

As Engrossed: 3/23/93

1 State of Arkansas
 2 79th General Assembly
 3 Regular Session, 1993
 4 By: Joint Budget Committee

A Bill

**ACT 766 OF 1993
 HOUSE BILL 2009**

For An Act To Be Entitled

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR VARIOUS NEW AND EXPANDED PROGRAMS OF THE DEPARTMENT OF ARKANSAS STATE POLICE FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1995; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO MAKE AN APPROPRIATION FOR DEPARTMENT OF ARKANSAS STATE POLICE."

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

SECTION 1. REGULAR SALARIES - USED MOTOR VEHICLE DEALER LICENSING PROGRAM. There is hereby established for the Department of Arkansas State Police for the 1993-95 biennium, the following maximum number of regular employees for the Department of Arkansas State Police, whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

| Item | Class | No. of Employees | Maximum Annual Salary Rate | |
|------|----------------------------|------------------|----------------------------|---------|
| | | | 1993 94 | 1994 95 |
| (1) | T033 STATE POLICE CORPORAL | 4 | GRADE 20 | |

1 (2) A108 ACCOUNTING TECHNICIAN II 1 GRADE 15
 2 MAXIMUM NO. OF EMPLOYEES 5

3

4 SECTION 2. APPROPRIATION - USED MOTOR VEHICLE DEALER LICENSING PROGRAM. There
 5 is hereby appropriated, to the Department of Arkansas State Police, to be
 6 payable from the Arkansas State Police Fund, for personal services and
 7 operating expenses of the Department of Arkansas State Police - Used Motor
 8 Vehicle Dealer Licensing Program for the biennial period ending June 30, 1995,
 9 the following:

10

| 11 ITEM | FISCAL YEARS | |
|----------------------------------|--------------------|--------------------|
| 12 NO. | 1993 94 | 1994 95 |
| 13 (01) REGULAR SALARIES | \$ 120,650 | \$ 124,903 |
| 14 (02) PERSONAL SERV MATCHING | 54,293 | 56,206 |
| 15 (03) MAINT. & GEN. OPERATION | | |
| 16 (A) OPER. EXPENSE \$ 14,400 | \$14,400 | |
| 17 (B) CONF. & TRVL. 0 | 0 | |
| 18 (C) PROF. FEES 0 | 0 | |
| 19 (D) CAPITAL OUTLAY 10,000 | 10,000 | |
| 20 (E) DATA PROC. 0 | 0 | |
| 21 TOTAL MAINT. & GEN. OPER. | 24,400 | 24,400 |
| 22 (04) UNIFORM ALLOWANCE | 10,000 | 6,000 |
| 23 (05) SPECIAL TRAVEL ALLOWANCE | 10,000 | 10,000 |
| 24 (06) COVERT OPERATIONS | 0 | 0 |
| 25 TOTAL AMOUNT APPROPRIATED | <u>\$ 219,343</u> | <u>\$ 221,509</u> |

26

27 SECTION 3. REGULAR SALARIES - WEAPONS LICENSING PROGRAM. There is
 28 hereby established for the Department of Arkansas State Police for the 1993-95
 29 biennium, the following maximum number of regular employees for the Department
 30 of Arkansas State Police, whose salaries shall be governed by the provisions
 31 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201
 32 et seq.), or its successor, and all laws amendatory thereto. Provided,
 33 however, that any position to which a specific maximum annual salary is set
 34 out herein in dollars, shall be exempt from the provisions of said Uniform
 35 Classification and Compensation Act. All persons occupying positions

1 authorized herein are hereby governed by the provisions of the Regular
 2 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 3 successor.

| | | | Maximum | Maximum Annual |
|-----------------------|------|-------------------------------|-------------------|-------------------------|
| | | | Maximum | Salary Rate |
| Item Class | | | No. of | Fiscal Years |
| No. | Code | Title | Employees | 1993-94 1994-95 |
| 8 | (1) | T033 STATE POLICE CORPORAL | 1 | GRADE 20 |
| 9 | (2) | A108 ACCOUNTING TECHNICIAN II | 1 | GRADE 15 |
| 10 | (3) | W005 FINGERPRINT TECH | <u>1</u> | GRADE 14 |
| 11 | | MAXIMUM NO. OF EMPLOYEES | 3 | |

13 SECTION 4. APPROPRIATIONS - WEAPONS LICENSING PROGRAM. There is hereby
 14 appropriated to the Department of Arkansas State Police, to be payable from
 15 the Arkansas State Police Fund, for personal services and operating expenses
 16 of the Department of Arkansas State Police - Weapons Licensing Program for the
 17 biennial period ending June 30, 1995, the following:

| ITEM | | FISCAL YEARS | |
|-----------------|-------------------------------|-------------------------|------------------|
| NO. | | 1993-94 | 1994-95 |
| 21 | (01) REGULAR SALARIES | \$ 56,819 | \$ 58,822 |
| 22 | (02) PERSONAL SERV MATCHING | 25,569 | 26,470 |
| 23 | (03) MAINT. & GEN. OPERATION | | |
| 24 | (A) OPER. EXPENSE | \$ 3,600 | \$ 3,600 |
| 25 | (B) CONF. & TRVL | 0 | 0 |
| 26 | (C) PROF. FEES | 0 | 0 |
| 27 | (D) CAPITAL OUTLAY | 2,500 | 2,500 |
| 28 | (E) DATA PROC. | <u>0</u> | <u>0</u> |
| 29 | TOTAL MAINT. & GEN. OPER. | 6,100 | 6,100 |
| 30 | (04) UNIFORM ALLOWANCE | 2,000 | 1,500 |
| 31 | (05) SPECIAL TRAVEL ALLOWANCE | 2,000 | 2,000 |
| 32 | (06) COVERT OPERATIONS | <u>0</u> | <u>0</u> |
| 33 | TOTAL AMOUNT APPROPRIATED | <u>\$ 92,488</u> | <u>\$ 94,892</u> |

35 SECTION 5. SPECIAL REVENUE FUND CREATED. There is hereby created on

1 the books of the State Treasurer, State Auditor and Chief Fiscal Officer of
2 the State a Special Revenue fund to be known as the "Arkansas State Police
3 Equipment Fund" which shall consist of fees collected for background
4 investigations conducted by the Department of Arkansas State Police as may be
5 authorized by law.

