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4

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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~~ handgun
19 or determining who will carry a ~~concealed weapon~~ handgun into his or her
20 courtroom;

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

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

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

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

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

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

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

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

36 (15) Inside the passenger terminal of any airport, except that

1 ~~no~~ a person is not prohibited from carrying ~~any~~ a legal firearm into the
2 passenger terminal if the firearm is encased for shipment for purposes of
3 checking the firearm as baggage to be lawfully transported on any aircraft;

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

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

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

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

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

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

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

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

25 *(D) Any licensee entering a private home shall notify the*
26 *occupant that the licensee is carrying a ~~concealed~~ handgun in public; or*

27 *(20)(A) An incorporated area or within an incorporated area if*
28 *the licensee is carrying a handgun openly.*

29 *(B) A licensee may only carry a concealed handgun into or*
30 *within an incorporated area.*

31 *(C) A licensee is not carrying a handgun openly under*
32 *subdivision (20)(A) of this section if the handgun is inadvertently exposed*
33 *to public view.*

34
35 5-73-307. List of license holders.

36 (a) The Department of Arkansas State Police shall maintain an

1 automated listing of ~~license holders~~ holders of licenses to carry a handgun
2 in public and ~~this information~~ the automated listing shall be available ~~on-~~
3 ~~line~~ online, upon request, at any time, to any law enforcement agency through
4 the Arkansas Crime Information Center.

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

8
9 5-73-308. License – Issuance or denial.

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

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

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

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

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

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

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

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

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

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

6
7 5-73-309. License – Requirements.

8 The Director of the Department of Arkansas State Police shall issue a
9 license to carry a ~~concealed handgun~~ in public if the applicant:

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

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

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

16 (i) Retired city, county, state, or federal law
17 enforcement officer; or

18 (ii) Active duty military personnel who submit
19 documentation of their active duty status;

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

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

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

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

31 (i) The applicant was sentenced prior to March 13,
32 1995; or

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

35 (6) Is not subject to any federal, state, or local law that
36 makes it unlawful to receive, possess, or transport any firearm, and has had

1 his or her background check successfully completed through the Department of
2 Arkansas State Police and the Federal Bureau of Investigation's National
3 Instant Criminal Background Check System;

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

6 (B) It is presumed that an applicant chronically and
7 habitually uses a controlled substance to the extent that his or her
8 faculties are impaired if the applicant has been voluntarily or involuntarily
9 committed to a treatment facility for the abuse of a controlled substance or
10 has been found guilty of a crime under ~~the provisions of~~ the Uniform
11 Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other
12 state or the United States relating to a controlled substance within the
13 three-year period immediately preceding the date on which the application is
14 submitted;

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

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

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

27 (10) Has not been adjudicated mentally incompetent;

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

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

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

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

36

1 5-73-310. Application form.

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

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

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

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

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

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

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

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

23 (B) Immediate revocation if the license has already been
24 issued;

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

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

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

30 (ii) A restricted license to carry a handgun in
31 public, that allows the person to carry any handgun other than a
32 semiautomatic handgun.

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

36 (ii) An applicant requesting a restricted license to

1 carry a handgun in public shall establish proficiency in the use of a handgun
2 and may use any kind of handgun when establishing proficiency; and

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

5
6 5-73-311. Application procedure.

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

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

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

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

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

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

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

23 (B) If a check of the applicant's criminal records
24 uncovers any unresolved felony arrests over ten (10) years old, then the
25 applicant shall obtain a letter of reference from the county sheriff,
26 prosecuting attorney, or circuit judge of the county where the applicant
27 resides that states that to the best of the county sheriff's, prosecuting
28 attorney's, or circuit judge's knowledge ~~that~~ the applicant is of good
29 character and free of any felony convictions.

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

33 (5) A digital photograph of the applicant or a release
34 authorization to obtain a digital photograph of the applicant from another
35 source.

36 (b)(1) Upon receipt of the items listed in subsection (a) of this

1 section, the department shall forward the full set of fingerprints of the
2 applicant to the appropriate agencies for state and federal processing.

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

6 (B)(i) The county sheriff of the applicant's county of
7 residence and, if applicable, the police chief of the applicant's
8 municipality of residence may participate, at his or her discretion, in the
9 process by submitting a voluntary report to the department containing any
10 readily discoverable information that he or she feels may be pertinent to the
11 licensing of ~~any~~ an applicant.

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

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

18
19 5-73-312. Revocation.

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

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

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

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

36 (c) The director shall revoke the license to carry a handgun in public

1 of any licensee who has pleaded guilty or nolo contendere to or been found
2 guilty of an alcohol-related offense committed while carrying a handgun.

3
4 5-73-313. Expiration and renewal.

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

9 (1) A renewal form prescribed by the department;

10 (2) A verified statement that the licensee remains qualified
11 pursuant to the criteria specified in §§ 5-73-308(a) and 5-73-309;

12 (3) A renewal fee of thirty-five dollars (\$35.00);

13 (4) A certification or training form properly completed by the
14 licensee's training instructor reflecting that the licensee's training was
15 conducted; and

16 (5) A digital photograph of the licensee or a release
17 authorization to obtain a digital photograph of the licensee from another
18 source.

