

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 198 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/12/07 H2/22/07

A Bill

SENATE BILL 268

5 By: Senators Faris, Wilkinson, *Laverty, Glover, B. Pritchard*

6 By: Representatives D. Creekmore, Stewart, *Sample*
7
8

For An Act To Be Entitled

10 AN ACT CONCERNING RECIPROCITY PROCEDURES
11 ADMINISTERED BY THE ARKANSAS STATE POLICE FOR
12 CONCEALED HANDGUN PERMITS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT CONCERNING RECIPROCITY PROCEDURES
16 ADMINISTERED BY THE ARKANSAS STATE
17 POLICE FOR CONCEALED HANDGUN PERMITS.
18
19
20

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

23 SECTION 1. Arkansas Code § 5-73-309 is amended to read as follows:
24 5-73-309. License - Requirements.

25 ~~(a)~~ The Director of the Department of Arkansas State Police shall
26 issue a license to carry a concealed handgun if the applicant:

27 (1)(A) Is both a:

28 (i) Citizen of the United States; and

29 (ii) Resident of the state and has been a resident
30 continuously for twelve (12) months or longer immediately preceding the
31 filing of the application.

32 (B) However, subdivision (a)(1)(A) does not apply to any:

33 (i) Retired city, county, state, or federal law
34 enforcement officer; or

35 (ii) Active duty military personnel who submit



1 documentation of their active duty status;

2 (2) Is twenty-one (21) years of age or older;

3 (3) Does not suffer from a mental or physical infirmity that
4 prevents the safe handling of a handgun and has not threatened or attempted
5 suicide;

6 (4) Is not:

7 (A) Ineligible to possess a firearm by virtue of having
8 been convicted of a felony in a court of this state, of any other state, or
9 of the United States without having been pardoned for conviction and had
10 firearms possession rights restored; and

11 (B) Subject to any federal, state, or local law that makes
12 it unlawful to receive, possess, or transport any firearm, and has had his or
13 her background checked through the Federal Bureau of Investigation's National
14 Instant Criminal Background Check System;

15 (5)(A) Does not chronically or habitually abuse a controlled
16 substance to the extent that his or her normal faculties are impaired.

17 (B) It is presumed that an applicant chronically and
18 habitually uses a controlled substance to the extent that his or her
19 faculties are impaired if the applicant has been:

20 (i) Voluntarily or involuntarily committed to a
21 treatment facility for the abuse of a controlled substance; or

22 (ii) Found guilty of a crime under the provisions of
23 the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law
24 of any other state or the United States relating to a controlled substance
25 within the three-year period immediately preceding the date on which the
26 application is submitted;

27 (6)(A) Does not chronically and habitually use an alcoholic
28 beverage to the extent that his or her normal faculties are impaired.

29 (B) It is presumed that an applicant chronically and
30 habitually uses an alcoholic beverage to the extent that his or her normal
31 faculties are impaired if the applicant has been:

32 (i) Voluntarily or involuntarily committed as an
33 alcoholic to a treatment facility; or

34 (ii) Convicted of two (2) or more offenses related
35 to the use of alcohol under a law of this state or similar law of any other
36 state or the United States within the three-year period immediately preceding

1 the date on which the application is submitted;

2 (7) Desires a legal means to carry a concealed handgun to defend
3 himself or herself;

4 (8) Has not been adjudicated mentally incompetent;

5 (9) Has not been voluntarily or involuntarily committed to a
6 mental institution or mental health treatment facility;

7 (10) Is not a fugitive from justice;

8 (11) Has satisfactorily completed a training course as
9 prescribed and approved by the director; and

10 (12) Signs a statement of allegiance to the United States
11 Constitution and the Arkansas Constitution.

12 ~~(b) The director shall also issue a license to carry a concealed~~
13 ~~handgun if the applicant is a person who has a valid license to carry a~~
14 ~~concealed handgun issued by another state and the director determines that:~~

15 ~~(1) The eligibility requirements to obtain a license to carry a~~
16 ~~concealed handgun imposed by the other state are at least as rigorous as the~~
17 ~~eligibility requirements imposed by this section; and~~

18 ~~(2) The other state provides reciprocal licensing privileges to~~
19 ~~a person who holds a license issued under this subchapter and who has applied~~
20 ~~for a license to carry a concealed handgun in the other state.~~

21
22 SECTION 2. Arkansas Code § 5-73-401 is repealed.

23 ~~5-73-401. Recognition of other states' permits—Acts 1997, No. 789.~~

24 ~~Any person in possession of a valid license issued by another state to~~
25 ~~carry a concealed handgun shall be entitled to the privileges and subject to~~
26 ~~the restrictions prescribed by Arkansas' concealed handgun law (§ 5-73-301 et~~
27 ~~seq.) provided that the concealed handgun law of the state that issued the~~
28 ~~license is at least as restrictive as Arkansas' concealed handgun law and~~
29 ~~that the state that issued the license recognizes concealed handgun licenses~~
30 ~~issued under § 5-73-301 et seq. The Director of the Department of State~~
31 ~~Police shall make a determination as to which states' permits will be~~
32 ~~recognized in Arkansas and provide that list to every law enforcement agency~~
33 ~~within the state. The director shall revise the list from time to time and~~
34 ~~provide the revised list to every law enforcement agency in this state.~~

35
36 SECTION 3. Arkansas Code § 5-73-402 is amended to read as follows:

1 5-73-402. Recognition of other states' permits—~~Acts 1997, No. 1239.~~

2 (a) Any person in possession of a valid license issued by another
3 state to carry a concealed handgun shall be entitled to the privileges and
4 subject to the restrictions prescribed by Arkansas concealed handgun law, ~~(§~~
5 ~~5-73-301 et seq.)~~, provided that the state that issued the license recognizes
6 concealed handgun licenses issued under § 5-73-301 et seq.

7 (b) The Director of the Department of State Police shall:

8 (1) ~~make~~ Make a determination as to which states' permits will
9 be recognized in Arkansas and provide that list to every law enforcement
10 agency within the state. ~~The director shall revise; and~~

11 (2) Revise the list from time to time and provide the revised
12 list to every law enforcement agency in this state.

13
14 /s/ Faris

15
16 APPROVED: 3/5/2007
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36