6

7 SECTION 6. APPROPRIATIONS - BACKGROUND INVESTIGATIONS. There is hereby
8 appropriated to the Department of Arkansas State Police, to be payable from
9 the Arkansas State Police Equipment Fund, for acquisition of an automated
10 fingerprint identification system for the biennial period ending June 30,
11 1995, the sum of..... \$2,000,000.

12

13 SECTION 7. *The Director of the Department of Arkansas State Police may,*
14 *where circumstances warrant, request a special rate of compensation up to the*
15 *maximum for the grade for the following classifications, based on prevailing*
16 *wage rates for surrounding states:*

| | | |
|----|---------------------------------------|----------|
| 17 | 617Z ASST DIR STATE POLICE | GRADE 26 |
| 18 | T079 MGR DIVERSION INVESTIGATION UNIT | GRADE 21 |
| 19 | T069 DRUG DIVERSION INVESTIGATOR | GRADE 18 |

20

21 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
22 authorized by this Act shall be limited to the appropriation for such agency
23 and funds made available by law for the support of such appropriations; and
24 the restrictions of the State Purchasing Law, the General Accounting and
25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
26 Procedures and Restrictions Act, or their successors, and other fiscal control
27 laws of this State, where applicable, and regulations promulgated by the
28 Department of Finance and Administration, as authorized by law, shall be
29 strictly complied with in disbursement of said funds.

30

31 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General
32 Assembly that any funds disbursed under the authority of the appropriations
33 contained in this Act shall be in compliance with the stated reasons for which
34 this Act was adopted, as evidenced by the Agency Requests, Executive
35 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.

4
5 SECTION 10. CODE. All provisions of this Act of a general and
6 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and
7 the Arkansas Code Revision Commission shall incorporate the same in the Code.

8
9 SECTION 11. SEVERABILITY. If any provision of this Act or the
10 application thereof to any person or circumstance is held invalid, such
11 invalidity shall not affect other provisions or applications of the Act which
12 can be given effect without the invalid provision or application, and to this
13 end the provisions of this Act are declared to be severable.

14
15 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the
16 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas
17 prohibits the appropriation of funds for more than a two (2) year period; that
18 the effectiveness of this Act on July 1, 1993 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, and that in
20 the event of an extension of the Regular Session, the delay in the effective
21 date of this Act beyond July 1, 1993 could work irreparable harm upon the
22 proper administration and provision of essential governmental programs.
23 Therefore, an emergency is hereby declared to exist and this Act being
24 necessary for the immediate preservation of the public peace, health and
25 safety shall be in full force and effect from and after July 1, 1993.

26
27 /s/John E. Miller

28
29 APPROVED: 3/26/93

As Engrossed: 3/23/93

HB 2009

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- 2
- 3
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As Engrossed: 1/25/95 2/1/95 2/2/95 2/8/95

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

ACT 411 OF 1995
HOUSE BILL 1088

4 By: Representatives Wilkinson, B. G. Hendrix, Ammons, Lavery, Simmons, Curran, T.
5 Smith, Wallis, Thomas, Pappas, Purdom, Angel, Simon, Sheppard, Thicksten, Davis,
6 Molinaro, Hall, Kidd, Young, Flanagan, Watts, Cash, Wyrick, and Wagner, Hogue,
7 Calhoun, K. Wood, and Von Grep

8
9

For An Act To Be Entitled

11 "AN ACT TO AUTHORIZE THE ARKANSAS STATE POLICE TO ISSUE
12 LICENSES TO QUALIFIED APPLICANTS TO CARRY CONCEALED
13 WEAPONS; AND FOR OTHER PURPOSES."

14

15

Subtitle

16 "TO AUTHORIZE THE ARKANSAS STATE POLICE
17 TO ISSUE LICENSES TO QUALIFIED
18 APPLICANTS TO CARRY CONCEALED WEAPONS"

19

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

21

22 SECTION 1. *As used in this act:*

23 (a) "Director" means the director of the Arkansas State Police.

24 (b) "Handgun" means any firearm with a barrel length of less than
25 twelve inches (12") that is designed, made, or adapted to be fired with one
26 hand.

27 (c) "Concealed" means to cover from observation so as to prevent public
28 view.

29

30 SECTION 2. (a) (1) The director is authorized to issue licenses to carry
31 concealed handguns to persons qualified as provided in this section. Such
32 licenses shall be valid throughout the state for a period of four (4) years
33 from the date of issuance. Any person possessing a valid license issued
34 pursuant to this section may carry a concealed handgun.

35 (2) The licensee must carry the license, together with valid
36 identification, at all times in which the licensee is carrying a concealed

1 handgun and must display both the license and proper identification upon
2 demand by a law enforcement officer.

