

RECEIVED

NOV 26 2019

BUREAU OF
LEGISLATIVE RESEARCH

~~DEPARTMENT~~DIVISION OF ARKANSAS STATE POLICE
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES

TABLE OF CONTENTS

CHAPTER 4. Requirements for licensure

....
Rule 4.3 Application packet processing by the ~~Department~~Division
....

Formatted: Not Highlight

CHAPTER 15. Firearms Safety Training Instructor Requirements

....
Rule 15.6 Notification of ~~Department~~Division of arrest of a registrant
....

Formatted: Right: 0"

**DEPARTMENTDIVISION OF ARKANSAS STATE POLICE
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES**

CHAPTER 1. TITLE; AUTHORITY; SCOPE

Rule 1.2 Definitions

Definitions are adopted as follows:

....

(b) "Administrator" - the designee of the Director of the DepartmentDivision of Arkansas State Police;

(c) "Applicant" - any person who has submitted an application to the DepartmentDivision for a concealed handgun carry license and paid the statutory fees;

....

(i) "DepartmentDivision" - the DepartmentDivision of Arkansas State Police;

(j) "Director" - the Director of the DepartmentDivision of Arkansas State Police;

(k) "Documentation" - information that may be required to determine the applicant's eligibility. "Documentation" includes written materials that are able to be independently verified as true and correct by the DepartmentDivision. For example, the most reliable "documentation" of a disposition from a court is a copy of the final disposition certified by the court clerk or the keeper of the record. Convictions that have been sealed or expunged may still disqualify an applicant from receiving a concealed handgun carry license under certain circumstances.

....

Rule 1.6 Penalty for false response or document

Submitting a false answer or false documentation with an application or in other communications with the DepartmentDivision shall subject the applicant to the following:

(a) Criminal penalty - a person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, upon conviction is guilty of a Class B misdemeanor; and/or

(b) Non-criminal penalty - a person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, is precluded from receiving a license and is subject to immediate revocation of his or her license if it has already been issued.

....

Formatted: Right: 0"

CHAPTER 2. Application

....

Rule 2.1 Application availability

Applicants may apply online or obtain application forms at the [DepartmentDivision](#)'s website or a Firearms Safety Training Instructor registered with the Arkansas State Police. Submitting an application online enables the applicant to easily check the status of his or her application and may result in faster processing.

Rule 2.2 Proper Application Packet

- (a) The documentation received from an applicant shall be deemed proper and complete when it contains all the required items under Arkansas law and these Rules.
- (b) In addition to the fully completed application form, the following is required:
- (1) Non-refundable license fee;
 - (2) A properly completed, legible, signed waiver authorizing the [DepartmentDivision](#) access to the applicant's records;
 - (3) At least one (1) full set of the applicant's classifiable fingerprints;
 - (4) Proof of the applicant's timely, successful completion of an approved firearm safety training program; and
 - (5) Any other information the Director may require from the applicant to determine the applicant's qualifications to hold a license under the provisions of Arkansas laws, federal laws, and these Rules.

Rule 2.3 Fees

Certain fees will be necessary for the proper processing of concealed handgun carry licensing paperwork. Those fees are set by Arkansas law or state and federal rules. An instruction sheet may be issued by the [DepartmentDivision](#), which outlines proper application procedures and current fees.

.....

CHAPTER 4. Requirements for licensure

Rule 4.0 License - Requirements

The Director of the [DepartmentDivision](#) shall issue a license to carry a concealed handgun if the applicant meets the eligibility criteria set forth in ACA § 5-73-308 and § 5-73-309.

....

Rule 4.2 Initial Application packet and procedure

Formatted: Right: 0"

The applicant for a license to carry a concealed handgun shall submit the following items as an application packet to the DepartmentDivision:

- (a) A properly completed application form, as described herein;
- (b) A nonrefundable license fee as prescribed by law;
- (c) The applicable fee(s) for state and national background checks as prescribed by law;
- (d) A full set of classifiable fingerprints of the applicant;
- (e) A properly completed certification of training; and
- (f) A signed waiver authorizing the DepartmentDivision access to any medical, criminal, military, or other records concerning the applicant.