19 (b) The license to carry a handgun in public shall be renewed upon
20 receipt of the completed renewal application, a digital photograph of the
21 licensee, and appropriate payment of fees subject to a background
22 investigation conducted ~~pursuant to~~ under this subchapter that did not reveal
23 any ~~disqualifying~~ offense or unresolved arrest that would disqualify a
24 licensee under this subchapter.

25 (c) Additionally, a licensee who fails to file a renewal application
26 on or before the expiration date shall renew his or her license to carry a
27 handgun in public by paying a late fee of fifteen dollars (\$15.00).

28 (d)(1) ~~No~~ A license shall not be renewed six (6) months or more after
29 its expiration date, and the license to carry a handgun in public is deemed
30 to be permanently expired.

31 (2)(A) A person whose license to carry a handgun in public has
32 been permanently expired may reapply for licensure.

33 (B) An application for licensure and fees ~~pursuant to~~
34 under §§ 5-73-308(a), 5-73-309, and 5-73-311(a) shall be submitted, and a new
35 background investigation shall be conducted.

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

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

2 (2) Costs for processing a new background check shall be paid by
3 the applicant.

4 (f)(1) An active duty member of the armed forces of the United States,
5 a member of the National Guard, or a member of a reserve component of the
6 armed forces of the United States, who is on active duty outside this state
7 may renew his or her license to carry a handgun in public within thirty (30)
8 days after the person returns to this state by submitting to the department:

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

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

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

16
17 5-73-314. Lost or destroyed license – Change of address.

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

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

26 (1) Payment to the Department of Arkansas State Police of a fee
27 established by the director under the Arkansas Administrative Procedure Act,
28 § 25-15-201 et seq.; and

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

31
32 5-73-315. Possession of license – Identification of licensee.

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

35 (b) The licensee shall:

36 (1) Carry the license to carry a handgun in public, together

1 with valid identification, at any time when the licensee is carrying a
2 ~~concealed~~ handgun in public; and

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

5
6 5-73-316. Fees.

7 Any fee collected by the Department of Arkansas State Police ~~pursuant~~
8 ~~to~~ under this subchapter shall be deposited into the Department of Arkansas
9 State Police Fund.

10
11 5-73-317. Rules and regulations.

12 The Director of the Department of Arkansas State Police may promulgate
13 rules ~~and regulations~~ to permit the efficient administration of this
14 subchapter.

15
16 5-73-318. Instructor review of applications.

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

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

23
24 5-73-319. Transfer of a concealed carry license to Arkansas.

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

- 30 (1) The person's current reciprocal state license;
31 (2) Two (2) properly completed fingerprint cards;
32 (3) A nonrefundable license fee of thirty-five dollars (\$35.00);
33 (4) Any fee charged by a state or federal agency for a criminal
34 history check; and
35 (5) A digital photograph of the person or a release
36 authorization to obtain a digital photograph of the person from another

1 source.

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

6

7 5-73-320. License for certain members of the Arkansas National Guard
8 or a reserve component or active duty military personnel.

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

11 (1) Is currently serving as a federally recognized commissioned
12 or noncommissioned officer of the National Guard or a reserve component of
13 the armed forces of the United States or an active duty member of the armed
14 forces of the United States;

15 (2) Submits the following documents:

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

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

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

22 (i) Is a current member of the National Guard or a
23 reserve component of the armed forces of the United States or an active duty
24 member of the armed forces of the United States;

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

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

28 (iv) Has met the military qualification requirements
29 for issuance and operation of a handgun within one (1) year of the
30 application date; and

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

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

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

4 (3) Submits any required application fee.

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

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

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

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

17
18 5-73-321. Recognition of other states' concealed carry licenses.

19 (a) A person in possession of a valid license to carry a concealed
20 handgun issued to the person by another state is entitled to carry a
21 concealed handgun subject to the privileges and ~~subject to the restrictions~~
22 prescribed by this subchapter if the state that issued the license to carry a
23 concealed handgun recognizes a license ~~to carry a concealed handgun~~ issued
24 under this subchapter.

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

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

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

31
32 SECTION 4. The introductory language of Arkansas Code § 25-19-
33 105(b)(19), concerning examination of public records, is amended to read as
34 follows:

35 (19) Records pertaining to the issuance, renewal, expiration,
36 suspension, or revocation of a license to carry a ~~concealed~~ handgun in

1 public, or a present or past licensee under § 5-73-301 et seq., including
2 without limitation all records provided to or obtained by any local, state,
3 or federal governments, their officials, agents, or employees in the
4 investigation of an applicant, licensee, or past licensee and all records
5 pertaining to a criminal or health history check conducted on the applicant,
6 licensee, or past licensee except that:

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/s/Scott