

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 1163

"TO AMEND PROVISIONS OF THE ARKANSAS CODE CONCERNING THE  
ADMINISTRATION OF CONCEALED HANDGUN LICENSING BY THE DEPARTMENT  
OF ARKANSAS STATE POLICE."

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### Amendment No. 1 to House Bill No. 1163.

Amend House Bill No. 1163 as originally introduced:

Add Representative Everett as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-73-301 is amended to read as follows:  
5-73-301. Definitions.

As used in this subchapter:

(1) "Concealed" means to cover from observation so as to prevent  
public view;

(2) "Convicted" means that a person pleaded guilty or nolo  
contendere to or was found guilty of a criminal offense;

~~(2)~~(3) "Director" means the Director of the Department of  
Arkansas State Police; and

~~(3)~~(4) "Handgun" means any firearm, other than a fully automatic  
firearm, with a barrel length of less than twelve inches (12") that is  
designed, made, or adapted to be fired with one (1) hand.

SECTION 2. Arkansas Code § 5-73-306 is amended to read as follows:  
5-73-306. Prohibited places.

~~(a)~~ No license to carry a concealed handgun issued pursuant to this  
subchapter authorizes any person to carry a concealed handgun into:

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

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

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



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

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

(5) Any courthouse;

(6)(A) Any courtroom.

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

(7) Any polling place;

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

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

(10) Any ~~building where a state office is located~~;

(11) Any athletic event not related to firearms;

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

(13) Any portion of an establishment, except a restaurant as defined in § 3-9-402, where beer or light wine is consumed on the premises;

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

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

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

~~(17)~~(16) Any place where the carrying of a firearm is prohibited by federal law;

(17) Any place where a parade or demonstration requiring a permit is being held and the licensee is a participant in the parade or demonstration; or

~~(b)(1)(18)(A) In addition to a place enumerated in this section, the carrying of a concealed handgun may be disallowed in any~~ Any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice clearly readable at a distance of not less than ten feet (10') that "carrying a handgun is prohibited".

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

(ii) ~~However, there~~ In addition to the requirement of subdivision (18)(B)(i) of this section, there shall be at least one (1) written notice posted within every three (3) acres of a place with no roadway entrance.

~~(2)(A)(C) However, no sign is~~ A written notice as described in subdivision (18)(A) of this section is not required for a private home.

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

~~(c) No license issued pursuant to this subchapter authorizes a~~

~~participant to carry a concealed handgun in a parade or demonstration for which a permit is required.~~

SECTION 3. Arkansas Code § 5-73-309 is amended to read as follows:  
5-73-309. License - Requirements.

(a) The Director of the Department of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant:

~~(1)(A) Is both a:~~

~~(i) Citizen~~ citizen of the United States; ~~and~~

~~(ii)(2)(A) Resident~~ Is a resident of the state and has been a resident continuously for ~~twelve (12) months~~ ninety (90) days or longer immediately preceding the filing of the application.

(B) However, subdivision ~~(a)(1)(A)~~ (a)(2)(A) of this section does not apply to any:

(i) Retired city, county, state, or federal law enforcement officer; or

(ii) Active duty military personnel who submit documentation of their active duty status;

~~(2)(3)~~ Is twenty-one (21) years of age or older;

~~(3)(4)~~ Does not suffer from a mental or physical infirmity that prevents the safe handling of a handgun and has not threatened or attempted suicide;

~~(4)(5)(A) Is not:~~

~~(A) Ineligible to possess a firearm by virtue of having~~ Has not been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned for conviction and had firearms possession rights restored; ~~and.~~

(B) A record of a conviction that has been sealed or expunged under Arkansas law does not render an applicant ineligible to receive a concealed handgun license if:

(i) The applicant was sentenced prior to March 13, 1995; and

(ii) The order sealing or expunging the applicant's record of conviction complies with § 16-90-605;

(6) Subject Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background ~~checked~~ check successfully completed through the Department of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System;

~~(5)(A)(7)(A)~~ Does not chronically or habitually abuse a controlled substance to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses a controlled substance to the extent that his or her faculties are impaired if the applicant has been:

