

2 State of Arkansas

3 93rd General Assembly

4 Third Extraordinary Session, 2022

A Bill

BPG/BPG

SENATE BILL

5
6 By: Senator B. Ballinger

7 Filed with: Arkansas Legislative Council

8 pursuant to A.C.A. § 10-3-217.

9 For An Act To Be Entitled

10 AN ACT CONCERNING THE ELIGIBILITY OF A PERSON TO
11 OBTAIN A LICENSE TO CARRY A CONCEALED HANDGUN; TO
12 REPEAL OBSOLETE LANGUAGE; AND FOR OTHER PURPOSES.

13 14 15 Subtitle

16 CONCERNING THE ELIGIBILITY OF A PERSON TO
17 OBTAIN A LICENSE TO CARRY A CONCEALED
18 HANDGUN.

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

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23 SECTION 1. Arkansas Code § 5-73-309(11), concerning the requirements
24 for a person to obtain a license to carry a concealed handgun, is amended to
25 read as follows:

26 (11)(A) Has not been ~~voluntarily or~~ involuntarily committed to a
27 mental institution or mental health treatment facility;

28 ~~(B) An applicant who is a veteran who voluntarily sought~~
29 ~~mental health treatment at a mental health institution or mental health~~
30 ~~treatment facility may obtain a license under this subchapter if a circuit~~
31 ~~court grants his or her petition under § 5-73-327;~~

32
33 SECTION 2. Arkansas Code § 5-73-327 is repealed.

34 ~~5-73-327. Discharged veterans.~~

35 ~~(a) As used in this section:~~

1 ~~(1) “Mental health institution or mental health treatment~~
2 ~~facility” means a public or private facility where a person may voluntarily~~
3 ~~admit himself or herself for mental health treatment; and~~

4 ~~(2) “Veteran” means a person who:~~

5 ~~(A) Served on active duty in the United States Armed~~
6 ~~Forces for a period of more than one hundred eighty (180) days and was~~
7 ~~discharged or released from active duty with other than a dishonorable~~
8 ~~discharge;~~

9 ~~(B) Was discharged or released from active duty in the~~
10 ~~United States Armed Forces because of a service connected disability; or~~

11 ~~(C) As a member of a reserve component of the United~~
12 ~~States Armed Forces under an order to active duty, not to include training,~~
13 ~~was discharged or released from duty with other than a dishonorable~~
14 ~~discharge.~~

15 ~~(b)(1) A veteran who voluntarily seeks and completes mental health~~
16 ~~treatment in a mental health institution or mental health treatment facility~~
17 ~~may obtain a license to carry a concealed handgun under this subchapter by~~
18 ~~filing a petition in the circuit court where the veteran resides.~~

19 ~~(2) However, the veteran may not obtain a license to carry a~~
20 ~~concealed handgun under this subchapter until at least two (2) years after he~~
21 ~~or she completed mental health treatment in a mental health institution or~~
22 ~~mental health treatment facility.~~

23 ~~(c)(1) A petition under this section shall request a judicial~~
24 ~~determination that the petitioner is mentally fit and that his or her past~~
25 ~~voluntary commitment to a mental institution or mental health treatment~~
26 ~~facility would currently not have a negative impact on the petitioner’s~~
27 ~~ability to responsibly possess a license to carry a concealed handgun.~~

28 ~~(2) A petitioner shall also provide the circuit court with a~~
29 ~~limited medical waiver that would allow the circuit court and the prosecuting~~
30 ~~attorney access to and the ability to request any medical record that~~
31 ~~concerns the petitioner’s mental health treatment at issue.~~

32 ~~(d)(1) A copy of a petition under this section shall be served on the~~
33 ~~prosecuting attorney within thirty (30) days of the filing of the petition.~~

34 ~~(2) The prosecuting attorney may appear, support, object to, or~~
35 ~~present evidence relevant to the petition.~~

1 ~~(e) The circuit court shall consider evidence in an open proceeding,~~
2 ~~including evidence offered by the petitioner concerning:~~

3 ~~(1) The circumstances that led to the petitioner voluntarily~~
4 ~~seeking mental health treatment;~~

5 ~~(2) The petitioner's certified mental health records;~~

6 ~~(3) The petitioner's certified criminal history;~~

7 ~~(4) The petitioner's reputation; and~~

8 ~~(5) Changes in the petitioner's condition or circumstances~~
9 ~~relevant to the petition.~~

10 ~~(f) The circuit court shall grant the petition if the circuit court~~
11 ~~finds by a preponderance of the evidence the following:~~

12 ~~(1) The petitioner is not likely to act in a manner that is~~
13 ~~dangerous to public safety; and~~

14 ~~(2) Granting the petition would not be contrary to the public~~
15 ~~interest.~~

16 ~~(g) The petitioner may appeal a final order denying the petition and~~
17 ~~the review on appeal shall be de novo.~~

18 ~~(h) A veteran may file a petition under this section no more than one~~
19 ~~(1) time every two (2) years.~~

20 ~~(i) When the circuit court issues an order granting a petition under~~
21 ~~this section, as soon as practicable but no later than thirty (30) days after~~
22 ~~issuance of the order, the circuit clerk shall forward a copy of the order to~~
23 ~~the Division of Arkansas State Police.~~

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26 Referred by Senator B. Ballinger

27 Prepared by: BPG/BPG

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