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A Bill

3 Regular Session, 2015

HOUSE BILL 1077

4

5 By: Representatives Collins, Ballinger, Bentley, Brown, Dotson, C. Douglas, Drown, C. Fite, Gates,

6 Gonzales, M. Gray, Harris, Henderson, House, Lemons, Lowery, Payton, Petty, Pitsch, Richmond,

7 Rushing, B. Smith, Sullivan, Tosh, Wallace, Wardlaw, Womack

8 By: Senators Hester, Collins-Smith

9

For An Act To Be Entitled

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AN ACT CONCERNING THE POSSESSION OF A CONCEALED

12

HANDGUN IN A UNIVERSITY, COLLEGE, OR COMMUNITY

13

COLLEGE BUILDING; AND FOR OTHER PURPOSES.

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15

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Subtitle

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CONCERNING THE POSSESSION OF A CONCEALED

18

HANDGUN IN A UNIVERSITY, COLLEGE, OR

19

COMMUNITY COLLEGE BUILDING.

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

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SECTION 1. Arkansas Code § 5-73-322 is amended to read as follows:

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5-73-322. Concealed handguns in a university, college, or community

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college building.

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(a) As used in this section:

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(1) "Hospital" means the facilities of an institution licensed,

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certified, or approved by the Division of Health Facilities Services of the

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Department of Health as a hospital which is primarily engaged in providing to

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patients diagnostic and therapeutic services for medical diagnosis,

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treatment, and care of injured, disabled, or sick persons, by or under the

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supervision of a physician or other medical professional;

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(1)(A)(2)(A) "Public university, public college, or community

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college" means an institution that:

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(i) Regularly receives budgetary support from the



1 state government;

2 (ii) Is part of the University of Arkansas or
3 Arkansas State University systems; or

4 (iii) Is required to report to the Arkansas Higher
5 Education Coordinating Board.

6 (B) "Public university, public college, or community
7 college" does not include a private university or private college solely
8 because:

9 (i) Students attending the private university or
10 private college receive state-supported scholarships; or

11 (ii) The private university or private college
12 voluntarily reports to the Arkansas Higher Education Coordinating Board; and

13 ~~(2)(3)(A)~~ "Staff member" means a person who is not enrolled as a
14 full-time student at the university, college, or community college and is
15 either employed by the university, college, or community college;

16 (1) full Full time; or is on

17 (2) On a nine-month or twelve-month appointment at
18 the university, college, or community college as a faculty member; or

19 (3) As a part-time faculty member at the university,
20 college, or community college.

21 (B) "Staff member" does not include a graduate assistant.

22 (b) A licensee may possess a concealed handgun in the buildings and on
23 the grounds, whether owned or leased by the public university, public
24 college, or public community college, of the public university, public
25 college, or public community college where he or she is employed unless
26 otherwise prohibited by this section or § 5-73-306 if+ he or she is a staff
27 member.

28 ~~(1) He or she is a staff member; and~~

29 ~~(2)(A) The governing board of the public university, public~~
30 ~~college, or public community college does not adopt a policy expressly~~
31 ~~disallowing the carrying of a concealed handgun by staff members in the~~
32 ~~buildings or on the grounds of the public university, public college, or~~
33 ~~public community college and posts notices as described in § 5-73-306(19).~~

34 ~~(B) A governing board of the public university, public~~
35 ~~college, or public community college may adopt differing policies for the~~
36 ~~carrying of a concealed handgun by staff members for different campuses,~~

1 ~~areas of a campus, or individual buildings of the public university, public~~
2 ~~college, or public community college for which the governing board is~~
3 ~~responsible.~~

4 ~~(C) A policy disallowing the carrying of a concealed~~
5 ~~handgun by staff members into the public university, public college, or~~
6 ~~public community college expires one (1) year after the date of adoption and~~
7 ~~must be readopted each year by the governing board of the public university,~~
8 ~~public college, or public community college to remain in effect.~~

9 (c) A licensee may possess a concealed handgun in the buildings and on
10 the grounds of the private university or private college where he or she is
11 employed unless otherwise prohibited by this section or § 5-73-306 if:

12 (1) He or she is a staff member; and

13 (2) The private university or private college does not adopt a
14 policy expressly disallowing the carrying of a concealed handgun in the
15 buildings and on the grounds of the private university or private college and
16 posts does not post notices as described in § 5-73-306(19).

17 (d) The storage of a handgun in a university or college-operated
18 student dormitory or residence hall is prohibited under § 5-73-119(c).

19 (e)(1) The governing board of a public university, public college, or
20 public community college that operates a public medical school may adopt a
21 policy expressly disallowing the carrying of a concealed handgun by a staff
22 member in the buildings or on the grounds of the public medical school that
23 are adjacent to or are up to within a radius of one-half (1/2) of a mile of
24 an associated public hospital.

25 (2) This subsection does not limit the governing board of a
26 public university, public college, or public community college from tailoring
27 its policy to permit the carrying of a concealed handgun into certain public
28 hospital or public medical school facilities within the one-half-mile radius.

