

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 1249

CONCERNING THE POSSESSION OF A CONCEALED HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC
COLLEGE, OR COMMUNITY COLLEGE BUILDING.

Amendment No. 3 to House Bill No. 1249

Amend House Bill No. 1249 as engrossed, S2/16/17 (version: 02/16/2017 12:36:53 PM):

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-73-322 is amended to read as follows:
5-73-322. Concealed handguns in a university, college, or community college building.

(a) As used in this section:

(1) "Hospital" means the facilities of an institution licensed, certified, or approved by the Division of Health Facilities Services of the Department of Health as a hospital that is primarily engaged in providing to patients diagnostic and therapeutic services for medical diagnosis, treatment, and care of persons with an injury, disability, or illness, by or under the supervision of a physician or other medical professional; and

~~(1)(A)(2)(A)~~ "Public university, public college, or community college" means an institution that:

(i) Regularly receives budgetary support from the state government;

(ii) Is part of the University of Arkansas or Arkansas State University systems; or

(iii) Is required to report to the Arkansas Higher Education Coordinating Board.

(B) "Public university, public college, or community college" includes without limitation a public technical institute in a county with a population of at least two hundred thousand (200,000) according to the last federal decennial census and that borders another state.

~~(B)(C)~~ "Public university, public college, or community college" does not include a private university or private college solely because:

(i) Students attending the private university or private college receive state-supported scholarships; or

(ii) The private university or private college voluntarily reports to the Arkansas Higher Education Coordinating Board; ~~and~~

~~(2) "Staff member" means a person who is not enrolled as a full-time student at the university, college, or community college and is either~~



~~employed by the university, college, or community college full time or is on a nine month or twelve month appointment at the university, college, or community college as a faculty member.~~

~~(b) A licensee who has completed the training required under subsection (1) of this section may possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college, whether owned or leased by the public university, public college, or community college, of the public university, public college, or community college where he or she is employed unless otherwise prohibited by this section or § 5-73-306 if:~~

~~(1) He or she is a staff member; and~~

~~(2)(A) The governing board of the public university, public college, or community college does not adopt a policy expressly disallowing the carrying of a concealed handgun by staff members in the buildings or on the grounds of the public university, public college, or community college and posts notices as described in § 5-73-306(18).~~

~~(B) A governing board of the public university, public college, or community college may adopt differing policies for the carrying of a concealed handgun by staff members for different campuses, areas of a campus, or individual buildings of the public university, public college, or community college for which the governing board is responsible.~~

~~(C) A policy disallowing the carrying of a concealed handgun by staff members into the public university, public college, or community college expires one (1) year after the date of adoption and must be readopted each year by the governing board of the public university, public college, or community college to remain in effect.~~

~~(c)(1) A licensee may possess a concealed handgun in the buildings and on the grounds of the private university or private college where he or she is employed unless otherwise prohibited by this section or § 5-73-306 if:~~

~~(1) He or she is a staff member; and~~

~~(2) The private university or private college does not adopt a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college and posts notices as described in § 5-73-306(18).~~

~~(2)(A) A private university or private college that adopts a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college shall post notices as described in § 5-73-306(18).~~

~~(B) A private university or private college that adopts a policy only allowing carrying of a concealed handgun under this section shall post notices as described in § 5-73-306(18) and subsection (k) of this section.~~

~~(d) The storage of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(c).~~

~~(e)(1) The governing board of a public university, public college, or public community college that operates a public medical school may adopt a policy expressly disallowing the carrying of a concealed handgun by a licensee in the buildings or on the grounds of the public medical school that are adjacent to or are up to within a radius of one-half (1/2) mile of an associated public hospital.~~

~~(2) This subsection does not limit the governing board of a public university, public college, or public community college from tailoring~~

its policy to permit the carrying of a concealed handgun into certain public hospital or public medical school facilities within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(18) are posted in and around the premises of the public medical school and associated public hospital that are subject to the policy.

(f)(1) The governing board of a public university, public college, or public community college may adopt a policy expressly disallowing the carrying of a concealed handgun by a licensee in the buildings or on the grounds of the public university, public college, or public community college that are adjacent to or are up to within a radius of one-half (1/2) mile of a federally owned and operated presidential library.

(2) This subsection does not limit the governing board of a public university, public college, or public community college from tailoring its policy to permit the carrying of a concealed handgun into certain facilities where carrying a concealed handgun is not otherwise prohibited by federal law within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(18) are posted in and around the premises of the public university, public college, or public community college that are adjacent to or up to within a radius of one-half (1/2) mile of a federally owned and operated presidential library that are subject to the policy.

(g) A policy disallowing the carrying of a concealed handgun under subsection (e) or subsection (f) of this section expires one (1) year after the date of adoption and shall be readopted each year by the governing board to remain in effect.