3 (b) The director shall issue a license if the applicant:

4 (1) Is a resident of the state and has been a resident
5 continuously for twelve (12) months or longer immediately preceding the filing
6 of the application (provided this shall not apply to any retired city, county,
7 state or federal law enforcement officer);

8 (2) Is twenty-one (21) years of age or older;

9 (3) Does not suffer from a mental or physical infirmity which
10 prevents the safe handling of a handgun and has not threatened or attempted
11 suicide;

12 (4) Is not ineligible to possess a firearm by virtue of having
13 been convicted of a felony in a court of this state, of any other state, or of
14 the United States without having been pardoned for same and had firearms
15 possession rights restored;

16 (5) Does not chronically or habitually abuse controlled substances
17 to the extent that his normal faculties are impaired. It shall be presumed
18 that an applicant chronically and habitually uses controlled substances to the
19 extent that his faculties are impaired if the applicant has been voluntarily
20 or involuntarily committed to a treatment facility for the abuse of a
21 controlled substance or been found guilty of a crime under the provisions of
22 the Uniform Controlled Substances Act or similar laws of any other state or
23 the United States relating to controlled substances within a three-year period
24 immediately preceding the date on which the application is submitted;

25 (6) Does not chronically and habitually use alcoholic beverages to
26 the extent that his normal faculties are impaired. It shall be presumed that
27 an applicant chronically and habitually uses alcoholic beverages to the extent
28 that his normal faculties are impaired if the applicant has been voluntarily
29 or involuntarily committed as an alcoholic to a treatment facility or has been
30 convicted of two (2) or more offenses related to the use of alcohol under the
31 laws of this state or similar laws of any other state or the United States
32 within the three-year period immediately preceding the date on which the
33 application is submitted;

34 (7) Desires a legal means to carry a concealed handgun to defend
35 himself;

1 (8) Has not been adjudicated mentally incompetent;

2 (9) Has not been voluntarily or involuntarily committed to a
3 mental institution or mental health treatment facility;

4 (10) Is not a fugitive from justice;

5 (11) Has satisfactorily completed a training course as prescribed
6 *and approved by the director; and*

7 (12) *That the applicant sign a statement of allegiance to the*
8 *United States Constitution, the Arkansas Constitution, and all federal and*
9 *state courts.*

10 (c) The director may deny a license if the applicant has been found
11 guilty of one or more crimes of violence constituting a misdemeanor, or may
12 revoke a license if the licensee has been found guilty of one or more crimes
13 of violence within the preceding three (3) years. The director shall, upon
14 notification by any law enforcement agency or a court and subsequent written
15 verification, suspend a license or the processing of an application for a
16 license if the licensee or applicant is arrested or formally charged with a
17 crime which would disqualify such person from having a license under this
18 section until final disposition of the case.

19 (d) The application shall be completed, under oath, on a form
20 promulgated by the director and shall include only:

21 (1) The name, address, place and date of birth, race, sex and
22 occupation of the applicant;

23 (2) The driver's license number or Social Security number of
24 applicant;

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

27 (4) A statement that the applicant is in compliance with criteria
28 contained within subsections (b) and (c);

29 (5) A statement that the applicant has been furnished a copy of
30 *this act and is acquainted with the truth and understanding of this act;*

31 (6) A conspicuous warning that the application is executed under
32 oath and that a knowingly false answer to any question, or the knowing
33 submission of any false document by the applicant, subjects the applicant to
34 criminal prosecution and precludes any future license being issued to the
35 *applicant and immediate revocation if the license has already been issued;*

1 (7) A statement that the applicant desires a legal means to carry
2 a concealed handgun to defend himself; and

3 (8) A description and the serial number of any handgun the
4 applicant may desire to carry. Any applicant may list up to three (3)
5 handguns that the applicant may choose to carry, but the applicant must
6 establish proficiency in the use of each of the handguns as required in the
7 training course as prescribed herein. In the event a license is issued
8 pursuant to this act, the serial number of the listed handguns shall be
9 printed only on the license. All other records of the serial numbers shall
10 thereafter be expunged. Should a license be denied, all records of the serial
11 numbers shall be expunged. All records of serial numbers of listed handguns
12 shall be destroyed when the license expires.

13 (e) The applicant shall submit the following to the Arkansas State
14 Police:

15 (1) A completed application as described in subsection (d);

16 (2) A full-face photograph of the applicant;

17 (3) A non-refundable license fee of one hundred dollars (\$100) or
18 such other amount as prescribed by the director under the Administrative
19 Procedures Act. Costs for processing the set of fingerprints as required in
20 paragraph (4) of this subsection shall be borne by the applicant;

21 (4) A full set of fingerprints of the applicant administered by
22 the Arkansas State Police; and

23 (5) A waiver authorizing the Arkansas State Police access to any
24 medical records concerning the applicant and permitting access to all of the
25 applicant's criminal records, provided, however, that the State Police shall
26 maintain the confidentiality of the medical records.

27 (f) (1) The Arkansas State Police, upon receipt of the items listed in
28 subsection (e) shall forward the full set of fingerprints of the applicant to
29 the appropriate agencies for state and federal processing.

