

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H1/23/23

A Bill

HOUSE BILL 1123

5 By: Representatives Vaught, Gonzales, Cavanaugh
6 By: Senators K. Hammer, J. English
7

For An Act To Be Entitled

9 AN ACT TO AMEND LAWS CONCERNING CONCEALED CARRY
10 PERMITS; TO AUTHORIZE AN INDIVIDUAL WHO HAS SOUGHT
11 VOLUNTARY MENTAL HEALTH TREATMENT TO OBTAIN A
12 CONCEALED CARRY PERMIT AFTER A CERTAIN TIME PERIOD;
13 AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND LAWS CONCERNING CONCEALED CARRY
17 PERMITS; AND TO AUTHORIZE AN INDIVIDUAL
18 WHO HAS SOUGHT VOLUNTARY MENTAL HEALTH
19 TREATMENT TO OBTAIN A CONCEALED CARRY
20 PERMIT AFTER A CERTAIN TIME PERIOD.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 5-73-309(11), concerning the licensing
27 requirements for a license to carry a concealed handgun, is amended to read
28 as follows:

29 (11)(A) Has not been voluntarily or involuntarily committed to a
30 mental health institution or mental health treatment facility.

31 (B) An applicant ~~who is a veteran~~ who voluntarily sought
32 mental health treatment at a mental health institution or mental health
33 treatment facility may obtain a license under this subchapter if a circuit
34 court grants his or her petition under § 5-73-327;
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36 SECTION 2. Arkansas Code § 5-73-327 is amended to read as follows:



1 5-73-327. ~~Discharged veterans~~ Voluntary mental health treatment.

2 (a) As used in this section+,

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

6 ~~(2) "Veteran" means a person who+~~

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

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

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

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

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

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

32 (2) A petitioner shall also provide the circuit court with a
33 limited medical waiver that would allow the circuit court and the prosecuting
34 attorney access to and the ability to request any medical record that
35 concerns the petitioner's mental health treatment at issue.

36 (d)(1) A copy of a petition under this section shall be served on the

1 prosecuting attorney within thirty (30) days of the filing of the petition.

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

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

6 (1) The circumstances that led to the petitioner voluntarily
7 seeking mental health treatment;

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

9 (3) The petitioner's certified criminal history;

10 (4) The petitioner's reputation; and

11 (5) Changes in the petitioner's condition or circumstances
12 relevant to the petition.

13 (f) *The circuit court shall grant the petition if the circuit court*
14 *finds by a preponderance of the evidence the following:*

15 (1) The petitioner *is not* likely to act in a manner that is
16 dangerous to public safety; and

17 (2) Granting the petition *would not* be contrary to the public
18 interest.

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

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

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

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28 /s/Vaught

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31 **APPROVED: 2/3/23**
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