(h)(1) A licensee who may carry a concealed handgun on the campus of a public university, public college, or public community college under this section may not carry a concealed handgun:

(A) Into a licensed daycare or childcare facility that is located on the campus of the public university, public college, or public community college;

(B) Into a location during which an official meeting lasting no more than nine (9) hours is being conducted in accordance with documented grievance and disciplinary procedures as established by the public university, public college, or public community college if:

(i) At least twenty-four (24) hours' notice is given to participants of the official meeting; and

(ii) Notice is posted on the door of or entryway into the location in which the official meeting is being conducted that possession of a handgun by a licensee under this section is prohibited during the official meeting; or

(C) Into a location during which a special function, special event, or special meeting lasting no more than seventy-two (72) consecutive hours of a public university, public college, or community college is being conducted if:

(i) The governing body of the public university, public college, or community college has authorized by a majority vote the prohibition against a licensee carrying a concealed handgun into the location during which a special function, special event, or special meeting is being held;

(ii) There is a law enforcement presence equal to or greater than the larger of:

(a) One (1) law enforcement officer per one hundred (100) people attending, or, if over ten thousand (10,000) people attending, one (1) law enforcement officer per five hundred (500) people attending, the official function, special event, or special meeting; or

(b) One (1) law enforcement officer per seven thousand five hundred square feet (7,500 sq. ft.) of building or event area;

(iii) At least twenty-four (24) hours' notice is given to participants of the official function, special event, or special meeting; and

(iv) Temporary notice is posted on the door or entryway into the location in which the official function, special event, or special meeting is held that possession of a concealed handgun by a licensee under this section is prohibited during the official function, special event, or special meeting.

(2) As used in this subsection, "special function, special event, or special meeting" does not include a regularly scheduled or ongoing event, such as a class at a public university, public college, or public community college.

(3) A person who knowingly violates subdivision (h)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(i) The governing board of a public university, public college, or public community college may prohibit a person possessing an out-of-state concealed handgun license that otherwise is valid in this state from carrying a concealed handgun on the property or in a building of a public university, public college, or public community college under this section.

(j) This section does not affect a licensee's ability to store a concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

(k) If a private university or private college permits carrying a concealed handgun under this section, the private university or private college may revise any sign or notice required to be posted under § 5-73-306(18) to indicate that carrying a concealed handgun under this section is permitted.

(1)(1) A licensee who intends to carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college is required to complete an active shooter or related training program as prescribed and approved by the Director of the Department of Arkansas State Police.

(2)(A) A training program administered under this subsection may consist of up to sixteen (16) hours and may include:

(i) Active shooter training;

(ii) Defensive tactics;

(iii) Weapon retention; and

(iv) Handgun safety and maintenance.

(B) The costs of the training program under this subsection shall not exceed a nominal amount.

(C) The Department of Arkansas State Police shall maintain a list of licensees who have successfully completed a training program under this subsection.

(3) Training required under this subsection shall need to be renewed after the time period for which a license to carry a concealed

handgun is valid throughout the state under § 5-73-302.

(4) A licensee who completes a training program under this subsection and is at least twenty-five (25) years of age shall be given an endorsement by the department on his or her license that the person is permitted to carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college.

(5)(A) The training program under this subsection may be designed by the department in conjunction with the Arkansas Commission on Law Enforcement Standards and Training.

(B) A training program under this subsection shall at a minimum have comparable standards to an active shooter or related training program administered by the commission.

(C)(i) Training under this subsection shall be offered by all training instructors and at all concealed carry training courses.

(ii) However, a person who has already completed the required training for a license to carry a concealed handgun may take the training required under this section independently from concealed handgun licensing training to avoid duplicative concealed handgun training.

(m)(1) Unless carrying a concealed handgun is a requirement of the staff member's job description, the carrying of a concealed handgun under this section is a personal choice made by the staff member and not a requirement of the employing public university, public college, or community college.

(2) A staff member who carries a concealed handgun in the buildings and on the grounds of a public university, public college, or community college at which the staff member is employed is not:

(A) Acting in the course of or scope of his or her employment when carrying or using a concealed handgun;

(B) Entitled to worker's compensation benefits for injuries arising from his or her carrying or his or her use of a concealed handgun;

(C) Immune from personal liability with respect to use or carrying of a concealed handgun; or

(D) Permitted to carry a concealed handgun openly or in any other manner in which the concealed handgun is visible to ordinary observation.

(3) A public university, public college, or community college is immune from claims for monetary damages arising from or related to the staff member's use of, or failure to use, a concealed handgun, if the staff member is employed by the public university, public college, or community college against whom the claim is filed and the staff member elects to carry the concealed handgun under this section.

SECTION 2. DO NOT CODIFY. Effective date.
The effective date of this act is September 1, 2017."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator T. Garner
BPG/TDW - 02-20-2017 09:35:19 _____