30 (2) The Arkansas State Police shall forward a copy of the
31 applicant_s application to the sheriff of the applicant_s county of residence
32 and, if applicable, the police chief of the applicant_s municipality of
33 residence. The sheriff of the applicant_s county of residence and, if
34 applicable, the police chief of the applicant_s municipality of residence may,
35 at his discretion, participate in the process by submitting a voluntary report

1 to the Arkansas State Police containing any readily discoverable information
2 that he feels may be pertinent to the licensing of any applicant. The
3 reporting shall be made within thirty (30) days after the date he receives the
4 copy of the application. *The director may deny a license if the sheriff or*
5 *chief of police, if applicable, of the applicant's place of residence submits*
6 *an affidavit that the applicant has or is reasonably likely to be a danger to*
7 *himself or herself or others or to the community at large as the result of the*
8 *applicant's mental or psychological state as demonstrated by past patterns of*
9 *behavior or participation in an incidence involving unlawful violence or*
10 *threats of unlawful violence or if the applicant is under a criminal*
11 *investigation at the time of applying for a license.*

12 (3) The director shall, within one hundred twenty (120) days after
13 the date of receipt of the items listed in subsection (e):

14 (A) Issue the license; or

15 (B) Deny the application based solely on the ground that the
16 *applicant fails to qualify under the criteria listed in this act.*

17 (4) If the director denies the application, it shall notify the
18 applicant in writing, stating the grounds for denial. The decision of the
19 director shall be final.

20 (5) In the event a legible set of fingerprints, as determined by
21 the Arkansas State Police and the Federal Bureau of Investigation, cannot be
22 obtained after a minimum of three (3) attempts, the director shall determine
23 eligibility based upon a name check by the Arkansas State Police and the
24 Federal Bureau of Investigation at the request of the director.

25 (g) The Arkansas State Police shall maintain an automated listing of
26 license holders and such information shall be available on-line, upon request,
27 at all times, to all law enforcement agencies through the Arkansas Crime
28 Information Center. However, the records of the department relating to
29 applications for licenses to carry concealed handguns and records relating to
30 license holders shall be exempt from the provisions of the Freedom of
31 Information Act for a period of forty-five (45) days from the date of the
32 issuance of the license or the final denial of an application.

33 (h) Within thirty (30) days after the changing of a permanent address,
34 or within thirty (30) days after having a license or handgun lost or disposed
35 of, the licensee shall notify the director in writing of such change or loss

1 or disposition.

2 (i) In the event that a concealed handgun license is lost or destroyed,
3 the person to whom the license was issued shall comply with the provisions of
4 subsection (h) of this section and may obtain a duplicate, or substitute
5 thereof, upon payment to the Arkansas State Police of a fee established by the
6 director under the Administrative Procedure Act, and furnishing a notarized
7 statement to the Arkansas State Police that such handgun or license has been
8 lost or disposed of.

9 (j) A license issued under this section shall be revoked if the licensee
10 becomes ineligible under the criteria set forth in subsection (b) or (c). Any
11 law enforcement officer making an arrest of a licensee for a violation of this
12 act or any other statutory violation which requires revocation of this permit,
13 shall confiscate the permit and forward it to the Director of the Arkansas
14 State Police, and the permit shall be held until determination of the charges
15 are finalized, with the appropriate disposition of the license thereafter.

16 (k) No less than ninety (90) days prior to the expiration date of the
17 license, the Arkansas State Police shall mail to each licensee a written
18 notice of the expiration and a renewal form prescribed by the Arkansas State
19 Police. The licensee must renew his license on or before the expiration date
20 by filing with the Arkansas State Police the renewal form, a notarized
21 affidavit stating that the licensee remains qualified pursuant to the criteria
22 specified in subsections (b) and (c), and a renewal fee established by the
23 director under the Administrative Procedure Act. The license shall be renewed
24 upon receipt of the completed renewal application and appropriate payment of
25 fees. Additionally, a licensee who fails to file a renewal application on or
26 before its expiration date must renew his license by paying a late fee of
27 fifteen dollars (\$15.00). No license shall be renewed six (6) months or more
28 after its expiration date, and such license shall be deemed to be permanently
29 expired. A person whose license has been permanently expired may reapply for
30 licensure; however, an application for licensure and fees pursuant to
31 subsections (b), (c), and (e) must be submitted, and a new background
32 investigation shall be conducted.

33 (l) No license issued pursuant to this section shall authorize any
34 person to carry a concealed handgun into any police, sheriff or Arkansas State
35 Police station; any Arkansas Highway Police facility; any buildings of the

1 Arkansas State Highway and Transportation Department, or onto any parking lots
2 or grounds adjacent to such buildings; any detention facility, prison or jail;
3 any courthouse; any courtroom, except that nothing in this section shall
4 preclude a judge from carrying a concealed weapon or determining who will
5 carry a concealed weapon in his courtroom; any polling place; any meeting
6 place of the governing body of any governmental entity; any meeting of the
7 legislature or a committee thereof; any building wherein a state office is
8 located; any public park unless for the purpose of participating in any
9 authorized firearms-related activity; any athletic event not related to
10 firearms; any portion of an establishment, licensed to dispense alcoholic
11 beverages for consumption on the premises; any portion of an establishment in
12 which beer or light wine is consumed on the premises; any school, college,
13 community college, or university *campus* or event unless for the purpose of
14 participating in an authorized firearms-related activity; inside the passenger
15 terminal of any airport, except that no person shall be prohibited from
16 carrying any legal firearm into the terminal if the firearm is encased for
17 shipment, for purposes of checking such firearm as baggage to be lawfully
18 transported on any aircraft; any church or other place of worship; or any
19 place where the carrying of firearms is prohibited by federal law. In
20 addition to the places enumerated in this section, the carrying of a concealed
21 handgun may be disallowed in any place in the discretion of the person or
22 entity exercising control over the physical location of such place by the
23 placing of a written notice clearly readable at a distance of not less than
24 ten (10) feet that the carrying of a handgun is prohibited. *Provided no*
25 *sign shall be required for private homes and any licensee entering a private*
26 *home shall notify the occupants that he is carrying a concealed handgun.* No
27 license issued pursuant to this section shall authorize the participants in a
28 parade or demonstration for which a permit is required to carry a concealed
29 handgun.

