~(i) In writing;~~
- 4 ~~(ii) In the possession of the auxiliary law~~
 5 ~~enforcement officer; and~~
- 6 ~~(iii) Produced upon demand at the request of any law~~
 7 ~~enforcement officer or owner or operator of any of the prohibited places~~
 8 ~~under § 5-73-306;~~

9
 10 SECTION 5. Arkansas Code § 12-15-202(b), concerning the ability of a
 11 retired law enforcement officer to carry a concealed handgun, is amended to
 12 read as follows:

13 (b)(1) A concealed handgun may be carried by any retired law
 14 enforcement officer or retired auxiliary law enforcement officer acting as a
 15 retired auxiliary law enforcement officer who:

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

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

23 (C) Is carrying appropriate written photographic
 24 identification issued by a public law enforcement department, office, or
 25 agency identifying him or her as a retired and former certified law
 26 enforcement officer;

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

29 (E) Has fingerprint impressions on file with the system
 30 together with written authorization for state and national level criminal
 31 history record screening;

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

36 (G) Before his or her retirement, worked or was employed

1 as a law enforcement officer or acted as an auxiliary law enforcement officer
 2 for an aggregate of ten (10) years or more; and

3 (H) Is not under the influence of or consuming alcohol or
 4 another intoxicating or hallucinatory drug or substance.

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

9 (B) The Director of the Department of Arkansas State
 10 Police shall keep a record of all retired department officers authorized to
 11 carry a concealed handgun in the state and shall revoke any authorization for
 12 good cause shown.

13
 14 SECTION 6. Arkansas Code § 16-81-106(d), concerning the authority to
 15 make a felony arrest, is amended to read as follows:

16 (d)(1) A private person may make an arrest ~~where~~ when he or she has
 17 reasonable grounds for believing that the person arrested has committed a
 18 felony.

19 (2)(A) A law enforcement agency shall respond to any call for
 20 assistance from a retired law enforcement officer if the retired law
 21 enforcement officer makes an arrest under this subsection.

22 (B) A retired law enforcement officer who requests
 23 assistance from a law enforcement agency under this subsection shall assist
 24 the law enforcement agency in reporting the incident to the prosecuting
 25 attorney.