

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/1/13  
**A Bill**

HOUSE BILL 1417

5 By: Representatives Harris, Vines, Bell, *Wright, Ballinger, C. Douglas, Fite, Hobbs, Wardlaw, Womack,*  
6 *Wren*  
7

8 **For An Act To Be Entitled**

9 AN ACT TO EXTEND THE CONCEALED HANDGUN LICENSE  
10 EXEMPTION TO CURRENT AND FORMER CERTIFIED LAW  
11 ENFORCEMENT OFFICERS, AUXILIARY LAW ENFORCEMENT  
12 OFFICERS, BAILIFFS, AND RETIRED LAW ENFORCEMENT  
13 OFFICERS; AND FOR OTHER PURPOSES.  
14  
15

16 **Subtitle**

17 TO EXTEND THE CONCEALED HANDGUN LICENSE  
18 EXEMPTION TO CURRENT AND FORMER CERTIFIED  
19 LAW ENFORCEMENT OFFICERS, AUXILIARY LAW  
20 ENFORCEMENT OFFICERS, BAILIFFS, AND  
21 RETIRED LAW ENFORCEMENT OFFICERS.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 5-73-304 is amended to read as follows:

27 5-73-304. Exemptions.

28 (a)(1)(A) A current or former certified law enforcement officer, chief  
29 of police, court bailiff, or county sheriff is exempt from the licensing  
30 requirements of this subchapter, if otherwise authorized to carry a concealed  
31 handgun.

32 (B) A former certified law enforcement officer whose  
33 employment was terminated by a law enforcement agency due to disciplinary  
34 reasons or because he or she committed a disqualifying criminal offense is  
35 not exempt from the licensing requirements of this subchapter.

36 (2) Solely for purposes of this subchapter, an auxiliary law



1 enforcement officer certified by the Arkansas Commission on Law Enforcement  
2 Standards and Training and approved by the county sheriff of the county where  
3 he or she is acting as an auxiliary law enforcement officer is deemed to be a  
4 certified law enforcement officer.

5 (b) An auxiliary law enforcement officer is exempt from the licensing  
6 requirements of this subchapter ~~when~~ if the auxiliary law enforcement  
7 officer:

8 (1) ~~The auxiliary law enforcement officer has~~ Has completed the  
9 minimum training requirements and is certified as an auxiliary law  
10 enforcement officer in accordance with the commission; and

11 (2) ~~Specifically~~ Is authorized in writing as exempt from the  
12 licensing requirements of this subchapter by the auxiliary law enforcement  
13 officer's chief of police or county sheriff.

14 (c) The authorization prescribed in subdivision (b)(2) of this section  
15 shall be carried on the person of the auxiliary law enforcement officer and  
16 be produced upon demand at the request of any law enforcement officer or  
17 owner or operator of any of the prohibited places as set out in § 5-73-306.

18  
19 SECTION 2. Arkansas Code § 12-15-201, concerning definitions related  
20 to concealed handgun permits, is amended to add new definitions to read as  
21 follows:

22 (3) "Auxiliary law enforcement officer" means a person certified  
23 by the Arkansas Commission on Law Enforcement Standards and Training and  
24 approved by the county sheriff or chief of police of a municipality where he  
25 or she is acting as an auxiliary law enforcement officer if:

26 (A) The auxiliary law enforcement officer has completed  
27 the minimum training requirements and is certified as an auxiliary law  
28 enforcement officer in accordance with the commission; and

29 (B) The chief of police of the law enforcement agency or  
30 county sheriff authorizes the status of the auxiliary law enforcement officer  
31 and the authorization is:

32 (i) In writing;

33 (ii) In the possession of the auxiliary law  
34 enforcement officer; and

35 (iii) Produced upon demand at the request of any law  
36 enforcement officer or owner or operator of any of the prohibited places

1 under § 5-73-306; and

2 (4) "In good standing" means that the person:

3 (A) Was not terminated;

4 (B) Did not resign in lieu of termination; or

5 (C) Was not subject to a pending disciplinary action or  
6 criminal investigation at the time of his or her retirement or resignation  
7 from the public law enforcement department, office, or agency.

8  
9 SECTION 3. Arkansas Code § 12-15-202(a) and (b), concerning the  
10 eligibility to carry a concealed handgun for law enforcement officers, are  
11 amended to read as follows:

12 (a) Any certified law enforcement officer or auxiliary law enforcement  
13 officer acting as an auxiliary law enforcement officer may carry a concealed  
14 handgun if that officer ~~is~~:

15 (1) ~~Presently~~ Is presently in the employ of a public law  
16 enforcement department, office, or agency;

17 (2) ~~Authorized~~ Is authorized by the public law enforcement  
18 department, office, or agency to carry a firearm in the course and scope of  
19 his or her duties;

20 (3) ~~Not~~ Is not subject to any disciplinary action that suspends  
21 his or her authority as a law enforcement officer by the public law  
22 enforcement department, office, or agency;

23 (4) ~~Carrying~~ Is carrying a badge and appropriate written  
24 photographic identification issued by the public law enforcement department,  
25 office, or agency identifying him or her as a certified law enforcement  
26 officer; ~~and~~

27 (5) ~~Not~~ Is not otherwise prohibited under federal law; ~~;~~

28 (6) Is not under the influence of alcohol or another  
29 intoxicating or hallucinatory drug or substance; and

30 (7) Has fingerprint impressions on file with the Department of  
31 Arkansas State Police Automated Fingerprint Identification System.

32 (b)(1) A concealed handgun may be carried by any retired law  
33 enforcement officer or retired auxiliary law enforcement officer acting as a  
34 retired auxiliary law enforcement officer who:

35 (A) Retired in good standing from service with a public  
36 law enforcement department, office, or agency for reasons other than mental

1 disability;

2 (B) Immediately before retirement was a certified law  
3 enforcement officer authorized by a public law enforcement department,  
4 office, or agency to carry a firearm in the course and scope of his or her  
5 duties;

6 (C) Is carrying appropriate written photographic  
7 identification issued by a public law enforcement department, office, or  
8 agency identifying him or her as a retired and former certified law  
9 enforcement officer;

10 (D) Is not otherwise prohibited under federal law from  
11 receiving or possessing a firearm;

12 (E) Has fingerprint impressions on file with the  
13 Department of Arkansas State Police Automated Fingerprint Identification  
14 System together with written authorization for state and national level  
15 criminal history record screening; ~~and~~

16 (F) During the most recent twelve-month period has met, at  
17 the expense of the retired law enforcement officer, the standards of this  
18 state for training and qualification for active law enforcement officers to  
19 carry firearms;

20 (G) Before his or her retirement, worked or was employed  
21 as a law enforcement officer or acted as an auxiliary law enforcement officer  
22 for an aggregate of ten (10) years or more; and

23 (H) Is not under the influence of alcohol or another  
24 intoxicating or hallucinatory drug or substance.

25 (2)(A) The chief law enforcement officer of the city or county  
26 shall keep a record of all retired law enforcement officers authorized to  
27 carry a concealed handgun in his or her jurisdiction and shall revoke any  
28 authorization for good cause shown.

29 (B) The Director of the Department of Arkansas State  
30 Police shall keep a record of all retired department officers authorized to  
31 carry a concealed handgun in the state and shall revoke any authorization for  
32 good cause shown.

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34 /s/Harris

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36 APPROVED: 03/15/2013