30 (m) Certified law enforcement officers, chiefs of police, and sheriffs
31 shall be exempt from the licensing requirements of this section, if otherwise
32 authorized to carry a concealed handgun.

33 (n) Any person who knowingly submits a false answer to any question on
34 an application for a license issued pursuant to this act, or who knowingly
35 submits a false document when applying for a license issued pursuant to this

1 section, shall, upon conviction, be guilty of a Class B misdemeanor.

2 (o) All fees collected by the Arkansas State Police pursuant to this
3 section shall be deposited into the Department of Arkansas State Police Fund.

4 (p) Nothing in this section shall be construed to require or allow the
5 registration, documentation or providing of serial numbers with regard to any
6 firearm except as required by subsection (d) (8).

7

8 *SECTION 3. Neither the state, the county, the city, or any employee of*
9 *the state, county, or city shall be liable for any civil damages resulting*
10 *from the issuance of a license pursuant to the provisions of this act.*

11

12 *SECTION 4. When the Arkansas State Police receives notification from*
13 *any law enforcement agency or court that a licensee has been found guilty or*
14 *has plead guilty or nolo contendere to any crime involving the use of a*
15 *weapon, the license issued under this act shall be immediately revoked.*

16

17 *SECTION 5. The director shall revoke the license of any licensee he*
18 *determines has consumed alcoholic beverages while carrying a handgun. It*
19 *shall be conclusive evidence of such consumption if an open container of*
20 *alcoholic beverages is in the possession of the licensee or is in the vehicle*
21 *in which the licensee is an occupant.*

22

23 *SECTION 6. All provisions of this act of a general and permanent nature*
24 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*
25 *Revision Commission shall incorporate the same in the Code.*

26

27 *SECTION 7. If any provision of this act or the application thereof to*
28 *any person or circumstance is held invalid, such invalidity shall not affect*
29 *other provisions or applications of the act which can be given effect without*
30 *the invalid provision or application, and to this end the provisions of this*
31 *act are declared to be severable.*

32

33 *SECTION 8. The director is authorized to promulgate rules and*
34 *regulations to permit the efficient administration of this act.*

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/s/Rep. Wilkinson, et al

APPROVED: 2-23-95

*As Engrossed: 2/2/95*1 **State of Arkansas**2 **80th General Assembly**3 **Regular Session, 1995**4 **By: Senators Walters, Scott, Bell, Hopkins, and Hunter**

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6

7

For An Act To Be Entitled

8 "TO AUTHORIZE THE ARKANSAS STATE POLICE TO ISSUE LICENSES
9 TO QUALIFIED APPLICANTS TO CARRY CONCEALED HANDGUNS; AND
10 FOR OTHER PURPOSES."

11

12

Subtitle

13 "TO AUTHORIZE THE ARKANSAS STATE POLICE
14 TO ISSUE LICENSES TO QUALIFIED
15 APPLICANTS TO CARRY CONCEALED HANDGUNS."

16

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

18

19 SECTION 1. As used in this act:

20 (a) "Director" means the director of the Arkansas State Police.

21 (b) "Handgun" means any firearm with a barrel length of less than
22 twelve inches (12") that is designed, made, or adapted to be fired with one
23 hand.

24 (c) "Concealed" means to cover from observation so as to prevent public
25 view.

26

27 SECTION 2. (a) (1) The director is authorized to issue licenses to carry
28 concealed handguns to persons qualified as provided in this section. Such
29 licenses shall be valid throughout the state for a period of four (4) years
30 from the date of issuance. Any person possessing a valid license issued
31 pursuant to this section may carry a concealed handgun.

32 (2) The licensee must carry the license, together with valid
33 identification, at all times in which the licensee is carrying a concealed
34 handgun and must display both the license and proper identification upon
35 demand by a law enforcement officer.

1 (b) The director shall issue a license if the applicant:

2 (1) Is a resident of the state and has been a resident
3 continuously for twelve (12) months or longer immediately preceding the filing
4 of the application (provided this shall not apply to any retired city, county,
5 state or federal law enforcement officer);

6 (2) Is twenty-one (21) years of age or older;

7 (3) Does not suffer from a mental or physical infirmity which
8 prevents the safe handling of a handgun and has not threatened or attempted
9 suicide;

10 (4) Is not ineligible to possess a firearm by virtue of having
11 been convicted of a felony in a court of this state, of any other state, or of
12 the United States without having been pardoned for same and had firearms
13 possession rights restored;

14 (5) Does not chronically or habitually abuse controlled substances
15 to the extent that his normal faculties are impaired. It shall be presumed
16 that an applicant chronically and habitually uses controlled substances to the
17 extent that his faculties are impaired if the applicant has been voluntarily
18 or involuntarily committed to a treatment facility for the abuse of a
19 controlled substance or been found guilty of a crime under the provisions of
20 the Uniform Controlled Substances Act or similar laws of any other state or
21 the United States relating to controlled substances within a three-year period
22 immediately preceding the date on which the application is submitted;

23 (6) Does not chronically and habitually use alcoholic beverages to
24 the extent that his normal faculties are impaired. It shall be presumed that
25 an applicant chronically and habitually uses alcoholic beverages to the extent
26 that his normal faculties are impaired if the applicant has been voluntarily
27 or involuntarily committed as an alcoholic to a treatment facility or has been
28 convicted of two (2) or more offenses related to the use of alcohol under the
29 laws of this state or similar laws of any other state or the United States
30 within the three-year period immediately preceding the date on which the
31 application is submitted;

32 (7) Desires a legal means to carry a concealed handgun to defend
33 himself;

34 (8) Has not been adjudicated mentally incompetent;

35 (9) Has not been voluntarily or involuntarily committed to a

1 mental institution or mental health treatment facility;

2 (10) Is not a fugitive from justice;

3 (11) Has satisfactorily completed a training course as prescribed
4 and approved by the director; and

5 (12) That the applicant sign a statement of allegiance to the
6 United States Constitution, the Arkansas Constitution, and all federal and
7 state courts.

