

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

As Engrossed: H3/25/13

A Bill

HOUSE BILL 2014

5 By: Representative Bell
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For An Act To Be Entitled

8 AN ACT TO PROVIDE THAT AN EMPLOYEE OF A DETENTION
9 FACILITY MAY CARRY A FIREARM; TO REQUIRE FIREARM
10 TRAINING; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO PROVIDE THAT AN EMPLOYEE OF A
15 DETENTION FACILITY MAY CARRY A FIREARM;
16 AND TO REQUIRE FIREARM TRAINING.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 5-73-304, as amended by Acts 2013, No. 415,*
22 *is amended to read as follows:*

23 *5-73-304. Exemptions.*

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

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

32 *(2) Solely for purposes of this subchapter, an auxiliary law*
33 *enforcement officer certified by the Arkansas Commission on Law Enforcement*
34 *Standards and Training and approved by the county sheriff of the county where*
35 *he or she is acting as an auxiliary law enforcement officer is deemed to be a*
36 *certified law enforcement officer.*



1 (b) An auxiliary law enforcement officer or employee of a local
2 detention facility is exempt from the licensing requirements of this
3 subchapter if the auxiliary law enforcement officer or employee of a local
4 detention facility:

5 (1) ~~Has~~ If an auxiliary law enforcement officer, has completed
6 the minimum training requirements and is certified as an auxiliary law
7 enforcement officer in accordance with the commission; and

8 (2) Is authorized in writing as exempt from the licensing
9 requirements of this subchapter by the ~~auxiliary law enforcement officer's~~
10 chief of police or county sheriff that has appointed the auxiliary law
11 enforcement officer or employs the employee of a local detention facility.

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

17 (d) As used in this section, "employee of a local detention facility"
18 means a person who:

19 (1) Is employed by a county sheriff or municipality that
20 operates a local detention facility and whose job duties include:

21 (A) Securing a local detention facility;

22 (B) Monitoring inmates in a local detention facility; and

23 (C) Administering the daily operation of the local
24 detention facility; and

25 (2) Has completed the minimum training requirements for his or
26 her position.

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28 SECTION 2. Arkansas Code § 12-15-201, as amended by Acts 2013, No.
29 415, concerning definitions related to concealed handgun permits, is amended
30 to add new definitions to read as follows:

31 (5) "Employee of a local detention facility" means a person who:

32 (A) Is employed by a county sheriff or municipality that
33 operates a local detention facility and whose job duties include:

34 (i) Securing a local detention facility;

35 (ii) Monitoring inmates in a local detention
36 facility; or

1 (iii) Administering the daily operation of the local
 2 detention facility;

3 (B) Has completed the minimum training requirements; and

4 (C) Has obtained authorization from the chief of police of
 5 the law enforcement agency or county sheriff and the authorization is:

6 (i) In writing;

7 (ii) In the possession of the employee of a local
 8 detention facility; and

9 (iii) Produced upon demand at the request of any law
 10 enforcement officer or owner or operator of any of the prohibited places
 11 under § 5-73-306; and

12 (6) "Local detention facility" means a jail or other facility
 13 that is operated by a municipal police force or a county sheriff for the
 14 purpose of housing persons charged with or convicted of a criminal offense.

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 16 SECTION 3. Arkansas Code § 12-15-202(a), as amended by Acts 2013, No.
 17 415, concerning the eligibility to carry a concealed handgun for law
 18 enforcement officers, is amended to read as follows:

19 (a) Any certified law enforcement officer, ~~or~~ auxiliary law
 20 enforcement officer acting as an auxiliary law enforcement officer, or
 21 employee of a local detention facility may carry a concealed handgun if that
 22 officer or employee:

23 (1) Is presently in the employ of a public law enforcement
 24 department, office, or agency;

25 (2) Is authorized by the public law enforcement department,
 26 office, or agency to carry a firearm in the course and scope of his or her
 27 duties;

28 (3) Is not subject to any disciplinary action that suspends his
 29 or her authority as a law enforcement officer or employee of a local
 30 detention facility by the public law enforcement department, office, or
 31 agency;

32 (4) Is carrying a badge and appropriate written photographic
 33 identification issued by the public law enforcement department, office, or
 34 agency identifying him or her as a certified law enforcement officer or
 35 employee of a local detention facility;

36 (5) Is not otherwise prohibited under federal law;

1 (6) *Is not under the influence of alcohol or another*
2 *intoxicating or hallucinatory drug or substance; and*

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

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7 */s/Bell*
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10 **APPROVED: 04/12/2013**
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