

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

*As Engrossed: H3/14/17*

# A Bill

HOUSE BILL 1888

5 By: Representative Ballinger  
6

## For An Act To Be Entitled

8 AN ACT ESTABLISHING AN ENHANCED CERTIFICATION TO  
9 CARRY A HANDGUN; CONCERNING THE POSSESSION OF A  
10 HANDGUN; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 ESTABLISHING AN ENHANCED CERTIFICATION TO  
14 CARRY A HANDGUN; AND CONCERNING THE  
15 POSSESSION OF A HANDGUN.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 5-73-122 is amended to read as follows:*

22 *5-73-122. Carrying a firearm in publicly owned buildings or*  
23 *facilities.*

24 *(a)(1) Except as provided in § 5-73-322 and § ~~5-73-306(5)~~ 5-73-306, it*  
25 *is unlawful for any person other than a law enforcement officer or a security*  
26 *guard in the employ of the state or an agency of the state, or any city or*  
27 *county, or any state or federal military personnel, to knowingly carry or*  
28 *possess a loaded firearm or other deadly weapon in any publicly owned*  
29 *building or facility or on the State Capitol grounds.*

30 *(2) It is unlawful for any person other than a law enforcement*  
31 *officer or a security guard in the employ of the state or an agency of the*  
32 *state, or any city or county, or any state or federal military personnel, to*  
33 *knowingly carry or possess a firearm, whether loaded or unloaded, in the*  
34 *State Capitol Building or the Justice Building in Little Rock.*

35 *(3) However, this subsection does not apply to a person carrying*  
36 *or possessing a firearm or other deadly weapon in a publicly owned building*



1 or facility or on the State Capitol grounds:

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

5 (B) If necessary to participate in a trade show, exhibit,  
6 or educational course conducted in the publicly owned building or facility or  
7 on the State Capitol grounds; ~~or~~

8 (C)(i) If the person has a license to carry a concealed  
9 handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his  
10 or her motor vehicle or has left the concealed handgun in his or her locked  
11 and unattended motor vehicle in a publicly owned and maintained parking lot.

12 (ii)(a) As used in this subdivision (a)(3)(C),  
13 “parking lot” means a designated area or structure or part of a structure  
14 intended for the parking of motor vehicles or a designated drop-off zone for  
15 children at school.

16 (b) “Parking lot” does not include a parking  
17 lot owned, maintained, or otherwise controlled by the Department of  
18 Correction or the Department of Community Correction;

19 (D) If the person has completed the required training and  
20 received an enhanced endorsement to carry a concealed handgun under § 5-73-  
21 324 and the publicly owned building or facility is not a:

22 (i) Courtroom or the location of an administrative  
23 hearing conducted by a state agency, except as permitted by § 5-73-306(5) or  
24 § 5-73-306(6);

25 (ii) Public school kindergarten through grade twelve  
26 (K-12) or a public prekindergarten, except as permitted under subdivision  
27 (a)(3)(C) of this section; or

28 (iii) A facility operated by the Department of  
29 Correction or the Department of Community Correction; or

30 (E) If the person has a license to carry a concealed  
31 handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a  
32 judge on the Court of Appeals, and is carrying a concealed handgun in the  
33 Justice Building.

34 (4) As used in this section, “facility” means a municipally  
35 owned or maintained park, football field, baseball field, soccer field, or  
36 another similar municipally owned or maintained recreational structure or

1 property.

2 (b)(1) Any person other than a law enforcement officer, officer of the  
3 court, or bailiff, acting in the line of duty, or any other person authorized  
4 by the court, who possesses a handgun in the courtroom of any court of this  
5 state is guilty of a Class D felony, except as permitted under § 5-73-306(5),  
6 § 5-73-306(6), or this section.

7 (2) Otherwise, any person violating a provision of this section  
8 is guilty of a Class A misdemeanor.

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10 SECTION 2. The introductory language of Arkansas Code § 5-73-306,  
11 concerning the places a person who possesses a license to carry a concealed  
12 handgun is prohibited from carrying a prohibited handgun, is amended to read  
13 as follows:

14 ~~No~~ Except as permitted under § 5-73-324, a license to carry a concealed  
15 handgun issued pursuant to under this subchapter authorizes any does not  
16 authorize a person to carry a concealed handgun into:

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18 SECTION 3. Arkansas Code § 5-73-306(11) and (12), concerning certain  
19 establishments that sell alcohol and are places that may prohibit the  
20 possession of a concealed handgun, are amended to read as follows:

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

24 (B) A person with an enhanced endorsement to carry a  
25 concealed handgun under § 5-73-324 and who is carrying a concealed handgun  
26 may not enter an establishment under this section if the establishment places  
27 a written notice as permitted under subdivision (18) of this section  
28 prohibiting a person with a license to possess a concealed handgun at the  
29 physical location;