An applicant who fails to submit any of the required items listed herein will be notified of the missing items. He or she will then have thirty (30) days to submit the missing items or the application will be denied.

Rule 4.3 Application packet processing by the DepartmentDivision

Upon receipt of the properly completed application packet as described herein, the DepartmentDivision shall:

- (a) Forward the full set of classifiable fingerprints of the applicant to the appropriate agencies for state and national processing;
- (b) Forward notice of the person's application to the sheriff of the applicant's county of residence, and, if applicable, to the police chief of the applicant's municipality of residence, who may participate, at his or her discretion, in the process by submitting a voluntary report to the DepartmentDivision containing any information that he or she feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date the notice was sent; and
- (c) Notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history. An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of the request by the DepartmentDivision or the application will be denied.

Rule 4.4 Fingerprinting for initial application

- (a) In the event a legible and classifiable set of fingerprints, as determined by the DepartmentDivision or the Federal Bureau of Investigation, cannot be obtained, the applicant shall be contacted and shall be required to be fingerprinted again. This determination may be made prior to the submission of a fingerprint card to the FBI or after one (1) rejection of the fingerprint card.
- (b) After two (2) unsuccessful fingerprint card submissions (rejections) are completed, the applicant may again pay the FBI fingerprint background check fee and submit two (2) newly-completed fingerprint cards.
- (c) The Director shall determine the applicant's eligibility for licensing after successful completion of the FBI fingerprint-based check.
- (d) Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the Director is allowed.

Rule 4.5 Unresolved arrests

- (a) If a check of the applicant's criminal records uncovers any unresolved arrest(s) that could lead to the disqualification of the applicant, the applicant

shall obtain a disposition of the open charge(s). A license will not be issued until the DepartmentDivision receives the final disposition or other requested information.

(b) If a check of the applicant's criminal records uncovers an unresolved felony arrest over ten (10) years old, then the applicant may obtain a letter of reference, from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides, which states that, to the best of his or her knowledge, the applicant is of good character and free of any felony convictions.

.....

CHAPTER 5. Renewal of license

Rule 5.0 Process for renewal of license

(a) The licensee may renew his or her license no more than ninety (90) days prior to its expiration date by submitting the following renewal packet to the DepartmentDivision:

(1) A completed renewal form prescribed by the DepartmentDivision, including a verified statement that the licensee remains qualified pursuant to the criteria specified in ACA § 5-73-308(a) and § 5-73-309;

(2) The applicable fee(s) for state and national background checks, as prescribed by law;

(3) A non-refundable renewal fee in the amount prescribed by law;

(4) A certification of training form properly completed by the licensee's Firearms Safety Training Instructor and reflecting that the licensee has successfully completed the renewal Training Course including "live-fire" within the last six (6) months as required by the DepartmentDivision; and

(5) A digital photograph of the licensee (if the Arkansas driver's license photo is not available) within DepartmentDivision standardized requirement or a release authorization to allow the DepartmentDivision to obtain a qualifying digital photograph of the licensee from another source.

(b) The license shall be processed for renewal upon receipt of the items listed herein, subject to a background investigation conducted pursuant to law that does not reveal any disqualifying factor or offense or unresolved arrest which could disqualify a licensee under state or federal law.

(c) The DepartmentDivision will notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history. An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of request by the DepartmentDivision or the application will be denied.

Rule 5.1 Renewal application - late fee

(a) A licensee who fails to properly submit a renewal application packet on or before its expiration date, but before six (6) months after the license has expired, may renew his or her license by paying a late fee as prescribed by law. Receipt of the renewal packet is determined by the receipt date of the DepartmentDivision.

