

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/22/13

A Bill

HOUSE BILL 1408

5 By: Representatives Scott, D. Altes, Alexander, C. Armstrong, Barnett, Deffenbaugh, Dotson, Farrer,
6 Hammer, Harris, Hawthorne, House, Hutchison, D. Meeks, Miller, Payton, Rice, Wardlaw, Womack,
7 Word
8 By: Senator J. Woods
9

For An Act To Be Entitled

11 AN ACT TO BE KNOWN AS THE PERMITTED OPEN CARRY ACT;
12 TO AMEND STATE LAW REGARDING THE CARRYING AND
13 POSSESSION OF FIREARMS TO ENSURE ALL ARKANSANS HAVE
14 THE RIGHT TO CARRY ARMS IN PUBLIC PLACES, UNLESS
15 OTHERWISE PROHIBITED BY LAW, FOR SELF-DEFENSE; AND
16 FOR OTHER PURPOSES.

Subtitle

19 TO BE KNOWN AS THE PERMITTED OPEN CARRY
20 ACT.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 5-73-120(c), concerning the defenses to the
27 offense of carrying a weapon, is amended to read as follows:

28 (c) It is a defense to a prosecution under this section that at the
29 time of the act of carrying a weapon:

30 (1) The person is in his or her own dwelling, place of business,
31 or on property in which he or she has a possessory or proprietary interest;

32 (2) The person is a law enforcement officer, correctional
33 officer, or member of the armed forces acting in the course and scope of his
34 or her official duties;

35 (3) The person is assisting a law enforcement officer,
36 correctional officer, or member of the armed forces acting in the course and



1 scope of his or her official duties pursuant to the direction or request of
2 the law enforcement officer, correctional officer, or member of the armed
3 forces;

4 (4) The person is carrying a weapon when upon a journey, unless
5 the journey is through a commercial airport when presenting at the security
6 checkpoint in the airport or is in the person's checked baggage and is not a
7 lawfully declared weapon;

8 (5) The person is a licensed security guard acting in the course
9 and scope of his or her duties;

10 (6) The person is hunting game with a handgun that may be hunted
11 with a handgun under rules and regulations of the Arkansas State Game and
12 Fish Commission or is en route to or from a hunting area for the purpose of
13 hunting game with a handgun;

14 (7) The person is a certified law enforcement officer; or

15 (8) The person is in a motor vehicle and the person has a
16 license to carry a ~~concealed weapon pursuant to~~ handgun in public under § 5-
17 73-301 et seq.

18

19 SECTION 2. Arkansas Code § 5-73-127(d), concerning exceptions to the
20 offense of possession of a loaded center-fire weapon in certain areas, is
21 amended to read as follows:

22 (d) This section does not apply to a:

23 (1) Law enforcement officer in the performance of his or her
24 duties;

25 (2) Discharge of a center-fire weapon at a firing range
26 maintained for the discharging of a center-fire weapon; or

27 (3) Person possessing a valid ~~concealed handgun~~ license to carry
28 a handgun in public under § 5-73-301 et seq.

29

30 SECTION 3. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
31 to read as follows:

32 Subchapter 3 - ~~Concealed Handguns~~ License to Carry a Handgun in Public

33

34 5-73-301. Definitions.

35 As used in this subchapter:

36 (1) "Carry a handgun in public" means to carry a handgun either

1 openly or concealed in a public place that is not otherwise prohibited by
2 law;

3 ~~(1)(2)~~ “Concealed” means ~~to cover~~ covered from observation so as
4 to prevent public view;

5 ~~(2)(3)~~ “Convicted” means ~~that a person~~ having pleaded guilty or
6 nolo contendere to or ~~was~~ having been found guilty of a criminal offense;

7 ~~(3)(4)~~ “Handgun” means any firearm, other than a fully automatic
8 firearm, with a barrel length of less than twelve inches (12") that is
9 designed, made, or adapted to be fired with one (1) hand; and-

10 ~~(4)(5)~~ “Licensee” means a person granted a valid license to
11 carry a ~~concealed~~ handgun ~~pursuant to~~ in public under this subchapter.

