

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Dowd

## A Bill

ACT 368 OF 1997  
SENATE BILL 131

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-73-309 TO  
10 PROVIDE FOR RECIPROCAL LICENSING TO CARRY A CONCEALED  
11 HANDGUN; AND FOR OTHER PURPOSES."

### Subtitle

13 "TO PROVIDE FOR RECIPROCAL LICENSING TO  
14 CARRY A CONCEALED HANDGUN"  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated § 5-73-309 is amended to read as  
20 follows:

21 "5-73-309. License - Requirements.

22 The director shall issue a license if the applicant:

23 (a)(1)(A) Is a resident of the state and has been a resident  
24 continuously for twelve (12) months or longer immediately preceding the filing  
25 of the application.

26 (B) Provided, this shall not apply to any retired city,  
27 county, state, or federal law enforcement officer;

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

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

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

36 (5)(A) Does not chronically or habitually abuse controlled

1 substances to the extent that his normal faculties are impaired.

2 (B) It shall be presumed that an applicant chronically and  
3 habitually uses controlled substances to the extent that his faculties are  
4 impaired if the applicant has been voluntarily or involuntarily committed to a  
5 treatment facility for the abuse of a controlled substance or been found  
6 guilty of a crime under the provisions of the Uniform Controlled Substances  
7 Act, § 5-64-101 et seq., or similar laws of any other state or the United  
8 States relating to controlled substances within a three-year period  
9 immediately preceding the date on which the application is submitted;

10 (6)(A) Does not chronically and habitually use alcoholic  
11 beverages to the extent that his normal faculties are impaired.

12 (B) It shall be presumed that an applicant chronically and  
13 habitually uses alcoholic beverages to the extent that his normal faculties  
14 are impaired if the applicant has been voluntarily or involuntarily committed  
15 as an alcoholic to a treatment facility or has been convicted of two (2) or  
16 more offenses related to the use of alcohol under the laws of this state or  
17 similar laws of any other state or the United States within the three-year  
18 period immediately preceding the date on which the application is submitted;

19 (7) Desires a legal means to carry a concealed handgun to defend  
20 himself;

21 (8) Has not been adjudicated mentally incompetent;

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

24 (10) Is not a fugitive from justice;

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

27 (12) Signs a statement of allegiance to the United States  
28 Constitution, the Arkansas Constitution, and all federal and state courts; ~~or~~ or

29 (b) Is a person who has a valid license to carry a concealed handgun  
30 issued by another state and the Director determines, without requiring the  
31 person to meet the eligibility or fee requirements, that:

32 (1) the eligibility requirements to obtain a license to carry a  
33 concealed handgun imposed by the other state are at least as rigorous as the  
34 eligibility requirements imposed by this section; and

35 (2) the other state provides reciprocal licensing privileges to a  
36 person who holds a license issued under this subchapter and who has applied

1 for a license to carry a concealed handgun in the other state."

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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.

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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.

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

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APPROVED:3-06-97

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