(b) Exemption from late fee – an active duty member of the armed forces of the United States, a member of the National Guard, or a member of a reserve component of the armed forces of the United States who is on active duty outside

Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following properly-completed renewal packet to the ~~Department~~Division:

- (1) A completed renewal application form prescribed by the ~~Department~~Division;
- (2) A verified statement that the licensee remains qualified pursuant to the criteria specified in ACA § 5-73-308(a) and § 5-73-309;
- (3) A non-refundable renewal fee as prescribed by Arkansas law;
- (4) The applicable fee(s) for state and national background checks, as prescribed by law;
- (5) A certification or training form properly completed by the licensee's Firearms Safety Training Instructor or as allowed under ASP CHCL Rule 13.2, reflecting that the licensee's training was properly and successfully conducted;
- (6) If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; and
- (7) Proof of active duty military assignment outside Arkansas on the expiration date of the license.

Rule 5.2 License expired over six (6) months

(a) A license that has been expired six (6) months or more shall be deemed "inactive". A licensee whose license has become inactive may re-apply for licensure as an initial applicant. The fees and requirements shall be the same as for an initial application.

(b) Exemption from inactive status – an active duty member of the armed forces of the United States, a member of the National Guard, or a member of a reserve component of the armed forces of the United States who is on active duty outside Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following renewal packet to the

~~Department~~Division:

- (1) A completed renewal application form prescribed by the

~~Department~~Division;

....

....

Formatted: No underline

CHAPTER 6. Other changes to license

Rule 6.0 Replacement license

A licensee may obtain a replacement license upon submission of a properly completed replacement form and payment to the ~~Department~~Division of a fee of:

- (a) Fifteen dollars (\$15.00) if the licensee is 64 years of age or younger; or
- (b) Seven dollars and fifty cents (\$7.50) if the licensee is 65 years of age or older.

Rule 6.1 Change of address of the licensee

(a) Within thirty (30) days after changing his or her mailing and/or permanent address, an applicant for a license or a current licensee shall notify the Director in writing of the change. Both the old and new address shall be furnished. A ~~Department~~Division form shall be provided for that purpose.

Formatted: Right: 0"

(b) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under ASP CHCL Rule 6.0 and destroy the old license upon receipt of the replacement license.

Rule 6.2 Change of name of the licensee

(a) Within thirty (30) days after changing his or her legal name, an applicant for a license or a current licensee shall notify the Director in writing of the change and provide documentation that officially created the change. A DepartmentDivision form shall be provided for that purpose.

(b) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under ASP CHCL Rule 6.0 and destroy the old license upon receipt of the replacement license.

Rule 6.3 Death of licensee

Upon death of a licensee, the license shall be cancelled from the date of death. Written notice of the death of a licensee should be provided to the DepartmentDivision as soon as possible after the death.

Rule 6.4 Voluntary surrender of a license

If a licensee voluntarily surrenders his or her license to the DepartmentDivision in the absence of suspension or revocation proceedings, the DepartmentDivision will accept the license and cancel it.

Rule 6.5 Upgrade to enhanced license

A licensee may upgrade his or her basic concealed handgun carry license to an enhanced license by completion of the training described in ASP CHCL Rule 13.3, submission of a properly completed enhanced training form, and payment of the replacement fees described in ASP CHCL Rule 6.0 to the DepartmentDivision. A DepartmentDivision form shall be provided for that purpose.

CHAPTER 7. License Restrictions

....

Rule 7.2 General Prohibited Places

A licensee with a non-enhanced license is barred from carrying a concealed handgun in the following places:

....

(f) Any police station, sheriff's station, or DepartmentDivision of Arkansas State Police station [see ACA § 5-73-306(1)];

....

(i) Any part of a detention facility, prison, ~~or~~ jail, or residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services, including without limitation a parking lot owned, maintained or otherwise controlled by the Department of Correction, ~~or the~~ Department of Community Correction, or a residential treatment facility owned or operated by

the Division of Youth Services of the Department of Human Services [see ACA § 5-73-306(4)];

....

....

Formatted: No underline

Rule 7.4 Enhanced Prohibited Places

A licensee with an enhanced license remains subject to other criminal prohibitions and restrictions and is barred from carrying a concealed handgun in the following places:

....