12

13 5-73-302. Authority to issue license.

14 (a) A license to carry a concealed handgun issued before the effective
15 date of this act is automatically converted to a license to carry a handgun
16 in public.

17 ~~(a)(b)~~ The Director of the Department of Arkansas State Police may
18 issue a license to carry a ~~concealed~~ handgun in public to a person qualified
19 as provided in this subchapter.

20 ~~(b)(1) For new licenses issued after July 31, 2007, the license to~~
21 ~~carry a concealed handgun is valid throughout the state for a period of five~~
22 ~~(5) years from the date of issuance.~~

23 ~~(2) After July 31, 2007, upon renewal, an existing valid license~~
24 ~~to carry a concealed handgun shall be issued for a period of five (5) years.~~

25 ~~(c)(1)(A) After July 31, 2007, a license or renewal of a license~~
26 ~~issued to a former elected or appointed sheriff of any county of this state~~
27 ~~shall be issued for a period of five (5) years.~~

28 ~~(B)(c)(1)~~ The A license to carry a handgun in public issued to a
29 former elected or appointed sheriff is revocable on the same grounds as other
30 licenses.

31 (2)(A) The A former elected or appointed sheriff shall meet the
32 same qualifications as all other applicants.

33 (B) However, the former elected or appointed sheriff is
34 exempt from the fee prescribed by § 5-73-311(a)(2) and from the training
35 requirements of § 5-73-309(13) for issuance.

36 (d) A new license to carry a handgun in public issued after the

1 effective date of this act is valid throughout the state for a period of five
2 (5) years from the date of issuance.

3
4 5-73-303. Immunity from civil damages.

5 The state, a county or city, or any employee of the state, county, or
6 city is not liable for any civil damages resulting from the issuance of a
7 license ~~pursuant to a provision of~~ under this subchapter.

8
9 5-73-304. Exemptions.

10 (a)(1) A certified law enforcement officer, chief of police, or
11 sheriff is exempt from the licensing requirements of this subchapter, if
12 otherwise authorized to carry a ~~concealed~~ handgun in public.

13 (2) Solely for purposes of this subchapter, an auxiliary law
14 enforcement officer certified by the Arkansas Commission on Law Enforcement
15 Standards and Training and approved by the sheriff of the county is deemed to
16 be a certified law enforcement officer.

17 (b) An auxiliary law enforcement officer is exempt from the licensing
18 requirements of this subchapter when:

19 (1) The auxiliary law enforcement officer has completed the
20 minimum training requirements and is certified as an auxiliary law
21 enforcement officer in accordance with the commission; and

22 (2) Specifically authorized in writing by the auxiliary law
23 enforcement officer's chief of police or sheriff.

24 (c) The authorization prescribed in subdivision (b)(2) of this section
25 shall be carried on the person of the auxiliary law enforcement officer and
26 be produced upon demand at the request of any law enforcement officer or
27 owner or operator of any of the prohibited places as set out in § 5-73-306.

28
29 5-73-305. Criminal penalty.

30 ~~Any~~ A person who knowingly submits a false answer to any question on an
31 application for a license issued ~~pursuant to~~ under this subchapter, or who
32 knowingly submits a false document when applying for a license issued
33 ~~pursuant to~~ under this subchapter upon conviction is guilty of a Class B
34 misdemeanor.

35
36 5-73-306. Prohibited places.

1 ~~No~~ A license to carry a ~~concealed~~ handgun in public issued pursuant to
2 under this subchapter does not ~~authorizes any~~ authorize a person to carry a
3 ~~concealed~~ handgun in public into:

4 (1) ~~Any~~ A police station, sheriff's station, or Department of
5 Arkansas State Police station;

6 (2) ~~Any~~ An Arkansas Highway Police Division of the Arkansas
7 State Highway and Transportation Department facility;

8 (3)(A) ~~Any~~ A building of the Arkansas State Highway and
9 Transportation Department ~~or onto grounds adjacent to any building of the~~
10 ~~Arkansas State Highway and Transportation Department.~~

11 (B) However, subdivision (3)(A) of this section does not
12 apply to a rest area or weigh station of the Arkansas State Highway and
13 Transportation Department;

14 (4) ~~Any~~ A detention facility, prison, or jail;

15 (5) ~~Any~~ A courthouse;

16 (6)(A) ~~Any~~ A courtroom.

