

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 1291 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H3/4/09 S4/3/09*

**A Bill**

HOUSE BILL 1623

5 By: Representatives Stewart, Woods, *M. Burris*, Adcock, Barnett, *Cheatham, Cole*, Flowers, House,  
6 Kerr, *M. Martin*, Nix, Perry, Sample, *G. Smith*, Wells, *Allen, Baird, T. Baker, Breedlove, J. Burris,*  
7 *Carnine, Carroll, Carter, Clemmer, D. Creekmore, Dale, J. Dickinson, Dismang, English, Garner,*  
8 *George, R. Green, Hall, Hawkins, Hobbs, D. Hutchinson, King, Lea, S. Malone, Maxwell, McCrary,*  
9 *Moore, Patterson, Pennartz, Pierce, Pyle, Reep, Rice, J. Roebuck, T. Rogers, Saunders, Slinkard, Tyler,*  
10 *B. Wilkins*

11 By: Senators *J. Taylor, Bledsoe*

**For An Act To Be Entitled**

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13  
14 AN ACT PROHIBITING THE RELEASE OF THE IDENTITIES  
15 OR OTHER INFORMATION CONCERNING CONCEALED HANDGUN  
16 LICENSEES; AND FOR OTHER PURPOSES.  
17

**Subtitle**

18  
19 PROHIBITING THE RELEASE OF THE  
20 IDENTITIES OR OTHER INFORMATION  
21 CONCERNING CONCEALED HANDGUN LICENSEES.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26  
27 *SECTION 1. Arkansas Code § 25-19-105(b) is amended to read as follows:*

28 *(b) It is the specific intent of this section that the following shall*  
29 *not be deemed to be made open to the public under the provisions of this*  
30 *chapter:*

31 *(1) State income tax records;*

32 *(2) Medical records, adoption records, and education records as*  
33 *defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §*  
34 *1232g, unless their disclosure is consistent with the provisions of that act;*

35 *(3) The site files and records maintained by the Arkansas*



1 *Historic Preservation Program of the Department of Arkansas Heritage and the*  
2 *Arkansas Archeological Survey;*

3 *(4) Grand jury minutes;*

4 *(5) Unpublished drafts of judicial or quasi-judicial opinions*  
5 *and decisions;*

6 *(6) Undisclosed investigations by law enforcement agencies of*  
7 *suspected criminal activity;*

8 *(7) Unpublished memoranda, working papers, and correspondence of*  
9 *the Governor, members of the General Assembly, Supreme Court Justices, Court*  
10 *of Appeals Judges, and the Attorney General;*

11 *(8) Documents that are protected from disclosure by order or*  
12 *rule of court;*

13 *(9)(A) Files that if disclosed would give advantage to*  
14 *competitors or bidders and records maintained by the Arkansas Economic*  
15 *Development Commission related to any business entity's planning, site*  
16 *location, expansion, operations, or product development and marketing, unless*  
17 *approval for release of those records is granted by the business entity.*

18 *(B) However, this exemption shall not be applicable to any*  
19 *records of expenditures or grants made or administered by the commission and*  
20 *otherwise disclosable under the provisions of this chapter;*

21 *(10)(A) The identities of law enforcement officers currently*  
22 *working undercover with their agencies and identified in the Arkansas Minimum*  
23 *Standards Office as undercover officers.*

24 *(B) Records of the number of undercover officers and*  
25 *agency lists are not exempt from this chapter;*

26 *(11) Records containing measures, procedures, instructions, or*  
27 *related data used to cause a computer or a computer system or network,*  
28 *including telecommunication networks or applications thereon, to perform*  
29 *security functions, including, but not limited to, passwords, personal*  
30 *identification numbers, transaction authorization mechanisms, and other means*  
31 *of preventing access to computers, computer systems or networks, or any data*  
32 *residing therein;*

33 *(12) Personnel records to the extent that disclosure would*  
34 *constitute a clearly unwarranted invasion of personal privacy;*