(f) Any police station, sheriff's station, or DepartmentDivision of Arkansas State Police station [see ACA § 5-73-306(1)];

....

(i) Any part of a detention facility, prison, ~~or~~ jail, or residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services, including without limitation a parking lot owned, maintained or otherwise controlled by the Department of Correction, ~~or~~ the Department of Community Correction, or a residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services [see ACA § 5-73-306(4)];

....

Rule 7.5 Terms of Enhanced License

....

(d) A licensee must obtain an Arkansas concealed handgun carry license to receive an enhanced license. The DepartmentDivision will not extend an enhanced certification to a weapons permit issued by another state; nor will enhanced or advanced weapons permits issued by other states entitle the holder to the benefits of the Arkansas enhanced license.

....

Formatted: No underline

CHAPTER 8. Suspension of License

Rule 8.0 License suspension

(a) If the licensee is arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the licensee shall immediately notify the DepartmentDivision to the attention of the Concealed Handgun Carry Licensing Section.

(b) Any time the DepartmentDivision discovers that a licensee has been arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the Director may suspend a license until final disposition of the case.

(c) Notice of license suspension shall be sent to the licensee via certified mail, return receipt requested.

Formatted: Right: 0"

(d) The licensee shall be required to send the license to the DepartmentDivision as soon as possible after the arrest, unless the officer(s) confiscated the license at the time of arrest.

(e) The licensee shall be required to notify the DepartmentDivision of final disposition of the charge(s) within ten (10) days of same.

(f) If the charges are dismissed or “not prossed,” or the licensee is found “not guilty,” then the license will be returned to the licensee, if it has not expired. If the license has expired for a period of less than six (6) months, then the licensee may apply for renewal of the license under these Rules.

(g) Suspension of a license is subject to the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq. The suspended license holder, upon his or her timely request in writing, shall be afforded an administrative hearing.

(h) The DepartmentDivision is required by Arkansas law to suspend the license of any licensee if so ordered by the Office of Child Support Enforcement (OCSE). The licensee will be sent notice of the suspension. The license may be reinstated (if it is still within its valid issuance period) upon full payment of the amount due to OCSE and once the DepartmentDivision receives official notice from OCSE to release the suspension.

(i) A licensee may apply for renewal of his or her license during a period of suspension to prevent the license from expiring or becoming inactive, however, the suspension will remain in effect until the outstanding matter is otherwise resolved.

Rule 8.1 Arrest of licensee

(a) A law enforcement officer making an arrest of a licensee for a violation of Arkansas law and/or these Rules, or any other statutory violation which could lead to revocation of a license to carry a concealed handgun, shall confiscate the license and forward it immediately to the Director.

(b) The license shall be held by the DepartmentDivision until a determination of the charge or violation is finalized, with the appropriate disposition of the license after the determination.

(c) If the licensee is not in possession of his or her concealed handgun carry license at the time of the arrest, the officer is not required to take possession of the license, but must forward the supporting paperwork to the Arkansas State Police, Concealed Handgun Carry Licensing Section, for further DepartmentDivision action on the license and retention in DepartmentDivision records.

(d) Any non-Arkansas concealed handgun carry license may be confiscated in a similar manner and be immediately forwarded to the Arkansas State Police, Concealed Handgun Carry Licensing Section, along with any supporting paperwork, for proper action and disposition by DepartmentDivision personnel.

....

CHAPTER 9. Revocation of License

Rule 9.0 Revocation

(a) The Director shall revoke a concealed handgun carry license if:

Formatted: Right: 0"

(1) The licensee, at any time during the license period, becomes ineligible under the criteria set forth in state or federal law or these Rules;

(2) The DepartmentDivision receives notification from any law enforcement agency, court, or the licensee that a licensee has been found guilty or has pled guilty or "nolo contendere" to any crime involving the use of a weapon; or

(3) The DepartmentDivision receives notification from any law enforcement agency, court, or the licensee that a licensee has been found guilty or has pled guilty or "nolo contendere" to an alcohol-related offense committed while carrying a handgun.