17 (B) However, ~~nothing in this subchapter precludes this~~
18 subchapter does not preclude a judge from carrying a concealed weapon or
19 determining who will carry a concealed weapon into his or her courtroom;

20 (7) ~~Any~~ A polling place;

21 (8) ~~Any~~ A meeting place of the governing body of any
22 governmental entity;

23 (9) ~~Any~~ A meeting of the General Assembly or a committee of the
24 General Assembly;

25 (10) ~~Any~~ A state office;

26 (11) ~~Any~~ An athletic event not related to firearms;

27 (12) ~~Any~~ A portion of an establishment, except a restaurant as
28 defined in § 3-5-1202, licensed to dispense alcoholic beverages for
29 consumption on the premises;

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

32 (14) Any school, college, community college, or university
33 campus building or event, unless for the purpose of participating in an
34 authorized firearms-related activity;

35 (15) Inside the passenger terminal of any airport, except that
36 ~~no~~ a person is not prohibited from carrying ~~any~~ a legal firearm into the

1 passenger terminal if the firearm is encased for shipment for purposes of
2 checking the firearm as baggage to be lawfully transported on any aircraft;

3 (16)(A) *Any church or other place of worship.*

4 (B) *However, this subchapter does not preclude a church or other*
5 *place of worship from determining who may carry a concealed handgun into the*
6 *church or other place of worship;*

7 (17) ~~Any~~ A place where the carrying of a firearm is prohibited
8 by federal law;

9 (18) ~~Any~~ A place where a parade or demonstration requiring a
10 permit is being held, and the licensee is a participant in the parade or
11 demonstration; or

12 (19)(A) ~~Any~~ A place at the discretion of the person or private
13 entity exercising control over the physical location of the place by placing
14 at each entrance to the place a written notice clearly readable at a distance
15 of not less than ten feet (10') that "carrying a handgun is prohibited".

16 (B)(i) If the place does not have a roadway entrance,
17 there shall be a written notice placed anywhere upon the premises of the
18 place.

19 (ii) In addition to the requirement of subdivision
20 (19)(B)(i) of this section, there shall be at least one (1) written notice
21 posted within every three (3) acres of a place with no roadway entrance.

22 (C) A written notice as described in subdivision (19)(A)
23 of this section is not required for a private home.

24 (D) Any licensee entering a private home shall notify the
25 occupant that the licensee is carrying a ~~concealed~~ handgun in public.

26
27 5-73-307. List of license holders.

28 (a) The Department of Arkansas State Police shall maintain an
29 automated listing of ~~license holders~~ holders of licenses to carry a handgun
30 in public and ~~this information~~ the automated listing shall be available ~~on-~~
31 ~~line~~ online, upon request, at any time, to any law enforcement agency through
32 the Arkansas Crime Information Center.

33 (b) ~~Nothing in this~~ This subchapter ~~shall be construed to~~ does not
34 require or allow the registration, documentation, or providing of a serial
35 number with regard to any firearm.

36

1 5-73-308. License – Issuance or denial.

2 (a)(1)(A) The Director of the Department of Arkansas State Police may
3 deny a license to carry a handgun in public if within the preceding five (5)
4 years the applicant has been found guilty of one (1) or more crimes of
5 violence constituting a misdemeanor or for the offense of carrying a weapon.

6 (B) The director may revoke a license to carry a handgun
7 in public if the licensee has been found guilty of one (1) or more crimes of
8 violence within the preceding three (3) years.

9 (2) Subdivision (a)(1) of this section does not apply to a
10 misdemeanor that has been expunged or for which the imposition of sentence
11 was suspended.