(i) Voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance; or

(ii) Found guilty of a crime under the provisions of the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other state or the United States relating to a controlled substance within the three-year period immediately preceding the date on which the application is submitted;

~~(6)(A)~~(8)(A) Does not chronically ~~and~~ or habitually use an alcoholic beverage to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses an alcoholic beverage to the extent that his or her normal faculties are impaired if the applicant has been:

(i) Voluntarily or involuntarily committed as an alcoholic to a treatment facility; or

(ii) Convicted of two (2) or more offenses related to the use of alcohol under a law of this state or similar law of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

~~(7)(9)~~ Desires a legal means to carry a concealed handgun to defend himself or herself;

~~(8)(10)~~ Has not been adjudicated mentally incompetent;

~~(9)(11)~~ Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility;

~~(10)(12)~~ Is not a fugitive from justice or does not have an active warrant for his or her arrest;

~~(11)(13)(A)~~ Has satisfactorily completed a training course as prescribed and approved by the director; ~~and~~ .

(B) Active duty military personnel, members of the National Guard or reservists, and retired military police officers who submit documentation of their military status or retired military police status are exempt from the range-firing portion of the training course described in subdivision (a)(13)(A) of this section; and

~~(12)(14)~~ Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution.

(b) The director shall also issue a license to carry a concealed handgun if the applicant is a person who has a valid license to carry a concealed handgun issued by another state and the director determines that:

(1) The eligibility requirements to obtain a license to carry a concealed handgun imposed by the other state are at least as rigorous as the eligibility requirements imposed by this section; and

(2) The other state provides reciprocal licensing privileges to a person who holds a license issued under this subchapter and who has applied for a license to carry a concealed handgun in the other state.

SECTION 4. Arkansas Code § 5-73-311 is amended to read as follows:

5-73-311. Application procedure.

(a) The applicant for a license to carry a concealed handgun shall submit the following to the Department of Arkansas State Police:

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

(2) A nonrefundable license fee of one hundred dollars (\$100);

~~(3)(A) A full set of fingerprints of the applicant, administered by the department.~~

(B) In the event a legible set of fingerprints, as determined by the department and the Federal Bureau of Investigation, cannot be obtained after a minimum of ~~three (3)~~ two (2) attempts, the Director of the Department of Arkansas State Police shall determine eligibility ~~based upon a name check by the department and the Federal Bureau of Investigation at the request of the director~~ in accordance with criteria that the

department shall establish by promulgating rules.

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

(4)(A) A waiver authorizing the department access to any medical, criminal, or other records concerning the applicant and permitting access to all of the applicant's criminal records.

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

(C) The department shall maintain the confidentiality of the medical, criminal, or other records; ~~and~~

(5) A digital photograph of the applicant or a release authorization to obtain a digital photograph of the applicant from another source.

(b)(1) Upon receipt of the items listed in subsection (a) of this section, the department shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(2)(A) The department shall forward a ~~copy~~ notice of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence.

(B)(i) The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may participate, at his or her discretion, in the process by submitting a voluntary report to the department containing any readily discoverable information that he or she feels may be pertinent to the licensing of any applicant.

(ii) The reporting shall be made within thirty (30) days after the date the ~~sheriff of the applicant's county of residence or, if applicable, the police chief of the applicant's municipality of residence receives the copy~~ notice of the application was sent by the department.

(c) A concealed handgun license issued, renewed, or obtained under § 5-73-314 or § 5-73-319 after December 31, 2007, shall bear a digital photograph of the licensee.

SECTION 5. Arkansas Code § 5-73-313 is amended to read as follows:  
5-73-313. Expiration and renewal.

~~(a) No less than ninety (90) days prior to the expiration date of the license to carry a concealed handgun, the Department of Arkansas State Police shall mail to each licensee a written notice of the expiration.~~

~~(b)(a)~~ The Except as provided in subdivision (g)(1) of this section, the licensee shall may renew his or her license on or before no more than ninety (90) days prior to the expiration date by filing with submitting to the department:

(1) A renewal form prescribed by the department;

(2) A ~~notarized affidavit stating~~ verified statement that the licensee remains qualified pursuant to the criteria specified in §§ 5-73-

308(a) and 5-73-309; ~~and~~

(3) A renewal fee of thirty-five dollars (\$35.00);

(4) A certification or training form properly completed by the licensee's training instructor reflecting that the licensee's training was conducted; and

(5) A digital photograph of the licensee or a release authorization to obtain a digital photograph of the licensee from another source.