(b) The Director may revoke a concealed handgun carry license if he or she, the Director's designee, or the county sheriff or chief of police of the applicant's place of residence executes an affidavit that the applicant has been, or is reasonably likely to be, a danger to himself or herself or others or to the community at large, as demonstrated by past patterns of behavior, participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation.

Rule 9.1 Notice

(a) Notice of the revocation of a concealed handgun carry license shall be sent to the licensee via certified mail, return receipt requested, to the last address provided by the licensee in the DepartmentDivision records.

(b) An appeal from the decision to revoke a concealed handgun carry license shall be made in accordance with the appeal procedure established by the DepartmentDivision and the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq.

CHAPTER 10. Administrative Hearings

Rule 10.0 Appeal hearings

(a) In any hearing held for the purpose of affording a person the opportunity to demonstrate his or her qualifications after the denial of a license, the burden of proof shall be on the applicant.

(b) In any hearing held for the purpose of affording a person the opportunity to demonstrate his or her qualifications after a suspension or revocation of a license, the burden of proof shall be on the DepartmentDivision.

(c) The hearing shall be conducted in accordance with the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq.

....

CHAPTER 11. Re-application after License Revocation

Rule 11.0 Re-application procedures

(a) Once a concealed handgun carry license is revoked by the Director, the former licensee shall not be eligible to apply for a concealed handgun carry license for a period of at least twenty-four (24) months from the date of

revocation or other exclusion period stated in the law. After that time period expires, the applicant may reapply as a new applicant.

(b) The re-application shall be treated as an initial application by the DepartmentDivision.

CHAPTER 12. Honoring other states' license to carry a concealed handgun

.....

Rule 12.1 Procedure for transfer of a license issued by another state to Arkansas

(a) Any person who becomes a resident of Arkansas and who has a valid license to carry a concealed handgun issued by another state may apply to transfer his or her license to Arkansas by submitting the following packet to the DepartmentDivision:

- (1) A properly completed DepartmentDivision transfer application form;
- (2) The person's current, original out-of-state license (if the concealed handgun carry license is contained on the driver's license of that state, then other suitable documentation as outlined by the DepartmentDivision will be required);
- (3) Two (2) properly completed, classifiable and legible fingerprint cards;
- (4) A nonrefundable license transfer fee as set by law; and
- (5) Any fee charged by a state or federal agency for a criminal history check.

....

Formatted: Indent: Left: 0.25"

CHAPTER 13. Training Requirement for Concealed Handgun Carry License

Rule 13.0 Training requirements upon initial application

(a) A person shall, prior to submitting an initial application for a concealed handgun carry license, successfully complete a DepartmentDivision approved firearm safety training program. The training must be conducted and attested to by a registered Firearms Safety Training Instructor as defined in these Rules. The program shall consist of a minimum of five (5) hours of instruction on the following topics:

.....

(b) The required training for an initial license may be completed at any time within six (6) months prior to the DepartmentDivision's receipt of a properly completed application packet.

(c) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by "live-fire."

(d) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license initial application.

(e) A valid, current firearm safety training instructor registration issued by the DepartmentDivision may be substituted as the training requirement for an initial concealed handgun carry license.

Rule 13.1 Training requirements upon renewal of license

(a) The required training as established by the DepartmentDivision for renewal shall be completed at any time within six (6) months prior to the expiration of the license until six (6) months after expiration. Timely renewal is determined by

Formatted: Right: 0"

the DepartmentDivision's receipt date of the completed renewal application packet.

- (b) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by "live-fire." Renewal training may also address updates and changes in the concealed handgun carry licensing laws and Rules.
- (c) An applicant who desires to obtain an enhanced license upon renewal may substitute an enhanced training certificate for the renewal training requirement.
- (d) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license renewal application; however, the instructor may substitute his or her valid, current firearms safety training instruction registration issued by the DepartmentDivision for the renewal training requirement.