12 (3) Upon notification by ~~any~~ a law enforcement agency or a court
13 and subsequent written verification, the director shall suspend a license to
14 carry a handgun in public or the processing of an application for a license
15 if the licensee or applicant is arrested or formally charged with a crime
16 that would disqualify the licensee or applicant from having a license under
17 this subchapter until final disposition of the case.

18 (b)(1) The director may deny a license to carry a ~~concealed~~ handgun in
19 public if the county sheriff or chief of police, if applicable, of the
20 applicant's place of residence submits an affidavit that the applicant has
21 been or is reasonably likely to be a danger to himself or herself or others
22 or to the community at large, as demonstrated by past patterns of behavior or
23 participation in an incident involving unlawful violence or threats of
24 unlawful violence, or if the applicant is under a criminal investigation at
25 the time of applying for a license to carry a ~~concealed~~ handgun in public.

26 (2) Within one hundred twenty (120) days after the date of
27 receipt of the items listed in § 5-73-311(a), the director shall:

28 (A) Issue ~~the~~ a license to carry a handgun in public; or

29 (B) Deny the application based solely on the ground that
30 the applicant fails to qualify under the criteria listed in this subchapter.

31 (3)(A) If the director denies the application, the director
32 shall notify the applicant in writing, stating the grounds for denial.

33 (B) The decision of the director is final.

34
35 5-73-309. License – Requirements.

36 The Director of the Department of Arkansas State Police shall issue a

1 license to carry a ~~concealed~~ handgun in public if the applicant:

2 (1) Is a citizen of the United States;

3 (2)(A) Is a resident of the state and has been a resident
4 continuously for ninety (90) days or longer immediately preceding the filing
5 of the application.

6 (B) However, subdivision (2)(A) of this section does not
7 apply to any:

8 (i) Retired city, county, state, or federal law
9 enforcement officer; or

10 (ii) Active duty military personnel who submit
11 documentation of their active duty status;

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

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

16 (5)(A) Has not been convicted of a felony in a court of this
17 state, of any other state, or of the United States without having been
18 pardoned for the felony conviction and had firearms possession rights
19 restored.

20 (B) A record of a felony conviction that has been sealed
21 or expunged under Arkansas law does not render an applicant ineligible to
22 receive a ~~concealed handgun license~~ license to carry a handgun in public if:

23 (i) The applicant was sentenced prior to March 13,
24 1995; or

25 (ii) The order sealing or expunging the applicant's
26 record of a felony conviction complies with § 16-90-605;

27 (6) Is not subject to any federal, state, or local law that
28 makes it unlawful to receive, possess, or transport any firearm, and has had
29 his or her background check successfully completed through the Department of
30 Arkansas State Police and the Federal Bureau of Investigation's National
31 Instant Criminal Background Check System;

32 (7)(A) Does not chronically or habitually abuse a controlled
33 substance to the extent that his or her normal faculties are impaired.

34 (B) It is presumed that an applicant chronically and
35 habitually uses a controlled substance to the extent that his or her
36 faculties are impaired if the applicant has been voluntarily or involuntarily

1 committed to a treatment facility for the abuse of a controlled substance or
2 has been found guilty of a crime under ~~the provisions of~~ the Uniform
3 Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other
4 state or the United States relating to a controlled substance within the
5 three-year period immediately preceding the date on which the application is
6 submitted;

7 (8)(A) Does not chronically or habitually use an alcoholic
8 beverage to the extent that his or her normal faculties are impaired.

9 (B) It is presumed that an applicant chronically and
10 habitually uses an alcoholic beverage to the extent that his or her normal
11 faculties are impaired if the applicant has been voluntarily or involuntarily
12 committed as an alcoholic to a treatment facility or has been convicted of
13 two (2) or more offenses related to the use of alcohol under a law of this
14 state or similar law of any other state or the United States within the
15 three-year period immediately preceding the date on which the application is
16 submitted;

17 (9) Desires a legal means to carry a ~~concealed~~ handgun in public
18 to defend himself or herself;

19 (10) Has not been adjudicated mentally incompetent;

20 (11) Has not been voluntarily or involuntarily committed to a
21 mental institution or mental health treatment facility;

22 (12) Is not a fugitive from justice or does not have an active
23 warrant for his or her arrest;

24 (13) Has satisfactorily completed a training course as
25 prescribed and approved by the director; and

26 (14) Signs a statement of allegiance to the United States
27 Constitution and the Arkansas Constitution.

