

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

# A Bill

SENATE BILL 728

5 By: Senators Collins-Smith, Rice  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING A CONCEALED HANDGUN LICENSEE  
9 CARRYING HIS OR HER CONCEALED HANDGUN INTO A STATE  
10 OFFICE, A STATE AGENCY, A STATE FACILITY, OR THE  
11 STATE CAPITOL BUILDING; AND FOR OTHER PURPOSES.  
12  
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## Subtitle

14 CONCERNING A CONCEALED HANDGUN LICENSEE  
15 CARRYING HIS OR HER CONCEALED HANDGUN  
16 INTO A STATE OFFICE, A STATE AGENCY, A  
17 STATE FACILITY, OR THE STATE CAPITOL  
18 BUILDING.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-73-122 is amended to read as follows:

25 5-73-122. Carrying a firearm in publicly owned buildings or facilities.

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

33 (A) A law enforcement officer;

34 (B) A security guard in the employ of the state, a state  
35 agency, or a city or county of the state;

36 (C) State or federal military personnel; or



1                   (D) A person licensed to carry a concealed handgun under §  
2 5-73-301 et seq., unless the publicly owned building or facility is a school,  
3 prison, regional correctional facility, or a county jail.

4                   (2) It is unlawful for any person ~~other than a law enforcement~~  
5 ~~officer or a security guard in the employ of the state or an agency of the~~  
6 ~~state, or any city or county, or any state or federal military personnel,~~ to  
7 knowingly ~~carry or possess~~ carry a firearm, whether loaded or unloaded, in  
8 the State Capitol Building or the Justice Building in Little Rock unless the  
9 person is:

10                   (A) A law enforcement officer;

11                   (B) A security guard in the employ of the state, a state  
12 agency, or a city or county of the state;

13                   (C) State or federal military personnel; or

14                   (D) A person licensed to carry a concealed handgun under §  
15 5-73-301 et seq.

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

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

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

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

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

33                   (b) “Parking lot” does not include a parking  
34 lot owned, maintained, or otherwise controlled by the Department of  
35 Correction or Department of Community Correction.

36                   (4) As used in this section, “facility” means a municipally

1 owned or maintained park, football field, baseball field, soccer field, or  
2 another similar municipally owned or maintained recreational structure or  
3 property.

4 (b)(1) Any person other than a law enforcement officer, officer of the  
5 court, or bailiff, acting in the line of duty, ~~or~~ any other person authorized  
6 by the court, or a person licensed to carry a concealed handgun under § 5-73-  
7 301 et seq. who possesses a handgun in the courtroom of any court of this  
8 state is guilty of a Class D felony.

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

11  
12 SECTION 2. Arkansas Code § 5-73-306 is amended to read as follows:  
13 5-73-306. Prohibited places.

14 ~~No license to carry a concealed handgun issued pursuant to this~~  
15 ~~subchapter authorizes any person to~~ A licensee under this subchapter shall  
16 not carry a concealed handgun into:

17 ~~(1) Any police station, sheriff's station, or Department of~~  
18 ~~Arkansas State Police station;~~

19 ~~(2) Any Arkansas Highway Police Division of the Arkansas State~~  
20 ~~Highway and Transportation Department facility;~~

21 ~~(3)(A) Any building of the Arkansas State Highway and~~  
22 ~~Transportation Department or onto grounds adjacent to any building of the~~  
23 ~~Arkansas State Highway and Transportation Department.~~

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

26 ~~(i) A rest area or weigh station of the Arkansas~~  
27 ~~State Highway and Transportation Department; or~~

28 ~~(ii) A publicly owned and maintained parking lot~~  
29 ~~that is a publicly accessible parking lot if the licensee is carrying a~~  
30 ~~concealed handgun in his or her motor vehicle or has left the concealed~~  
31 ~~handgun in his or her locked and unattended motor vehicle in the publicly~~  
32 ~~owned and maintained parking lot;~~

33 ~~(4)(1)~~ Any part of a detention facility, prison, or jail,  
34 including without limitation a parking lot owned, maintained, or otherwise  
35 controlled by the Department of Correction or Department of Community  
36 Correction;



1 the kindergarten through grade twelve (K-12) private school;

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

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

7 (ii) A kindergarten through grade twelve (K-12)  
8 private school or a prekindergarten private school that through its governing  
9 board or director has set forth the rules and circumstances under which the  
10 licensee may carry a concealed handgun into a building or event of the  
11 kindergarten through grade twelve (K-12) private school or the  
12 prekindergarten private school;

13 (iii) Participation in an authorized firearms-  
14 related activity;

15 (iv) Carrying a concealed handgun as authorized  
16 under § 5-73-322; or

17 (v) A publicly owned and maintained parking lot of a  
18 college, community college, or university if the licensee is carrying a  
19 concealed handgun in his or her motor vehicle or has left the concealed  
20 handgun in his or her locked and unattended motor vehicle;

21 ~~(14)(6)(A) Inside the The passenger terminal of any airport,~~  
22 ~~except that no person is prohibited from carrying any legal an airport.~~

23 (B) However, a person may carry a legal firearm into the  
24 passenger terminal of an airport if the legal firearm is encased for shipment  
25 for purposes of checking the legal firearm as baggage to be lawfully  
26 transported on any aircraft;

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

28 (B) However, this subchapter does not preclude a church or  
29 other place of worship from determining who may carry a concealed handgun  
30 into the church or other place of worship;

31 ~~(16)(8)~~ Any place where the carrying of a firearm is prohibited  
32 by federal law;

33 ~~(17)(9)~~ Any place where a parade or demonstration requiring a  
34 permit is being held, and the licensee is a participant in the parade or  
35 demonstration; or

36 ~~(18)(A)(i)(10)(A)(i)~~ Any place at the discretion of the person

1 or entity exercising control over the physical location of the place by  
2 ~~placing~~ posting at each entrance to the place a written notice clearly  
3 readable at a distance of not less than ten feet (10') that "carrying a  
4 handgun is prohibited".

5 (ii)(a) If the place does not have a roadway  
6 entrance, ~~there shall be a written notice placed~~ the written notice shall be  
7 posted anywhere upon the premises of the place.

8 (b) In addition to the requirement of  
9 subdivision ~~(18)(A)(i)~~ (10)(A)(i) of this section, ~~there shall be~~ at least one  
10 (1) written notice shall be posted within every three (3) acres of a place  
11 ~~with no~~ without a roadway entrance.

12 (iii) A The written notice as described in  
13 subdivision ~~(18)(A)(i)~~ (10)(A)(i) of this section is not required for a  
14 private home.

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

17 (B) Subdivision ~~(18)(A)~~ (10)(A) of this section does not  
18 apply if the physical location is:

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

22 (ii) A publicly owned and maintained parking lot if  
23 the licensee is carrying a concealed handgun in his or her motor vehicle or  
24 has left the concealed handgun in his or her locked and unattended motor  
25 vehicle.

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