Rule 13.2 Substitution of "live-fire" training

An active duty member of, or person who has recently been honorably discharged from, the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces may substitute the following documentation, in a properly completed application packet, in place of the "live-fire" training requirement:

- (a) A letter dated and personally signed by a commanding officer or his or her designee stating that the applicant is of good character and sound judgment;
- (b) A form, as designated by the DepartmentDivision, showing that the applicant has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date.
- (c) A copy of the face or photograph side of a current United States Uniformed Services military identification card, if the applicant is a member of the United States Armed Forces; and
- (d) A copy of the active duty orders, if the applicant is on active duty.

Rule 13.3 Training Requirements for Enhanced License

(a) The program shall consist of approximately eight (8) hours instruction – five to six (5-6) hours in-class and a maximum two (2) hours of range qualification. The DepartmentDivision may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction. The following topics must be covered in detail as part of the in-class instruction for enhanced training:

.....
—The DepartmentDivision may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction.
(b) A new applicant for a concealed handgun carry license or a current licensee may apply to the DepartmentDivision to receive an Enhanced License. The enhanced training must be conducted and attested to by a registered Firearms Safety Training Instructor as defined in these Rules. To qualify for the Enhanced License:

- (1) A new applicant must successfully complete the DepartmentDivision approved initial training requirements for licensure in ASP CHCL Rule 13.0 and the DepartmentDivision approved enhanced firearm safety training program.
- (2) A current licensee must successfully complete the DepartmentDivision approved enhanced firearm safety training program.

(c) The required training for an Enhanced License may be completed at any time within six (6) months prior to the DepartmentDivision's receipt of an application for an Enhanced License, but such enhanced training is not required to be renewed.

.....

(e) An instructor may not provide his or her own training certification for his or her own Enhanced License; however, the instructor may substitute his or her valid, current enhanced training registration issued by the DepartmentDivision for the enhanced training requirement.

Rule 13.4 Waiver

A current licensee or new applicant may qualify for a waiver of a portion of the approximately eight (8) hour enhanced training course based on completion of the Arkansas basic concealed handgun carry training within the ten (10) years prior to application for an enhanced license. Documentation demonstrating the completion of the prior training must be submitted to the DepartmentDivision. The waiver may be applied in one of the following ways:

....

Formatted: Indent: First line: 0.25"

CHAPTER 14. Firearms Safety Training Instructor

.....

Formatted: No underline

Rule 14.1 Maintenance of Records

- (a) Instructors shall maintain all training records of every person they have instructed for the purpose of obtaining an Arkansas concealed handgun carry license for a period of not less than five (5) years from the date of training.
- (b) The DepartmentDivision shall have audit privileges of the training records of all Firearms Safety Training Instructors.
- (c) A registered Firearm Safety Training Instructor shall be present in the instruction area during any guest instructor's period to verify that the subject matter was properly covered.

Rule 14.2 Application for approval of registration

(a) The burden shall be on the Firearms Safety Training Instructor applicant for registration to bring himself or herself within the DepartmentDivision requirements as set out below. The applicant for registration is required to:

- (1) Continuously meet the qualification requirements set forth in Arkansas law for a person to be licensed to carry a concealed handgun;
- (2) Within six (6) months of application, successfully complete the examination administered by the DepartmentDivision. The examination shall consist of the provisions of ACA §§ 5-73-101 et seq., federal firearms laws, enhanced training topics, and these Rules;
- (3) Hold a firearms instructor training certificate from a departmentDivision recognized instruction course;
- (4) Offer enhanced training; and
- (5) Submit:

Formatted: Right: 0"

- (A) A properly completed registration application;
- (B) The background check fees required for state and national background checks; and
- (C) One (1) set of legible, classifiable fingerprints, however the requirement for fingerprints is waived if the applicant holds a current and valid Arkansas Concealed Handgun Carry License.

(b) DepartmentDivision recognized firearms instructor training certificates include:

- (1) Firearm instructor's certificate issued by the Arkansas Law Enforcement Standards and Training Commission;
- (2) Completion of a Certified Pistol Instructor Course that is recognized by the DepartmentDivision and completion of a Range Officer Safety Course that is recognized by the DepartmentDivision; or
- (3) Firearm instructor's certification issued by a federal law enforcement or military agency.