28

29 5-73-310. Application form.

30 The application for a license to carry a ~~concealed~~ handgun in public
31 shall be completed, under oath, on a form promulgated by the Director of the
32 Department of Arkansas State Police and shall include only:

33 (1) The name, address, place and date of birth, race, and sex of
34 the applicant;

35 (2) The driver's license number or social security number of the
36 applicant;

1 (3) Any previous address of the applicant for the two (2) years
2 preceding the date of the application;

3 (4) A statement that the applicant is in compliance with
4 criteria contained within §§ 5-73-308(a) and 5-73-309;

5 (5) A statement that the applicant has been furnished a copy of
6 this subchapter and is acquainted with the truth and understanding of this
7 subchapter;

8 (6) A conspicuous warning that the application is executed under
9 oath, and that ~~a knowingly~~ knowingly submitting a false answer to any
10 question or ~~the knowing submission of any~~ knowingly submitting a false
11 document by the applicant subjects the applicant to:

12 (A) Criminal prosecution and precludes any future
13 ~~license's~~ license to carry a handgun in public being issued to the applicant;
14 and

15 (B) Immediate revocation if the license has already been
16 issued;

17 (7) A statement that the applicant desires a legal means to
18 carry a ~~concealed~~ handgun in public to defend himself or herself;

19 (8)(A) A statement of whether the applicant is applying for:

20 (i) An unrestricted license to carry a handgun in
21 public, that allows the person to carry any handgun; or

22 (ii) A restricted license to carry a handgun in
23 public, that allows the person to carry any handgun other than a
24 semiautomatic handgun.

25 (B)(i) An applicant requesting an unrestricted license to
26 carry a handgun in public shall establish proficiency in the use of a
27 semiautomatic handgun.

28 (ii) An applicant requesting a restricted license to
29 carry a handgun in public shall establish proficiency in the use of a handgun
30 and may use any kind of handgun when establishing proficiency; and

31 (9) A statement of whether or not the applicant has been found
32 guilty of a crime of violence or domestic abuse.

33
34 5-73-311. Application procedure.

35 (a) The applicant for a license to carry a ~~concealed~~ handgun in public
36 shall submit the following to the Department of Arkansas State Police:

1 (1) A completed application, as described in § 5-73-310;

2 (2) A nonrefundable license fee of one hundred dollars (\$100);

3 (3)(A) A full set of fingerprints of the applicant.

4 (B) ~~In the event~~ If a legible set of fingerprints, as
5 determined by the department and the Federal Bureau of Investigation, cannot
6 be obtained after a minimum of two (2) attempts, the Director of the
7 Department of Arkansas State Police shall determine eligibility in accordance
8 with criteria that the department shall establish by promulgating rules.

9 (C) Costs for processing the set of fingerprints as
10 required in subdivision (a)(3)(A) of this section shall be ~~borne~~ paid by the
11 applicant;

12 (4)(A) A waiver authorizing the department access to any
13 medical, criminal, or other records concerning the applicant and permitting
14 access to all of the applicant's criminal records.

15 (B) If a check of the applicant's criminal records
16 uncovers any unresolved felony arrests over ten (10) years old, then the
17 applicant shall obtain a letter of reference from the county sheriff,
18 prosecuting attorney, or circuit judge of the county where the applicant
19 resides that states that to the best of the county sheriff's, prosecuting
20 attorney's, or circuit judge's knowledge ~~that~~ the applicant is of good
21 character and free of any felony convictions.

22 (C) The department shall maintain the confidentiality of
23 the medical, criminal, or other records obtained under subdivision (a)(4) of
24 this section; and

25 (5) A digital photograph of the applicant or a release
26 authorization to obtain a digital photograph of the applicant from another
27 source.