8 (c) The director may deny a license if the applicant has been found
9 guilty of one or more crimes of violence constituting a misdemeanor, or may
10 revoke a license if the licensee has been found guilty of one or more crimes
11 of violence within the preceding three (3) years. The director shall, upon
12 notification by any law enforcement agency or a court and subsequent written
13 verification, suspend a license or the processing of an application for a
14 license if the licensee or applicant is arrested or formally charged with a
15 crime which would disqualify such person from having a license under this
16 section until final disposition of the case.

17 (d) The application shall be completed, under oath, on a form
18 promulgated by the director and shall include only:

19 (1) The name, address, place and date of birth, race, sex and
20 occupation of the applicant;

21 (2) The driver's license number or Social Security number of
22 applicant;

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

25 (4) A statement that the applicant is in compliance with criteria
26 contained within subsections (b) and (c);

27 (5) A statement that the applicant has been furnished a copy of
28 *this act and is acquainted with the truth and understanding of this act;*

29 (6) A conspicuous warning that the application is executed under
30 oath and that a knowingly false answer to any question, or the knowing
31 submission of any false document by the applicant, subjects the applicant to
32 criminal prosecution and precludes any future license being issued to the
33 *applicant and immediate revocation if the license has already been issued;*

34 (7) A statement that the applicant desires a legal means to carry
35 a concealed handgun to defend himself; and

1 (8) A description and the serial number of any handgun the
2 applicant may desire to carry. Any applicant may list up to three (3)
3 handguns that the applicant may choose to carry, but the applicant must
4 establish proficiency in the use of each of the handguns as required in the
5 training course as prescribed herein. *In the event a license is issued*
6 *pursuant to this act, the serial number of the listed handguns shall be*
7 *printed only on the license. All other records of the serial numbers shall*
8 *thereafter be expunged. Should a license be denied, all records of the serial*
9 *number shall be expunged. All records of serial numbers of listed handguns*
10 *shall be destroyed when the license expires.*

11 (e) The applicant shall submit the following to the Arkansas State
12 Police:

13 (1) A completed application as described in subsection (d);

14 (2) A full-face photograph of the applicant;

15 (3) A non-refundable license fee of one hundred dollars (\$100) or
16 such other amount as prescribed by the director under the Administrative
17 Procedures Act. Costs for processing the set of fingerprints as required in
18 paragraph (4) of this subsection shall be borne by the applicant;

19 (4) A full set of fingerprints of the applicant administered by
20 the Arkansas State Police; and

21 (5) A waiver authorizing the Arkansas State Police access to any
22 medical records concerning the applicant and permitting access to all of the
23 applicant's criminal records, provided, however, that the State Police shall
24 maintain the confidentiality of the medical records.

25 (f) (1) The Arkansas State Police, upon receipt of the items listed in
26 subsection (e) shall forward the full set of fingerprints of the applicant to
27 the appropriate agencies for state and federal processing.

28 (2) The Arkansas State Police shall forward a copy of the
29 applicant_s application to the sheriff of the applicant_s county of residence
30 and, if applicable, the police chief of the applicant_s municipality of
31 residence. The sheriff of the applicant_s county of residence and, if
32 applicable, the police chief of the applicant_s municipality of residence may,
33 at his discretion, participate in the process by submitting a voluntary report
34 to the Arkansas State Police containing any readily discoverable information
35 that he feels may be pertinent to the licensing of any applicant. The

1 reporting shall be made within thirty (30) days after the date he receives the
2 copy of the application. *The director may deny a license if the sheriff or*
3 *chief of police, if applicable, of the applicant's place of residence submits*
4 *an affidavit that the applicant has or is reasonably likely to be a danger to*
5 *himself or herself or others or to the community at large as the result of the*
6 *applicant's mental or psychological state as demonstrated by past patterns of*
7 *behavior or participation in an incidence involving unlawful violence or*
8 *threats of unlawful violence or if the applicant is under a criminal*
9 *investigation at the time of applying for a license.*

10 (3) The director shall, within one hundred twenty (120) days after
11 the date of receipt of the items listed in subsection (e):

12 (A) Issue the license; or

13 (B) Deny the application based solely on the ground that the
14 *applicant fails to qualify under the criteria listed in this act.*

15 (4) If the director denies the application, it shall notify the
16 applicant in writing, stating the grounds for denial. The decision of the
17 director shall be final.

18 (5) In the event a legible set of fingerprints, as determined by
19 the Arkansas State Police and the Federal Bureau of Investigation, cannot be
20 obtained after a minimum of three (3) attempts, the director shall determine
21 eligibility based upon a name check by the Arkansas State Police and the
22 Federal Bureau of Investigation at the request of the director.

23 (g) The Arkansas State Police shall maintain an automated listing of
24 license holders and such information shall be available on-line, upon request,
25 at all times, to all law enforcement agencies through the Arkansas Crime
26 Information Center. However, the records of the department relating to
27 applications for licenses to carry concealed handguns and records relating to
28 license holders shall be exempt from the provisions of the Freedom of
29 Information Act for a period of forty-five (45) days from the date of the
30 issuance of the license or the final denial of an application.