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

33 (B) A person with an enhanced endorsement to carry a  
34 concealed handgun under § 5-73-324 and who is carrying a concealed handgun  
35 may not enter an establishment under this section if the establishment places  
36 a written notice as permitted under subdivision (18) of this section

1 prohibiting a person with a license to possess a concealed handgun at the  
2 physical location;

3  
4 SECTION 4. Arkansas Code § 5-73-306(15), concerning certain churches  
5 or other places of worship that may prohibit the possession of a concealed  
6 handgun, is amended to read as follows:

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

8 (B) However, this subchapter does not preclude a church or  
9 other place of worship from determining who may carry a concealed handgun  
10 into the church or other place of worship.

11 (C) A person with an enhanced endorsement to carry a  
12 concealed handgun under § 5-73-324 may not enter a church or other place of  
13 worship under this section if the church or other place of worship places a  
14 written notice as permitted under subdivision (18) of this section  
15 prohibiting a person with a license to possess a concealed handgun at the  
16 physical location;

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18 SECTION 5. Arkansas Code § 5-73-306(18), concerning a place at the  
19 discretion of the person or entity exercising control over the physical  
20 location of the place that may prohibit the possession of a concealed handgun  
21 by a licensee, is amended to read as follows:

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

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

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

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

35 (iv) Any licensee entering a private home shall  
36 notify the occupant that the licensee is carrying a concealed handgun.

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

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

6                   (ii) A publicly owned and maintained parking lot if  
7 the licensee is carrying a concealed handgun in his or her motor vehicle or  
8 has left the concealed handgun in his or her locked and unattended motor  
9 vehicle.

10                   (C) The person or entity exercising control over the  
11 physical location of a place that does not use the person's or the entity's  
12 authority under this subdivision (18) to prohibit a person from possessing a  
13 concealed handgun is immune from a claim for monetary damages arising from or  
14 related to the decision not to place at each entrance to the place a written  
15 notice under this subdivision (18).

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17                   SECTION 6. Arkansas Code § 5-73-322 is amended to read as follows:  
18                   5-73-322. Concealed handguns in a university, college, or community  
19 college building.

20                   (a)(1) As used in this section,

21                   ~~(1)(A)~~ "Public public university, public college, or community  
22 college" means an institution that:

23                   ~~(i)(A)~~ Regularly receives budgetary support from the state  
24 government;

25                   ~~(ii)(B)~~ Is part of the University of Arkansas or Arkansas  
26 State University ~~systems~~; or

27                   ~~(iii)(C)~~ Is required to report to the Arkansas Higher  
28 Education Coordinating Board.

29                   (2) "Public university, public college, or community college"  
30 includes without limitation a public technical institute.

31                   ~~(B)(3)~~ "Public university, public college, or community college"  
32 does not include a private university or private college solely because:

33                   ~~(i)(A)~~ Students attending the private university or  
34 private college receive state-supported scholarships; or

35                   ~~(ii)(B)~~ The private university or private college  
36 voluntarily reports to the Arkansas Higher Education Coordinating Board; ~~and~~

1           ~~(2) "Staff member" means a person who is not enrolled as a full-~~  
2 ~~time student at the university, college, or community college and is either~~  
3 ~~employed by the university, college, or community college full time or is on~~  
4 ~~a nine month or twelve month appointment at the university, college, or~~  
5 ~~community college as a faculty member.~~

6           (b) A licensee who has completed the training required under § 5-73-  
7 324 may possess a concealed handgun in the buildings and on the grounds of a  
8 public university, public college, or community college, whether owned or  
9 leased by the public university, public college, or community college, ~~of the~~  
10 ~~public university, public college, or community 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 governing board of the public university, public~~  
14 ~~college, or community college does not adopt a policy expressly disallowing~~  
15 ~~the carrying of a concealed handgun by staff members in the buildings or on~~  
16 ~~the grounds of the public university, public college, or community college~~  
17 ~~and posts notices as described in § 5-73-306(18).~~

18           ~~(B) A governing board of the public university, public~~  
19 ~~college, or community college may adopt differing policies for the carrying~~  
20 ~~of a concealed handgun by staff members for different campuses, areas of a~~  
21 ~~campus, or individual buildings of the public university, public college, or~~  
22 ~~community college for which the governing board is responsible.~~

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

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

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

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

36           (2)(A) A private university or private college that adopts a

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

4 (B) A private university or private college that adopts a  
5 policy only allowing carrying of a concealed handgun under this section shall  
6 post notices as described in § 5-73-306(18) and subdivision (c)(2)(C) of this  
7 section.

