

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/6/19 S2/7/19

# A Bill

SENATE BILL 197

5 By: Senator B. Ballinger  
6 By: Representative Breaux  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE SCOPE IN WHICH A CERTIFIED LAW  
10 ENFORCEMENT OFFICER MAY CARRY AN OPEN OR CONCEALED  
11 HANDGUN BOTH WHILE ON DUTY AND OFF DUTY; AND FOR  
12 OTHER PURPOSES.  
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## Subtitle

16 TO CLARIFY THE SCOPE IN WHICH A CERTIFIED  
17 LAW ENFORCEMENT OFFICER MAY CARRY AN OPEN  
18 OR CONCEALED HANDGUN BOTH WHILE ON DUTY  
19 AND OFF DUTY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 5-73-119(e)(6), concerning the  
25 permissibility of a certified law enforcement officer to carry a handgun or  
26 firearm on school property, is amended to read as follows:

27 (6)(A) The person is a certified law enforcement officer, either  
28 on-duty or off-duty.

29 (B) If the person is an off-duty certified law enforcement  
30 officer, he or she may be required by a public school or publicly supported  
31 institution of higher education to be in physical possession of a valid  
32 identification identifying the person as a certified law enforcement officer;  
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34 SECTION 2. Arkansas Code § 5-73-120(c)(7), concerning the  
35 permissibility of a certified law enforcement officer to carry a weapon, is  
36 amended to read as follows:



1           (7)(A) The person is a certified law enforcement officer, either  
2 on-duty or off-duty.

3           (B) If the person is an off-duty certified law enforcement  
4 officer, he or she may be required by a public school or publicly supported  
5 institution of higher education to be in physical possession of a valid  
6 identification identifying the person as a certified law enforcement officer;  
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8           SECTION 3. Arkansas Code § 5-73-122(a)(1) and (2), concerning the  
9 permissibility of a certified law enforcement officer to carry a firearm in a  
10 publicly owned building or facility, are amended to read as follows:

11           (a)(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147,  
12 and this section, it is unlawful for ~~any~~ a person other than a certified law  
13 enforcement officer, either on-duty or off-duty, ~~or~~ a security guard in the  
14 employ of the state or an agency of the state, or any city or county, or any  
15 state or federal military personnel, to knowingly carry or possess a loaded  
16 firearm or other deadly weapon in any publicly owned building or facility or  
17 on the State Capitol grounds.

18           (2) It is unlawful for any person other than a certified law  
19 enforcement officer, either on-duty or off-duty, ~~or~~ a security guard in the  
20 employ of the state or an agency of the state, or any city or county, or any  
21 state or federal military personnel, to knowingly carry or possess a firearm,  
22 whether loaded or unloaded, in the State Capitol Building or the Arkansas  
23 Justice Building in Little Rock.

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25           SECTION 4. Arkansas Code § 5-73-122(b), concerning the permissibility  
26 of a certified law enforcement officer to carry a handgun in a courtroom, is  
27 amended to read as follows:

28           (b) However, a certified law enforcement officer, either on-duty or  
29 off-duty, officer of the court, bailiff, or ~~any~~ other person authorized by  
30 the court is permitted to possess a handgun in the courtroom of any court or  
31 a courthouse of this state.

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33           SECTION 5. Arkansas Code § 5-73-122, concerning carrying a firearm in  
34 a publicly owned building or facility, is amended to add additional  
35 subsections to read as follows:

36           (d) An off-duty certified law enforcement officer carrying a firearm

1 in a publicly owned building or facility may be required to be in physical  
2 possession of a valid identification identifying the person as a certified  
3 law enforcement officer.

4 (e) An off-duty certified law enforcement officer may not carry a  
5 firearm into a courtroom if the off-duty certified law enforcement officer is  
6 a party to or a witness in a civil or criminal matter unless the law provides  
7 otherwise.

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9 SECTION 6. DO NOT CODIFY. Policy required.

10 (a) A state institution shall develop a policy consistent with this  
11 act concerning the lawful open or concealed carry of a handgun by an off-duty  
12 certified law enforcement officer at a state institution affected by this  
13 act.

14 (b) The promulgation of a policy under this section is exempt from the  
15 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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18 /s/B. Ballinger  
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