28 (b)(1) Upon receipt of the items listed in subsection (a) of this
29 section, the department shall forward the full set of fingerprints of the
30 applicant to the appropriate agencies for state and federal processing.

31 (2)(A) The department shall forward a notice of the applicant's
32 application to the county sheriff of the applicant's county of residence and,
33 if applicable, the police chief of the applicant's municipality of residence.

34 (B)(i) The county sheriff of the applicant's county of
35 residence and, if applicable, the police chief of the applicant's
36 municipality of residence may participate, at his or her discretion, in the

1 process by submitting a voluntary report to the department containing any
2 readily discoverable information that he or she feels may be pertinent to the
3 licensing of ~~any~~ an applicant.

4 (ii) The reporting under subdivision (b)(2)(B)(i) of
5 this section shall be made within thirty (30) days after the date the notice
6 of the application was sent by the department.

7 (c) A ~~concealed handgun~~ license to carry a handgun in public issued,
8 renewed, or obtained under § 5-73-314 or § 5-73-319 ~~after December 31, 2007,~~
9 shall bear a digital photograph of the licensee.

10
11 5-73-312. Revocation.

12 (a)(1) A license to carry a ~~concealed~~ handgun in public issued under
13 this subchapter shall be revoked if the licensee becomes ineligible under the
14 criteria set forth in § 5-73-308(a) or § 5-73-309.

15 (2)(A) ~~Any~~ A law enforcement officer making an arrest of a
16 licensee for a violation of this subchapter or any other statutory violation
17 that requires revocation of a license to carry a ~~concealed~~ handgun in public
18 shall confiscate the license to carry a handgun in public and forward it to
19 the Director of the Department of Arkansas State Police.

20 (B) The license to carry a handgun in public shall be held
21 until a determination of the charge is finalized, with the appropriate
22 disposition of the license after the determination.

23 (b) When the Department of Arkansas State Police receives notification
24 from any law enforcement agency or court that a licensee has been ~~found~~
25 ~~guilty or has pleaded guilty or nolo contendere to~~ pleaded guilty to or nolo
26 contendere to or been guilty of any crime involving the use of a weapon, the
27 license issued under this subchapter is immediately revoked.

28 (c) The director shall revoke the license to carry a handgun in public
29 of any licensee who has pleaded guilty or nolo contendere to or been found
30 guilty of an alcohol-related offense committed while carrying a handgun.

31
32 5-73-313. Expiration and renewal.

33 (a) Except as provided in subdivision (f)(1) of this section, the
34 licensee may renew his or her license to carry a handgun in public no more
35 than ninety (90) days ~~prior to~~ before the expiration date by submitting to
36 the Department of Arkansas State Police:

- 1 (1) A renewal form prescribed by the department;
- 2 (2) A verified statement that the licensee remains qualified
- 3 pursuant to the criteria specified in §§ 5-73-308(a) and 5-73-309;
- 4 (3) A renewal fee of thirty-five dollars (\$35.00);
- 5 (4) A certification or training form properly completed by the
- 6 licensee's training instructor reflecting that the licensee's training was
- 7 conducted; and
- 8 (5) A digital photograph of the licensee or a release
- 9 authorization to obtain a digital photograph of the licensee from another
- 10 source.

11 (b) The license to carry a handgun in public shall be renewed upon

12 receipt of the completed renewal application, a digital photograph of the

13 licensee, and appropriate payment of fees subject to a background

14 investigation conducted ~~pursuant to~~ under this subchapter that did not reveal

15 any ~~disqualifying~~ offense or unresolved arrest that would disqualify a

16 licensee under this subchapter.

17 (c) Additionally, a licensee who fails to file a renewal application

18 on or before the expiration date shall renew his or her license to carry a

19 handgun in public by paying a late fee of fifteen dollars (\$15.00).

20 (d)(1) ~~No~~ A license shall not be renewed six (6) months or more after

21 its expiration date, and the license to carry a handgun in public is deemed

22 to be permanently expired.

