

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 342

5 By: Senators D. Sullivan, G. Stubblefield
6 By: Representative Milligan
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For An Act To Be Entitled

9 AN ACT CONCERNING THE ABILITY OF A PERSON WHO HAD AND
10 WAS SUCCESSFULLY TREATED FOR A MENTAL ILLNESS IN THE
11 PAST TO APPLY FOR AND POSSESS A LICENSE TO CARRY A
12 CONCEALED HANDGUN; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE ABILITY OF A PERSON WHO
16 HAD AND WAS SUCCESSFULLY TREATED FOR A
17 MENTAL ILLNESS IN THE PAST TO APPLY FOR
18 AND POSSESS A LICENSE TO CARRY A
19 CONCEALED HANDGUN.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-73-309(11), concerning the licensing
26 requirements to possess a license to carry a concealed handgun, is amended to
27 read as follows:

28 (11)(A) Has not been voluntarily or involuntarily committed to a
29 mental health institution or mental health treatment facility.

30 (B) An applicant who ~~is a veteran who~~ voluntarily sought
31 mental health treatment at a mental health institution or mental health
32 treatment facility may obtain a license under this subchapter if a circuit
33 court grants his or her petition under § 5-73-327;
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35 SECTION 2. Arkansas Code § 5-73-327 is amended to read as follows:
36 5-73-327. ~~Discharged veterans~~ Mental health treatment.



1 (a) As used in this section:

2 (1) "Mental health institution or mental health treatment
3 facility" means a public or private facility where a person may voluntarily
4 admit himself or herself for mental health treatment; and

5 (2) "Veteran" means a person who:

6 (A) Served on active duty in the United States Armed
7 Forces for a period of more than one hundred eighty (180) days and was
8 discharged or released from active duty with other than a dishonorable
9 discharge;

10 (B) Was discharged or released from active duty in the
11 United States Armed Forces because of a service-connected disability; or

12 (C) As a member of a reserve component of the United
13 States Armed Forces under an order to active duty, not to include training,
14 was discharged or released from duty with other than a dishonorable
15 discharge.

16 (b)(1) A ~~veteran~~ person who voluntarily seeks and completes mental
17 health treatment in a mental health institution or mental health treatment
18 facility may obtain a license to carry a concealed handgun under this
19 subchapter by filing a petition in the circuit court where the ~~veteran~~ person
20 resides.

21 (2) However, if:

22 (A) The person is a veteran, the veteran may not obtain a
23 license to carry a concealed handgun under this subchapter until at least two
24 (2) years after he or she completed mental health treatment in a mental
25 health institution or mental health treatment facility; or

26 (B) The person is not a veteran, the person may not obtain
27 a license to carry a concealed handgun under this subchapter until at least
28 five (5) years after he or she completed mental health treatment in a mental
29 health institution or mental health treatment facility.

30 (c)(1) A petition under this section shall request a judicial
31 determination that the petitioner is mentally fit and that his or her past
32 voluntary commitment to a mental health institution or mental health
33 treatment facility would currently not have a negative impact on the
34 petitioner's ability to responsibly possess a license to carry a concealed
35 handgun.

36 (2) A petitioner shall also provide the circuit court with a

1 limited medical waiver that would allow the circuit court and the prosecuting
2 attorney access to and the ability to request any medical record that
3 concerns the petitioner's mental health treatment at issue.

4 (d)(1) A copy of a petition under this section shall be served on the
5 prosecuting attorney within thirty (30) days of the filing of the petition.

6 (2) The prosecuting attorney may appear, support, object to, or
7 present evidence relevant to the petition.

8 (e) The circuit court shall consider evidence in an open proceeding,
9 including evidence offered by the petitioner concerning:

10 (1) The circumstances that led to the petitioner voluntarily
11 seeking mental health treatment;

12 (2) The petitioner's certified mental health records;

13 (3) The petitioner's certified criminal history;

14 (4) The petitioner's reputation; and

15 (5) Changes in the petitioner's condition or circumstances
16 relevant to the petition.

17 (f) The circuit court shall grant the petition if the circuit court
18 finds by a preponderance of the evidence the following:

19 (1) The petitioner is not likely to act in a manner that is
20 dangerous to public safety; and

21 (2) Granting the petition would not be contrary to the public
22 interest.

23 (g) The petitioner may appeal a final order denying the petition and
24 the review on appeal shall be de novo.

25 (h) A ~~veteran~~ person may file a petition under this section no more
26 than one (1) time every two (2) years.

27 (i) When the circuit court issues an order granting a petition under
28 this section, as soon as practicable but no later than thirty (30) days after
29 issuance of the order, the circuit clerk shall forward a copy of the order to
30 the Division of Arkansas State Police.

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