31 (h) Within thirty (30) days after the changing of a permanent address,
32 or within thirty (30) days after having a license or handgun lost or disposed
33 of, the licensee shall notify the director in writing of such change or loss
34 or disposition.

35 (i) In the event that a concealed handgun license is lost or destroyed,

1 the person to whom the license was issued shall comply with the provisions of
2 subsection (h) of this section and may obtain a duplicate, or substitute
3 thereof, upon payment to the Arkansas State Police of a fee established by the
4 director under the Administrative Procedure Act, and furnishing a notarized
5 statement to the Arkansas State Police that such handgun or license has been
6 lost or disposed of.

7 (j) A license issued under this section shall be revoked if the licensee
8 becomes ineligible under the criteria set forth in subsection (b) or (c). Any
9 law enforcement officer making an arrest of a licensee for a violation of this
10 act or any other statutory violation which requires revocation of this permit,
11 shall confiscate the permit and forward it to the Director of the Arkansas
12 State Police, and the permit shall be held until determination of the charges
13 are finalized, with the appropriate disposition of the license thereafter.

14 (k) No less than ninety (90) days prior to the expiration date of the
15 license, the Arkansas State Police shall mail to each licensee a written
16 notice of the expiration and a renewal form prescribed by the Arkansas State
17 Police. The licensee must renew his license on or before the expiration date
18 by filing with the Arkansas State Police the renewal form, a notarized
19 affidavit stating that the licensee remains qualified pursuant to the criteria
20 specified in subsections (b) and (c), and a renewal fee established by the
21 director under the Administrative Procedure Act. The license shall be renewed
22 upon receipt of the completed renewal application and appropriate payment of
23 fees. Additionally, a licensee who fails to file a renewal application on or
24 before its expiration date must renew his license by paying a late fee of
25 fifteen dollars (\$15.00). No license shall be renewed six (6) months or more
26 after its expiration date, and such license shall be deemed to be permanently
27 expired. A person whose license has been permanently expired may reapply for
28 licensure; however, an application for licensure and fees pursuant to
29 subsections (b), (c), and (e) must be submitted, and a new background
30 investigation shall be conducted.

31 (l) No license issued pursuant to this section shall authorize any
32 person to carry a concealed handgun into any police, sheriff or Arkansas State
33 Police station; any Arkansas Highway Police facility; any buildings of the
34 Arkansas State Highway and Transportation Department, or onto any parking lots
35 or grounds adjacent to such buildings; any detention facility, prison or jail;

1 any courthouse; any courtroom, except that nothing in this section shall
2 preclude a judge from carrying a concealed weapon or determining who will
3 carry a concealed weapon in his courtroom; any polling place; any meeting
4 place of the governing body of any governmental entity; any meeting of the
5 legislature or a committee thereof; any building wherein a state office is
6 located; any public park unless for the purpose of participating in any
7 authorized firearms-related activity; any athletic event not related to
8 firearms; any portion of an establishment, licensed to dispense alcoholic
9 beverages for consumption on the premises; any portion of an establishment in
10 which beer or light wine is consumed on the premises; any school, college,
11 community college, or university *campus* or event unless for the purpose of
12 participating in an authorized firearms-related activity; inside the passenger
13 terminal of any airport, except that no person shall be prohibited from
14 carrying any legal firearm into the terminal if the firearm is encased for
15 shipment, for purposes of checking such firearm as baggage to be lawfully
16 transported on any aircraft; any church or other place of worship; or any
17 place where the carrying of firearms is prohibited by federal law. In
18 addition to the places enumerated in this section, the carrying of a concealed
19 handgun may be disallowed in any place in the discretion of the person or
20 entity exercising control over the physical location of such place by the
21 placing of a written notice clearly readable at a distance of not less than
22 ten (10) feet that the *carrying of a handgun is prohibited.* *Provided no sign*
23 *shall be required for private homes and any licensee entering a private home*
24 *shall notify the occupants that he is carrying a concealed handgun.* No license
25 issued pursuant to this section shall authorize the participants in a parade
26 or demonstration for which a permit is required to carry a concealed handgun.

27 (m) Certified law enforcement officers, chiefs of police, and sheriffs
28 shall be exempt from the licensing requirements of this section, if otherwise
29 authorized to carry a concealed handgun.

30 (n) Any person who knowingly submits a false answer to any question on
31 an application for a license issued pursuant to this act, or who knowingly
32 submits a false document when applying for a license issued pursuant to this
33 section, shall, upon conviction, be guilty of a Class B misdemeanor.

34 (o) All fees collected by the Arkansas State Police pursuant to this
35 section shall be deposited into the Department of Arkansas State Police Fund.

1 (p) Nothing in this section shall be construed to require or allow the
2 registration, documentation or providing of serial numbers with regard to any
3 firearm except as required by subsection (d) (8).

4

5 *SECTION 3. Neither the state, the county, the city, or any employee of*
6 *the state, county, or city shall be liable for any civil damages resulting*
7 *from the issuance of a license pursuant to the provisions of this act.*

8

9 *SECTION 4. When the Arkansas State Police receives notification from*
10 *any law enforcement agency or court that a licensee has been found guilty or*
11 *has plead guilty or nolo contendere to any crime involving the use of a*
12 *weapon, the license issued under this act shall be immediately revoked.*

13

14 *SECTION 5. The director shall revoke the license of any licensee he*
15 *determines has consumed alcoholic beverages while carrying a handgun. It*
16 *shall be conclusive evidence of such consumption if an open container of*
17 *alcoholic beverages is in the possession of the licensee or is in the vehicle*
18 *in which the licensee is an occupant.*

19

20 *SECTION 6. All provisions of this act of a general and permanent nature*
21 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*
22 *Revision Commission shall incorporate the same in the Code.*