23 (2)(A) A person whose license to carry a handgun in public has

24 been permanently expired may reapply for licensure.

25 (B) An application for licensure and fees ~~pursuant to~~

26 under §§ 5-73-308(a), 5-73-309, and 5-73-311(a) shall be submitted, and a new

27 background investigation shall be conducted.

28 (e)(1) A new criminal background investigation shall be conducted when

29 an applicant applies for renewal of a license to carry a handgun in public.

30 (2) Costs for processing a new background check shall be paid by

31 the applicant.

32 (f)(1) An active duty member of the armed forces of the United States,

33 a member of the National Guard, or a member of a reserve component of the

34 armed forces of the United States, who is on active duty outside this state

35 may renew his or her license to carry a handgun in public within thirty (30)

36 days after the person returns to this state by submitting to the department:

1 (A) Proof of assignment outside of this state on the
2 expiration date of the license to carry a handgun in public; and

3 (B) The items listed in subdivisions (a)(1)-(5) of this
4 section.

5 (2) Subsections (c) and (d) of this section ~~shall~~ do not apply
6 to a person who renews his or her license to carry a handgun in public under
7 subdivision (f)(1) of this section.

8
9 5-73-314. Lost or destroyed license – Change of address.

10 (a) Within thirty (30) days after the changing of a permanent address,
11 or within thirty (30) days after having lost a license to carry a ~~concealed~~
12 handgun in public ~~lost~~, the licensee shall notify the Director of the
13 Department of Arkansas State Police in writing of the change or loss.

14 (b) If a license to carry a ~~concealed~~ handgun in public is lost or
15 destroyed, the person to whom the license to carry a ~~concealed~~ handgun in
16 public was issued shall comply with ~~the provisions of~~ subsection (a) of this
17 section and may obtain a duplicate license or substitute license upon:

18 (1) Payment to the Department of Arkansas State Police of a fee
19 established by the director under the Arkansas Administrative Procedure Act,
20 § 25-15-201 et seq.; and

21 (2) Furnishing a notarized statement to the department that the
22 license to carry a ~~concealed~~ handgun in public has been lost.

23
24 5-73-315. Possession of license – Identification of licensee.

25 (a) ~~Any~~ A licensee possessing a valid license issued ~~pursuant to~~ under
26 this subchapter may carry a ~~concealed~~ handgun in public.

27 (b) The licensee shall:

28 (1) Carry the license to carry a handgun in public, together
29 with valid identification, at any time when the licensee is carrying a
30 ~~concealed~~ handgun in public; and

31 (2) Display both the license and ~~proper~~ valid identification
32 upon demand by a law enforcement officer.

33
34 5-73-316. Fees.

35 Any fee collected by the Department of Arkansas State Police ~~pursuant~~
36 ~~to~~ under this subchapter shall be deposited into the Department of Arkansas

1 State Police Fund.

2

3 5-73-317. Rules and regulations.

4 The Director of the Department of Arkansas State Police may promulgate
5 rules ~~and regulations~~ to permit the efficient administration of this
6 subchapter.

7

8 5-73-318. Instructor review of applications.

9 (a) An instructor authorized to conduct a training course required by
10 this subchapter shall check the application of a student in the training
11 course for completeness, accuracy, and legibility.

12 (b) An instructor who repeatedly fails to comply with subsection (a)
13 of this section may have his or her license to conduct a training course
14 revoked.

15

16 5-73-319. Transfer of a concealed carry license to Arkansas.

17 (a) ~~Any~~ A person who becomes a resident of Arkansas who has a valid
18 license to carry a concealed handgun issued by a reciprocal state may apply
19 to transfer his or her license to Arkansas, which will become a license to
20 carry a handgun in public, by submitting the following to the Department of
21 Arkansas State Police:

22 (1) The person's current reciprocal state license;
23 (2) Two (2) properly completed fingerprint cards;
24 (3) A nonrefundable license fee of thirty-five dollars (\$35.00);
25 (4) Any fee charged by a state or federal agency for a criminal
26 history check; and

27 (5) A digital photograph of the person or a release
28 authorization to obtain a digital photograph of the person from another
29 source.