29 (3) A policy adopted under this subsection is invalid until
30 public notices as described under § 5-73-306(19) are posted in and around the
31 parts of the public medical school and associated public hospital that are
32 subject to the policy.

33 (f)(1) The governing board of a public university, public college, or
34 public community college may adopt a policy expressly disallowing the
35 carrying of a concealed handgun by a staff member in the buildings or on the
36 grounds of the public university, public college, or public community college

1 which are adjacent to or are up to within a radius of one-half (1/2) of a
2 mile of a federally owned and operated presidential library.

3 (2) This subsection does not limit the governing board of a
4 public university, public college, or public community college from tailoring
5 its policy to permit the carrying of a concealed handgun into certain
6 facilities where carrying a concealed handgun is not otherwise prohibited by
7 federal law within the one-half-mile radius.

8 (3) A policy adopted under this subsection is invalid until
9 public notices as described under § 5-73-306(19) are posted in and around the
10 parts of the public university, public college, or public community college
11 that are adjacent to or up to within a radius of one-half (1/2) of a mile of
12 a federally owned and operated presidential library that are subject to the
13 policy.

14 (g) A policy disallowing the carrying of a concealed handgun under
15 subsection (e) or subsection (f) of this section expires one (1) year after
16 the date of adoption and shall be readopted each year by the governing board
17 to remain in effect.

18 (h)(1) The governing board of a public university, public college, or
19 public community college may require a licensee to complete an active shooter
20 or related training program to be administered by the campus police
21 department or another law enforcement agency having jurisdiction in the
22 absence of a campus police department before a licensee who is a staff member
23 is permitted to carry a concealed handgun on the campus of the public
24 university, public college, or public community college.

25 (2)(A) A training program administered under this subsection
26 shall consist of up to sixteen (16) hours for initial training with a
27 subsequent annual requirement of up to eight (8) hours training.

28 (B) The costs of the training program under this
29 subsection shall not exceed a nominal amount.

30 (C) The training program under this subsection is not
31 required to be located on the campus of the public university, public
32 college, or public community college but shall be reasonably accessible to a
33 staff member who requests to attend the training program.

34 (D) A training program under this subsection shall be made
35 available at least one (1) time every three (3) months and notice of the
36 training program shall be given to staff members of the public university,

1 public college, or public community college at least one (1) month in
2 advance.

3 (E) A campus police department or other law enforcement
4 agency having jurisdiction shall maintain a list of licensees who have
5 successfully completed a training program under this subsection.

6 (3) A staff member who attends a training program under this
7 subsection:

8 (A) Shall be:

9 (i) Allowed time off from his or her regular job
10 duties in order to attend the training program; or

11 (ii) Given compensatory time off for any time spent
12 attending the training program; and

13 (B) May not be charged leave for attending the training
14 program.

15 (4)(A) The training program under this subsection may be
16 designed by the campus police department, or it may be designed in
17 conjunction with the Arkansas Commission on Law Enforcement Standards and
18 Training or another law enforcement agency, including the campus police
19 department of another public university, public college, or public community
20 college.

21 (B)(i) A training program under this subsection shall at a
22 minimum have comparable standards to an active shooter or related training
23 program administered by the commission.

24 (ii) The governing board of a public university,
25 public college, or public community college may require higher standards for
26 its training program under this subsection than an active shooter or related
27 training program administered by the commission only if at least three (3) of
28 the following persons attend and complete the training program under this
29 subsection:

30 (a) A member of a governing board of the
31 public university, public college, or public community college;

32 (b) The president of the public university,
33 public college, or public community college or system;

34 (c) A chancellor of the public university,
35 public college, or public community college or system;

36 (d) A provost of the public university, public

1 college, or public community college or system; or

2 (e) A dean of the public university, public
3 college, or public community college.

4 (5) A governing board of a public university, public college, or
5 public community college that adopts a policy requiring training under this
6 subsection shall renew the policy every five (5) years in order for the
7 policy to remain in force.

8 (6) Except for those persons enumerated under subdivision
9 (h)(4)(B)(ii) of this section, the names of licensees who complete a training
10 program under this subsection are exempt from the Freedom of Information Act
11 of 1967, § 25-19-101 et seq.

12 (i)(1) A staff member who is a licensee and who may carry a concealed
13 handgun on the campus of a public university, public college, or public
14 community college under this section may not carry a concealed handgun into a
15 daycare or childcare facility that is located on the campus of the public
16 university, public college, or public community college.

17 (2) A person who knowingly violates subdivision (i)(1) of this
18 section upon conviction is guilty of a Class A misdemeanor.

19 (j) The governing board of a public university, public college, or
20 public community college may prohibit a person possessing an out-of-state
21 concealed handgun license that otherwise is valid in this state from carrying
22 a concealed handgun on the property or in a building of a public university,
23 public college, or public community college under this section.

24 (k) A public university, public college, or public community college
25 that permits a staff member who is a licensee to carry a concealed handgun
26 under this section shall submit to any local law enforcement agency having
27 jurisdiction a list of all staff members permitted to carry a concealed
28 handgun under this section upon request of the law enforcement agency having
29 jurisdiction.

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32 /s/Collins
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