35 *(13) Home addresses of nonelected state employees, nonelected*  
36 *municipal employees, and nonelected county employees contained in employer*

1 records, except that the custodian of the records shall verify an employee's  
2 city or county of residence or address on record upon request;

3 (14) Materials, information, examinations, and answers to  
4 examinations utilized by boards and commissions for purposes of testing  
5 applicants for licensure by state boards or commissions;

6 (15) Military service discharge records or DD Form 214, the  
7 Certificate of Release or Discharge from Active Duty of the United States  
8 Department of Defense, filed with the county recorder as provided under § 14-  
9 2-102, for veterans discharged from service less than seventy (70) years from  
10 the current date;

11 (16) Vulnerability assessments submitted by a public water  
12 system on or before June 30, 2004, to the Administrator of the United States  
13 Environmental Protection Agency for a period of ten (10) years from the date  
14 of submission;

15 (17)(A) Records, including analyses, investigations, studies,  
16 reports, or recommendations, containing information relating to any  
17 Department of Human Services risk or security assessment, known or suspected  
18 security vulnerability, or safeguard related to compliance with the Health  
19 Insurance Portability and Accountability Act of 1996 or protection of other  
20 confidential department information.

21 (B) The records shall include:

22 (i) Risk and security assessments;

23 (ii) Plans and proposals for preventing and  
24 mitigating privacy and security risks;

25 (iii) Emergency response and recovery records;

26 (iv) Privacy and security plans and procedures; and

27 (v) Any other records containing information that if  
28 disclosed might jeopardize or compromise efforts to secure and protect  
29 personal health information or other protected department information.

30 (C) This subdivision (b)(17) expires on July 1, 2009; ~~and~~

31 (18)(A) Records, including analyses, investigations, studies,  
32 reports, recommendations, requests for proposals, drawings, diagrams,  
33 blueprints, and plans, containing information relating to security for any  
34 public water system.

35 (B) The records shall include:

36 (i) Risk and vulnerability assessments;

- 1 (ii) Plans and proposals for preventing and
- 2 mitigating security risks;
- 3 (iii) Emergency response and recovery records;
- 4 (iv) Security plans and procedures; and
- 5 (v) Any other records containing information that
- 6 if disclosed might jeopardize or compromise efforts to secure and protect the
- 7 public water system.

8 (C) This subdivision (b)(18) shall expire on July 1,

9 2009~~+~~; and

10 (19) Records pertaining to the issuance, renewal, expiration,

11 suspension, or revocation of a license to carry a concealed handgun, or a

12 present or past licensee under § 5-73-301 et seq., including without

13 limitation all records provided to or obtained by any local, state, or

14 federal governments, their officials, agents, or employees in the

15 investigation of an applicant, licensee, or past licensee and all records

16 pertaining to a criminal or health history check conducted on the applicant,

17 licensee, or past licensee except that:

18 (A) Information or other records regarding an applicant,

19 licensee, or past licensee may be released to a law enforcement agency for

20 the purpose of assisting in a criminal investigation or prosecution, or for

21 determining validity of or eligibility for a license;

22 (B) Names of an applicant, licensee, or past licensee may

23 be released as contained in investigative or arrest reports of law

24 enforcement that are subject to release as public records; and

25 (C) The name and the corresponding zip code of an

26 applicant, licensee, or past licensee may be released upon request by a

27 citizen of Arkansas.

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29 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

30 General Assembly of the State of Arkansas that the identities of persons

31 holding concealed weapons licenses should be private; that there are

32 currently insufficient safeguards ensuring that privacy; and that this act is

33 immediately necessary because persons holding concealed weapons licenses are

34 currently at risk of having that privacy exploited. Therefore, an emergency

35 is declared to exist and this act being immediately necessary for the

36 preservation of the public peace, health, and safety shall become effective

1 on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,  
4 the expiration of the period of time during which the Governor may veto the  
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is  
7 overridden, the date the last house overrides the veto.

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9 /s/ Stewart

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APPROVED: 4/9/2009

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