(c) The Director shall require applicants for registration as instructors to demonstrate their qualifications by examination. The examinations are given in Little Rock at the Arkansas State Police Headquarters and only with prior approval.

(d) The Director may, at his or her discretion, approve an application for registration for a person who fails to meet the qualifications as outlined in this Rule, if it is determined that the applicant is qualified by experience, education, etc. The registration applicant will still be required to successfully complete the examination administered by the DepartmentDivision.

(e) Instructors are not required to obtain an Arkansas concealed handgun carry license, although it is recommended.

(f) In the event the applicant is denied, the Director shall promptly notify the applicant of his or her decision in writing, via certified mail, return receipt requested, stating the reason for the denial.

14.3 Approval to teach Enhanced Training

(a) ACA § 5-73-322(g)(2)(A)(iii) requires that enhanced training be offered by all training instructors and at all concealed carry training courses. Enhanced training is a separate class from the class required to obtain an initial, non-enhanced concealed handgun carry license. Instructors are only required to teach enhanced training to students who desire an enhanced license. However, all instructors and entities that offer concealed carry training classes must also offer enhanced training classes.

(b) All instructors who have a current registration as of January 1, 2018 must successfully complete an exam administered by the DepartmentDivision covering the updated provisions of ACA §§ 5-73-101 et seq., federal firearms laws, the enhanced training topics, and these Rules to be approved to offer enhanced training. If an instructor fails to successfully complete the exam by January 1, 2020, his or her registration will be revoked.

CHAPTER 15. Firearms Safety Training Instructor Requirements

Formatted: Indent: Left: 0"

Formatted: Right: 0"

Rule 15.0 Training of Applicants

...

(c) The Director shall not accept the training certificate of an applicant if the instructor did not hold a valid instructor registration with the DepartmentDivision at the time the training took place.

Rule 15.1 Administration of firearms safety training instruction

....

(c) An instructor, authorized to conduct a training course required by these Rules, shall check the application of a student for completeness, accuracy, and legibility. This requirement does not apply if the student has submitted or will submit an electronic application to the DepartmentDivision.

Formatted: No underline

Rule 15.2 Instructor Change of Address

An instructor or applicant for instructor registration shall notify the DepartmentDivision in writing within thirty (30) calendar days of any change in his or her name, address, electronic mail address (if any), or telephone number.

Rule 15.3 Instructor – Other requirements

(a) An instructor must include the registration number assigned to him or her by the Director on all matters of advertising for teaching Arkansas Concealed Handgun Carry License classes or offering services as a Firearms Safety Training Instructor registered with the DepartmentDivision. Advertising includes print, electronic or social media, such as Facebook, twitter, linkedin, etc. The instructor is not required to include the registration number on each posting from a social media account, so long as the posting is linked to account of the instructor with the registration number.

....

(c) An instructor may not conduct any business as a registered Arkansas Concealed Handgun Carry License Firearms Safety Training Instructor under a name other than what is shown on his or her current registration on file with the DepartmentDivision.

Rule 15.4 Death of a registered instructor

Upon the death of a registered instructor, the registration shall be cancelled from the date of death. Written notice of the death of a registered instructor should be provided to the DepartmentDivision as soon as possible.

Rule 15.5 Voluntary surrender of a registration

If a registrant voluntarily surrenders his or her registration in writing to the DepartmentDivision in the absence of suspension or revocation proceedings, the DepartmentDivision will accept the registration and cancel it.

Rule 15.6 Notification of DepartmentDivision of arrest of a registrant

If a registrant is arrested, issued a citation, or formally charged with a crime or violation of Arkansas law and/or these Rules which could lead to revocation of a license to carry a concealed handgun, the registrant shall promptly notify the DepartmentDivision in writing.

Formatted: Right: 0"

CHAPTER 16. Denial, suspension, or revocation of a Firearms Safety Training Instructor registration

Rule 16.0 Grounds for denial, suspension, or revocation of a Firearms Safety Training Instructor registration

The Director has the authority to:

...