23

24 *SECTION 7. If any provision of this act or the application thereof to*
25 *any person or circumstance is held invalid, such invalidity shall not affect*
26 *other provisions or applications of the act which can be given effect without*
27 *the invalid provision or application, and to this end the provisions of this*
28 *act are declared to be severable.*

29

30 *SECTION 8. The director is authorized to promulgate rules and*
31 *regulations to permit the efficient administration of this act.*

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33

/s/Walters et al

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APPROVED: 2-23-95

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Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/26/99

A Bill

Act 487 of 1999
HOUSE BILL 1209

5 By: Representatives Minton, Bledsoe, Womack, Gillespie, *Wilkinson, Simon, Teague, Files, R. Smith, T.*
6 *Thomas, Wood*
7
8

For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE §§ 5-73-311 AND 5-73-
11 313 TO ESTABLISH THE APPLICATION FEES AND RENEWAL
12 FEES FOR A LICENSE TO CARRY A CONCEALED HANDGUN; AND
13 FOR OTHER PURPOSES."

Subtitle

16 "TO ESTABLISH THE APPLICATION FEES AND
17 RENEWAL FEES FOR A LICENSE TO CARRY A
18 CONCEALED HANDGUN."
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

SECTION 1. Arkansas Code

24 Arkansas Code §5-73-311 is amended to read as follows:

25 "5-73-311. Application procedure.

26 (a) The applicant shall submit the following to the Department of
27 Arkansas State Police:

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

29 (2) *A nonrefundable license fee of one hundred dollars (\$100) ~~or~~*
30 ~~such other amount as prescribed by the director under the Arkansas~~
31 ~~Administrative Procedure Act, § 25-15-201 et seq.;~~

32 (3)(A) A full set of fingerprints of the applicant administered
33 by the Department of Arkansas State Police.

34 (B) In the event a legible set of fingerprints, as
35 determined by the Department of Arkansas State Police and the Federal Bureau
36 of Investigation, cannot be obtained after a minimum of three (3) attempts,

1 the director shall determine eligibility based upon a name check by the
2 Department of Arkansas State Police and the Federal Bureau of Investigation
3 at the request of the director.

4 (C) Costs for processing the set of fingerprints as
5 required in subdivision (a)(3)(A) of this section shall be borne by the
6 applicant; and

7 (4) A waiver authorizing the Department of Arkansas State Police
8 access to any medical records concerning the applicant and permitting access
9 to all of the applicant's criminal records;

10 (A) If a check of the applicant's criminal records uncover
11 any unresolved felony arrests over ten (10) years old, then the applicant
12 shall obtain a letter of reference from the county sheriff, prosecuting
13 attorney or circuit judge of the county in which the applicant resides which
14 states to the best of their knowledge the applicant to be of good character
15 and free of any felony convictions;

16 (B) The Department of Arkansas State Police shall maintain
17 the confidentiality of the medical records.

18 (b)(1) The Department of Arkansas State Police, upon receipt of the
19 items listed in subsection (a) of this section, shall forward the full set of
20 fingerprints of the applicant to the appropriate agencies for state and
21 federal processing.

22 (2)(A) The Department of Arkansas State Police shall forward a
23 copy of the applicant's application to the sheriff of the applicant's county
24 of residence and, if applicable, the police chief of the applicant's
25 municipality of residence.

26 (B)(i) The sheriff of the applicant's county of residence
27 and, if applicable, the police chief of the applicant's municipality of
28 residence may, at his discretion, participate in the process by submitting a
29 voluntary report to the Department of Arkansas State Police containing any
30 readily discoverable information that he feels may be pertinent to the
31 licensing of any applicant.

32 (ii) The reporting shall be made within thirty (30)
33 days after the date he receives the copy of the application."
34

35 SECTION 2. Arkansas Code 5-73-313 is amended to read as follows:

36 "5-73-313. Expiration and renewal.

1 (a) No less than ninety (90) days prior to the expiration date of the
2 license, the Department of Arkansas State Police shall mail to each licensee
3 a written notice of the expiration and a renewal form prescribed by the
4 Department of Arkansas State Police.

5 (b) The licensee must renew his license on or before the expiration
6 date by filing with the Department of Arkansas State Police the renewal form,
7 a notarized affidavit stating that the licensee remains qualified pursuant to
8 the criteria specified in §§ 5-73-308(a) and 5-73-309, and a renewal fee
9 ~~established by the director under the Arkansas Administrative Procedure Act,~~
10 ~~§ 25-15-201 et seq of thirty-five dollars (\$35.00).~~

11 (c) The license shall be renewed upon receipt of the completed renewal
12 application and appropriate payment of fees subject to a background
13 investigation conducted pursuant to § 5-73-311.

14 (d) Additionally, a licensee who fails to file a renewal application
15 on or before its expiration date must renew his license by paying a late fee
16 of fifteen dollars (\$15.00).

17 (e)(1) No license shall be renewed six (6) months or more after its
18 expiration date, and such license shall be deemed to be permanently expired.

19 (2) A person whose license has been permanently expired may
20 reapply for licensure; however, an application for licensure and fees
21 pursuant to §§ 5-73-308(a), 5-73-309, and 5-73-311(a) must be submitted, and
22 a new background investigation shall be conducted.

23 (f) A new criminal background investigation shall be conducted when an
24 applicant applies for renewal of a license.”

25
26 SECTION 3. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

29
30 SECTION 4. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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36 SECTION 5. All laws and parts of laws in conflict with this act are

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1 hereby repealed.

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/s/ Minton

APPROVED: 3/9/1999

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