

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1097

5 By: Representative Stewart
6
7

For An Act To Be Entitled

8 AN ACT CONCERNING PLACES WHERE A PERSON IS
9 PROHIBITED FROM CARRYING A CONCEALED HANDGUN; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING PLACES WHERE A PERSON
13 IS PROHIBITED FROM CARRYING A CONCEALED
14 HANDGUN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-73-119(c), concerning the possession of a
22 handgun upon the property of any private institution of higher education or a
23 publicly supported institution of higher education in this state, is amended
24 to read as follows:
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26 (c)(1) No person in this state shall possess a handgun upon the
27 property of any private institution of higher education or a publicly
28 supported institution of higher education in this state on or about his or
29 her person, in a vehicle occupied by him or her, or otherwise readily
30 available for use with a purpose to employ the handgun as a weapon against a
31 person.

32 (2) A violation of subdivision (c)(1) of this section is a Class
33 D felony.

34 (3) It is a defense to prosecution under subdivision (c)(1) of
35 this section that at the time of the act of possessing a handgun:

36 (A) The person is licensed to carry a concealed handgun



1 under § 5-73-301 et seq. or § 5-73-402; and

2 (B) The handgun remains secured in the person’s vehicle
3 and the vehicle is parked in a campus parking lot or campus parking area of
4 the private institution of higher education or the publicly supported
5 institution of higher education;

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7 SECTION 2. Arkansas Code § 5-73-122 is amended to read as follows:

8 5-73-122. Carrying a firearm in publicly owned buildings or facilities.

9 (a)(1) It is unlawful for any person other than a law enforcement
10 officer or a security guard in the employ of the state or an agency of the
11 state, or any city or county, or any state or federal military personnel, to
12 knowingly carry or possess a loaded firearm or other deadly weapon in any
13 publicly owned building or facility or on the State Capitol grounds.

14 (2) It is unlawful for any person other than a law enforcement
15 officer or a security guard in the employ of the state or an agency of the
16 state, or any city or county, or any state or federal military personnel, to
17 knowingly carry or possess a firearm, whether loaded or unloaded, in the
18 State Capitol Building or the Justice Building in Little Rock.

19 (3) However, ~~the provisions of~~ this subsection ~~do~~ does not apply
20 to:

21 (A) A a person carrying or possessing a firearm or other
22 deadly weapon in a publicly owned building or facility or on the State
23 Capitol grounds for the purpose of participating in a shooting match or
24 target practice under the auspices of the agency responsible for the building
25 or facility or grounds or if necessary to participate in a trade show,
26 exhibit, or educational course conducted in the building or facility or on
27 the grounds; or

28 (B) A person who has a concealed weapons license under §
29 5-73-301 et seq. or § 5-73-402 and who secures a handgun in his or her
30 vehicle when the vehicle is parked in a parking lot or parking area.

31 (4) As used in this section, “facility” means a municipally owned
32 or maintained park, football field, baseball field, soccer field, or another
33 similar municipally owned or maintained recreational structure or property.

34 (b)(1) ~~Any~~ Upon conviction, a person other than a law enforcement
35 officer, officer of the court, or bailiff, acting in the line of duty, or any
36 other person authorized by the court, who possesses a handgun in the

1 courtroom of any court of this state is guilty of a Class D felony.

2 (2) Otherwise, any upon conviction, a person violating a
3 provision of this section is guilty of a Class A misdemeanor.

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5 SECTION 3. Arkansas Code § 5-73-306 is amended to read as follows:

6 5-73-306. Prohibited places.

7 (a) ~~No~~ A license to carry a concealed handgun issued ~~pursuant to~~ under
8 this subchapter ~~authorizes~~ does not authorize any person to carry a concealed
9 handgun into:

10 (1) Any police station, sheriff's station, or Department of Arkansas
11 State Police station;

12 (2) Any Arkansas Highway Police Division of the Arkansas State Highway
13 and Transportation Department facility;

14 (3)~~(A)~~ Any building of the Arkansas State Highway and Transportation
15 Department ~~or onto grounds adjacent to any building of the Arkansas State~~
16 ~~Highway and Transportation Department. ;~~

17 ~~(B) However, subdivision (3)(A) of this section does not apply~~
18 ~~to a rest area or weigh station of the Arkansas State Highway and~~
19 ~~Transportation Department;~~

20 (4) Any detention facility, prison, or jail;

21 (5) Any courthouse;

22 (6)(A) Any courtroom.

23 (B) However, nothing in this subchapter precludes a judge from
24 carrying a concealed weapon or determining who will carry a concealed weapon
25 into his or her courtroom;

26 (7) Any polling place;

27 (8) Any meeting place of the governing body of any governmental
28 entity;

29 (9) Any meeting of the General Assembly or a committee of the General
30 Assembly;

31 (10) Any state office;

32 (11) Any athletic event not related to firearms;

33 (12) Any portion of an establishment, except a restaurant as defined
34 in § 3-9-402, licensed to dispense alcoholic beverages for consumption on the
35 premises;

36 (13) Any portion of an establishment, except a restaurant as defined

1 in § 3-9-402, where beer or light wine is consumed on the premises;

2 (14) Any school, college, community college, or university campus
3 building or event, unless for the purpose of participating in an authorized
4 firearms-related activity;

5 (15) Inside the passenger terminal of any airport, except that no
6 person is prohibited from carrying any legal firearm into the passenger
7 terminal if the firearm is encased for shipment for purposes of checking the
8 firearm as baggage to be lawfully transported on any aircraft;

9 (16) Any church or other place of worship;

10 (17) Any place where the carrying of a firearm is prohibited by
11 federal law;

12 (18) Any place where a parade or demonstration requiring a permit is
13 being held, and the licensee is a participant in the parade or demonstration;
14 or

15 (19)(A) Any place at the discretion of the person or entity exercising
16 control over the physical location of the place by placing at each entrance
17 to the place a written notice clearly readable at a distance of not less than
18 ten feet (10') that "carrying a handgun is prohibited".

19 (B)(i) If the place does not have a roadway entrance, there
20 shall be a written notice placed anywhere upon the premises of the place.

21 (ii) In addition to the requirement of subdivision
22 (19)(B)(i) of this section, there shall be at least one (1) written notice
23 posted within every three (3) acres of a place with no roadway entrance.

24 (C) A written notice as described in subdivision (19)(A) of this
25 section is not required for a private home.

26 (D) Any licensee entering a private home shall notify the
27 occupant that the licensee is carrying a concealed handgun.

28 (b) Except for a place listed in subdivision (a)(4) of this section, a
29 licensee or a person with a license to carry a concealed handgun recognized
30 under § 5-73-301 et seq. or § 5-73-402 may carry a concealed handgun into the
31 parking lot or parking area of a place listed in subsection (a) of this
32 section if the concealed handgun remains secured in a motor vehicle.

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