(b) Suspend or revoke the firearms safety training instructor registration of any instructor who has qualified under the provisions of Arkansas law and these Rules, if it is determined that the applicant or instructor has:

....

(8) Not at all times maintained a current and valid Firearms Safety Training Instructor registration on file with the DepartmentDivision as required in these Rules;

(9) Been the subject of a request on file with the DepartmentDivision from the Office of Child Support Enforcement to suspend the registration; or

(10) Otherwise becomes ineligible to hold a concealed handgun carry license.

Formatted: Indent: First line: 0.25"

Rule 16.1 Appeal of the denial, suspension, or revocation of a Firearms Safety Training Instructor registration

....

(c) For suspension or revocation of an existing Firearms Safety Training Instructor registration, the burden of proof in administrative proceedings shall be on the DepartmentDivision.

Formatted: No underline

CHAPTER 17. Firearm-Sensitive Areas

Rule 17.0 Posted firearm-sensitive areas - Restriction

All concealed handgun carry licensees, including those with an Enhanced License, are barred from carrying a concealed handgun into DepartmentDivision approved, posted firearm-sensitive areas located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event.

Rule 17.1 Establishment of a firearm-sensitive area - Security Plan

The Arkansas State Hospital, the University of Arkansas for Medical Sciences, or any institution of higher education that hosts or sponsors a collegiate athletic event may designate certain areas "firearm-sensitive," where possession of a concealed handgun by a licensee is prohibited. To obtain approval for the designation of a "firearm-sensitive area" the entity must:

(a) Submit a security plan to the Regulatory Division of the DepartmentDivision, including the following information:

....

(f) If the security plan is submitted for a scheduled collegiate athletic event, the DepartmentDivision will approve or disapprove the plan within seventy-two (72) hours of receipt of the security plan.

(g) If the security plan is submitted annually, the DepartmentDivision will approve or disapprove the plan within ten (10) business days.

Formatted: Tab stops: 0.75", Left

Formatted: Right: 0"

(h) Once the security plan has been approved, the entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

CHAPTER 18. Effective Date of these Rules

Rule 18.0 Effective date

These Rules shall be effective on and after Thursday, January 1, 2009. *(Certain revisions were effective June 25, 2018.)*

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1533

5 By: Representative Pilkington
6 By: Senator Rice
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING POSSESSION OF A
10 WEAPON AT A RESIDENTIAL TREATMENT FACILITY OWNED OR
11 OPERATED BY THE DIVISION OF YOUTH SERVICES; AND FOR
12 OTHER PURPOSES.

Subtitle

13
14
15 TO AMEND THE LAW CONCERNING POSSESSION OF
16 A WEAPON AT A RESIDENTIAL TREATMENT
17 FACILITY OWNED OR OPERATED BY THE
18 DIVISION OF YOUTH SERVICES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-73-122(a)(3)(C)(ii), concerning the
25 definition of "parking lot" as it pertains to a person possessing a firearm
26 in a publically owned building or facility, is amended to read as follows:

27 (ii)(a) As used in this subdivision (a)(3)(C),
28 "parking lot" means a designated area or structure or part of a structure
29 intended for the parking of motor vehicles or a designated drop-off zone for
30 children at school.

31 (b) "Parking lot" does not include a parking
32 lot owned, maintained, or otherwise controlled by:

33 (1) the The Department of Correction ~~or~~
34 ~~the;~~

35 (2) The Department of Community
36 Correction; or



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(3) A residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services;

SECTION 2. Arkansas Code § 5-73-306(4), concerning those places where a concealed handgun licensee is prohibited from possessing a concealed handgun, is amended to read as follows:

(4) Any part of a detention facility, prison, ~~or~~ jail, or residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services, including without limitation a parking lot owned, maintained, or otherwise controlled by:

(A) the The Department of Correction ~~or~~;

(B) The Department of Community Correction; or

(C) A residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services;

APPROVED: 3/12/19