30 (b) ~~After July 31, 2007, the~~ A newly transferred license under this
31 section is valid for a period of five (5) years from the date of issuance and
32 binds the holder to all Arkansas laws and ~~regulations~~ rules regarding the
33 carrying of the concealed handgun.

34

35 5-73-320. License for certain members of the Arkansas National Guard
36 or a reserve component or active duty military personnel.

1 (a) The Department of Arkansas State Police may issue a license under
2 this subchapter to a person who:

3 (1) Is currently serving as a federally recognized commissioned
4 or noncommissioned officer of the National Guard or a reserve component of
5 the armed forces of the United States or an active duty member of the armed
6 forces of the United States;

7 (2) Submits the following documents:

8 (A) A completed ~~concealed handgun~~ license to carry a
9 handgun in public application as prescribed by the department;

10 (B) A form specified by the Director of the Department of
11 Arkansas State Police reflecting the fingerprints of the soldier or airman;

12 (C) A dated letter personally signed by a commanding
13 officer or his or her designee stating that the soldier or airman:

14 (i) Is a current member of the National Guard or a
15 reserve component of the armed forces of the United States or an active duty
16 member of the armed forces of the United States;

17 (ii) Is of good character and sound judgment;

18 (iii) Is not disqualified by state or federal law
19 from possessing a firearm;

20 (iv) Has met the military qualification requirements
21 for issuance and operation of a handgun within one (1) year of the
22 application date; and

23 (v) Has been a resident of the State of Arkansas for
24 the ninety-day period preceding the application date according to the
25 military and pay records of the soldier or airman;

26 (D) A copy of the military range qualification score card
27 signed and dated within one (1) year of the application date by a range
28 officer or noncommissioned officer in charge of the range; and

29 (E) A copy of the face or photograph side of a current
30 United States Uniformed Services military identification card for a member of
31 the armed forces; and

32 (3) Submits any required application fee.

33 (b)(1) ~~After July 31, 2007, a~~ A license issued under this section
34 expires five (5) years from the date of issuance or upon the expiration date
35 of the military identification card of the soldier or airman, whichever
36 occurs first.

1 (2)(A) A license issued under this section is renewable for a
2 period of five (5) years under ~~the provisions of~~ § 5-73-313 upon satisfaction
3 of the requirements described in subsection (a) of this section.

4 (B) ~~After December 31, 2007,~~ a A license issued under this
5 section is required to bear a digital photograph of the soldier or airman.

6 (c) Except as otherwise specifically stated in this section, ~~the a~~
7 license issued under this section is subject to ~~the provisions of~~ this
8 subchapter and any rules promulgated under § 5-73-317.

9
10 5-73-321. Recognition of other states' concealed carry licenses.

11 (a) A person in possession of a valid license to carry a concealed
12 handgun issued to the person by another state is entitled to carry a
13 concealed handgun subject to the privileges and ~~subject to~~ the restrictions
14 prescribed by this subchapter if the state that issued the license to carry a
15 concealed handgun recognizes a license ~~to carry a concealed handgun~~ issued
16 under this subchapter.

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

18 (1) Make a determination as to which states' licenses to carry
19 concealed handguns will be recognized in Arkansas and provide that list to
20 every law enforcement agency within the state; and

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

23
24 SECTION 4. The introductory language of Arkansas Code § 25-19-
25 105(b)(19), concerning examination of public records, is amended to read as
26 follows:

27 (19) Records pertaining to the issuance, renewal, expiration,
28 suspension, or revocation of a license to carry a ~~concealed~~ handgun in
29 public, or a present or past licensee under § 5-73-301 et seq., including
30 without limitation all records provided to or obtained by any local, state,
31 or federal governments, their officials, agents, or employees in the
32 investigation of an applicant, licensee, or past licensee and all records
33 pertaining to a criminal or health history check conducted on the applicant,
34 licensee, or past licensee except that:

35
36 /s/Scott