

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 1251 OF 1997  
HOUSE BILL 1816

4  
5 By: Representative Flanagin  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-73-311  
10 REQUIRING APPLICANTS FOR A LICENSE TO CARRY A CONCEALED  
11 HANDGUN WHO HAVE UNRESOLVED FELONY ARRESTS OVER TEN YEARS  
12 OLD TO OBTAIN A LETTER OF REFERENCE FROM THE COUNTY  
13 SHERIFF, PROSECUTING ATTORNEY OR CIRCUIT JUDGE; AND FOR  
14 OTHER PURPOSES."

## Subtitle

15  
16  
17 "TO REQUIRE APPLICANTS FOR A LICENSE TO  
18 CARRY A CONCEALED HANDGUN WHO HAVE  
19 UNRESOLVED FELONY ARRESTS OVER TEN YEARS  
20 OLD TO OBTAIN A LETTER OF REFERENCE FROM  
21 THE COUNTY SHERIFF, PROSECUTING ATTORNEY  
22 OR CIRCUIT JUDGE"  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code Annotated § 5-73-311 is amended to read as  
27 follows:

28 "5-73-311. Application procedure.

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

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

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

33 (3) A nonrefundable license fee of one hundred dollars (\$100) or  
34 such other amount as prescribed by the director under the Arkansas

35 Administrative Procedure Act, 25-15-201 et seq.;

36 (4)(A) A full set of fingerprints of the applicant administered

1 by the Department of Arkansas State Police.

2 (B) In the event a legible set of fingerprints, as  
 3 determined by the Department of Arkansas State Police and the Federal Bureau  
 4 of Investigation, cannot be obtained after a minimum of three (3) attempts,  
 5 the director shall determine eligibility based upon a name check by the  
 6 Department of Arkansas State Police and the Federal Bureau of Investigation at  
 7 the request of the director.

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

11 (5) A waiver authorizing the Department of Arkansas State Police  
 12 access to any medical records concerning the applicant and permitting access  
 13 to all of the applicant's criminal records; ~~provided, however, that~~

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

20 (B) the Department of Arkansas State Police shall maintain  
 21 the confidentiality of the medical records.

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

26 (2)(A) The Department of Arkansas State Police shall forward a  
 27 copy of the applicant's application to the sheriff of the applicant's county  
 28 of residence and, if applicable, the police chief of the applicant's  
 29 municipality of residence.

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

36 (ii) The reporting shall be made within thirty (30)

1 days after the date he receives the copy of the application."

2

3 SECTION 2. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

6

7 SECTION 3. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

12

13 SECTION 4. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

15

16 APPROVED: 4-09-97

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35