

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/26/99

A Bill

Act 487 of 1999
HOUSE BILL 1209

5 By: Representatives Minton, Bledsoe, Womack, Gillespie, *Wilkinson, Simon, Teague, Files, R. Smith, T.*
6 *Thomas, Wood*
7
8

For An Act To Be Entitled

9
10 "AN ACT TO AMEND ARKANSAS CODE §§ 5-73-311 AND 5-73-
11 313 TO ESTABLISH THE APPLICATION FEES AND RENEWAL
12 FEES FOR A LICENSE TO CARRY A CONCEALED HANDGUN; AND
13 FOR OTHER PURPOSES. "

Subtitle

14
15 "TO ESTABLISH THE APPLICATION FEES AND
16 RENEWAL FEES FOR A LICENSE TO CARRY A
17 CONCEALED HANDGUN. "
18
19
20

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

23 SECTION 1. Arkansas Code

24 Arkansas Code §5-73-311 is amended to read as follows:

25 "5-73-311. Application procedure.

26 (a) The applicant shall submit the following to the Department of
27 Arkansas State Police:

28 (1) A completed application as described in § 5-73-310;

29 (2) *A nonrefundable license fee of one hundred dollars (\$100) or*
30 ~~such other amount as prescribed by the director under the Arkansas~~
31 ~~Administrative Procedure Act, § 25-15-201 et seq.;~~

32 (3)(A) A full set of fingerprints of the applicant administered
33 by the Department of Arkansas State Police.

34 (B) In the event a legible set of fingerprints, as
35 determined by the Department of Arkansas State Police and the Federal Bureau
36 of Investigation, cannot be obtained after a minimum of three (3) attempts,

1 the director shall determine eligibility based upon a name check by the
2 Department of Arkansas State Police and the Federal Bureau of Investigation
3 at the request of the director.

4 (C) Costs for processing the set of fingerprints as
5 required in subdivision (a)(3)(A) of this section shall be borne by the
6 applicant; and

7 (4) A waiver authorizing the Department of Arkansas State Police
8 access to any medical records concerning the applicant and permitting access
9 to all of the applicant's criminal records;

10 (A) If a check of the applicant's criminal records uncover
11 any unresolved felony arrests over ten (10) years old, then the applicant
12 shall obtain a letter of reference from the county sheriff, prosecuting
13 attorney or circuit judge of the county in which the applicant resides which
14 states to the best of their knowledge the applicant to be of good character
15 and free of any felony convictions;

16 (B) The Department of Arkansas State Police shall maintain
17 the confidentiality of the medical records.

18 (b)(1) The Department of Arkansas State Police, upon receipt of the
19 items listed in subsection (a) of this section, shall forward the full set of
20 fingerprints of the applicant to the appropriate agencies for state and
21 federal processing.

22 (2)(A) The Department of Arkansas State Police shall forward a
23 copy of the applicant's application to the sheriff of the applicant's county
24 of residence and, if applicable, the police chief of the applicant's
25 municipality of residence.

26 (B)(i) The sheriff of the applicant's county of residence
27 and, if applicable, the police chief of the applicant's municipality of
28 residence may, at his discretion, participate in the process by submitting a
29 voluntary report to the Department of Arkansas State Police containing any
30 readily discoverable information that he feels may be pertinent to the
31 licensing of any applicant.

32 (ii) The reporting shall be made within thirty (30)
33 days after the date he receives the copy of the application."

34
35 SECTION 2. Arkansas Code 5-73-313 is amended to read as follows:

36 "5-73-313. Expiration and renewal.

1 (a) No less than ninety (90) days prior to the expiration date of the
2 license, the Department of Arkansas State Police shall mail to each licensee
3 a written notice of the expiration and a renewal form prescribed by the
4 Department of Arkansas State Police.

5 (b) The licensee must renew his license on or before the expiration
6 date by filing with the Department of Arkansas State Police the renewal form,
7 a notarized affidavit stating that the licensee remains qualified pursuant to
8 the criteria specified in §§ 5-73-308(a) and 5-73-309, and a renewal fee
9 ~~established by the director under the Arkansas Administrative Procedure Act,~~
10 ~~§ 25-15-201 et seq of thirty-five dollars (\$35.00).~~

11 (c) The license shall be renewed upon receipt of the completed renewal
12 application and appropriate payment of fees subject to a background
13 investigation conducted pursuant to § 5-73-311.

14 (d) Additionally, a licensee who fails to file a renewal application
15 on or before its expiration date must renew his license by paying a late fee
16 of fifteen dollars (\$15.00).

17 (e)(1) No license shall be renewed six (6) months or more after its
18 expiration date, and such license shall be deemed to be permanently expired.

19 (2) A person whose license has been permanently expired may
20 reapply for licensure; however, an application for licensure and fees
21 pursuant to §§ 5-73-308(a), 5-73-309, and 5-73-311(a) must be submitted, and
22 a new background investigation shall be conducted.

23 (f) A new criminal background investigation shall be conducted when an
24 applicant applies for renewal of a license."
25

26 SECTION 3. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.
29

30 SECTION 4. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.
35

36 SECTION 5. All laws and parts of laws in conflict with this act are

1 hereby repeal ed.

2

/s/ Minton

3

4

5

APPROVED: 3/9/1999

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