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

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

15 (e)(1) A licensee who may carry a concealed handgun in the buildings  
16 and on the grounds of a public university, public college, or community  
17 college under this section may not carry a concealed handgun into a location  
18 during which an official meeting lasting no more than nine (9) hours is being  
19 conducted in accordance with documented grievance and disciplinary procedures  
20 as established by the public university, public college, or community college  
21 if:

22 (A) Notice of at least twenty-four (24) hours is given to  
23 participants of the official meeting;

24 (B) Notice is posted on the door of or at each entryway  
25 into the location in which the official meeting is being conducted in which  
26 possession of a concealed handgun by a licensee under this section is  
27 prohibited during the official meeting; and

28 (C) The area of a building prohibited under this  
29 subdivision (e)(1) is no larger than necessary in which to conduct the  
30 grievance or disciplinary meeting.

31 (2) A person who knowingly violates subdivision (e)(1) of this  
32 section upon conviction is guilty of:

33 (A) A violation for a first offense and subject to a fine  
34 not exceeding one hundred dollars (\$100); and

35 (B) A Class C misdemeanor for a second or subsequent  
36 offense.

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

3 (g) A licensee may carry a concealed handgun in the buildings and on  
4 the grounds of a public university, public college, or community college if  
5 the licensee completes a training course and obtains an enhanced endorsement  
6 to carry a concealed handgun under § 5-73-324.

7 (h)(1) Unless possession of a concealed handgun is a requirement of a  
8 licensee's job description, the possession of a concealed handgun under this  
9 section is a personal choice made by the licensee and not a requirement of  
10 the employing public university, public college, or community college.

11 (2) A licensee who possesses a concealed handgun in the  
12 buildings and on the grounds of a public university, public college, or  
13 community college at which the licensee is employed is not:

14 (A) Acting in the course or scope of his or her employment  
15 when possessing or using a concealed handgun;

16 (B) Entitled to worker's compensation benefits for  
17 injuries arising from his or her own negligent acts in possessing or using a  
18 concealed handgun;

19 (C) Immune from personal liability with respect to  
20 possession or use of a concealed handgun; or

21 (D) Permitted to carry a concealed handgun openly or in  
22 any other manner in which the concealed handgun is visible to ordinary  
23 observation.

24 (3) A public university, public college, or community college is  
25 immune from a claim for monetary damages arising from or related to a  
26 licensee's use of, or failure to use, a concealed handgun, if the licensee is  
27 employed by the public university, public college, or community college  
28 against whom the claim is filed and the licensee elects to possess the  
29 concealed handgun under this section.

30  
31 SECTION 7. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended  
32 to add an additional section to read as follows:

33 5-73-324. Enhanced endorsement to carry a concealed handgun.

34 (a) The Director of the Department of Arkansas State Police shall  
35 issue an enhanced endorsement to carry a concealed handgun to an applicant  
36 for the enhanced endorsement to carry a concealed handgun if the applicant

1 meets the requirements of this section.

2 (b) In addition to meeting the licensing requirements under §§ 5-73-  
3 308 and 5-73-309, an applicant for an enhanced endorsement to carry a  
4 concealed handgun shall:

5 (1) Not have committed any act that indicates that the applicant  
6 is not a responsible firearm owner; and

7 (2)(A) Complete additional training required under this section.

8 (B) Training under this section:

9 (i) Is not required to be renewed;

10 (ii) Shall consist of a course of up to eight (8)  
11 hours;

12 (iii) Shall be offered by all training instructors  
13 and at all concealed carry training courses; and

14 (iv) Shall cost no more than a nominal amount.

15 (C) The director may waive up to four (4) hours of  
16 training required under this section for a licensee based on the licensee's  
17 prior training on appropriate topics attended within ten (10) years of  
18 applying for the enhanced endorsement to carry a concealed handgun under this  
19 section.

20 (c) An enhanced endorsement to carry a concealed handgun under this  
21 section exempts a licensee from the prohibitions and restrictions on:

22 (1) Carrying a firearm in a publicly owned building or facility  
23 under § 5-73-122, if the firearm is a concealed handgun; and

24 (2) Carrying a concealed handgun in a prohibited place listed  
25 under § 5-73-306(7)-(12), (14), (15), and (17).

26 (d) Unless indicated otherwise in this section, §§ 5-73-310 – 5-73-315  
27 apply to an enhanced endorsement to carry a concealed handgun.

28 (e) The director shall maintain a list of licensees who have  
29 successfully completed a training course under this section.

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31 SECTION 8. DO NOT CODIFY. Training program.

32 The Department of Arkansas State Police shall promulgate rules to  
33 design a training program described under Section 7 of this act within one  
34 hundred twenty (120) days of the effective date of this act.

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36 SECTION 9. DO NOT CODIFY. Effective date.

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

*/s/Ballinger*