~~(e)~~(b) The license shall be renewed upon receipt of the completed renewal application, a digital photograph of the licensee, and appropriate payment of fees subject to a background investigation conducted pursuant to § 5-73-311 this subchapter that did not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under this subchapter.

~~(d)~~(c) Additionally, a licensee who fails to file a renewal application on or before the expiration date shall renew his or her license by paying a late fee of fifteen dollars (\$15.00).

~~(e)~~~~(1)~~(d)(1) No license shall be renewed six (6) months or more after its expiration date, and the license is deemed to be permanently expired.

(2)(A) A person whose license has been permanently expired may reapply for licensure.

(B) An application for licensure and fees pursuant to §§ 5-73-308(a), 5-73-309, and 5-73-311(a) shall be submitted, and a new background investigation shall be conducted.

~~(f)~~(e) A new criminal background investigation shall be conducted when an applicant applies for renewal of a license. Costs for processing a new background check shall be paid by the applicant.

~~(g)~~(f) Active duty military personnel, ~~and members of the National Guard or reservists on active duty, and retired military police officers who submit documentation of their active duty military status or retired military police status~~ are exempt from the range-firing portion of the training requirements under § 5-73-309.

(g)(1) A person in a category described in subsection (f) of this section on active duty outside of this state may renew his or her license within thirty (30) days after the person returns to this state by submitting to the department:

(A) Proof of assignment outside of this state on the expiration date of the license; and

(B) The items listed in subdivisions (a)(1) – (5) of this section.

(2) Subsections (c) and (d) of this section shall not apply to a person who renews his or her license under subdivision (g)(1) of this section.

SECTION 6. Arkansas Code § 5-73-319 is amended to read as follows:  
5-73-319. Transfer of a license to Arkansas.

(a) Any person who becomes a resident of Arkansas who has a valid license to carry a concealed handgun issued by a reciprocal state may apply to transfer his or her license to Arkansas by submitting the following to the Department of Arkansas State Police:

(1) The person's current reciprocal state license;

(2) Two (2) properly completed fingerprint cards;

(3) A nonrefundable license fee of thirty-five dollars (\$35.00);

and

(4) Any fee charged by a state or federal agency for a criminal history check; and

(5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.

(b) The newly transferred license is valid for a period of four (4) years from the date of issuance and binds the holder to all Arkansas laws and regulations regarding the carrying of the concealed handgun.

SECTION 7. Arkansas Code § 5-73-320 is amended to read as follows:

5-73-320. License for certain members of the Arkansas National Guard or a reserve component.

(a) The Department of Arkansas State Police may issue a license under this subchapter to a person who:

(1) Is currently serving as a federally recognized commissioned or noncommissioned officer of the National Guard or a reserve component of the armed forces of the United States;

(2) Submits the following documents:

(A) A completed concealed handgun license application as prescribed by the department;

(B) A form specified by the Director of the Department of Arkansas State Police reflecting the fingerprints of the soldier or airman;

(C) A dated letter personally signed by a commanding officer or his or her designee stating that the soldier or airman:

(i) Is a current member of the National Guard or a reserve component of the armed forces of the United States;

(ii) Is of good character and sound judgment;

(iii) Is not disqualified by state or federal law from possessing a firearm;

(iv) Has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date; and

(v) Has been a resident of the State of Arkansas for the ~~twelve-month~~ ninety-day period preceding the application date according to the military and pay records of the soldier or airman;

(D) A copy of the military range qualification score card signed and dated within one (1) year of the application date by a range officer or noncommissioned officer in charge of the range; and

(E) A copy of the face or photograph side of a current United States Uniformed Services military identification card for a member of the armed forces; and

(3) Submits any required application fee.

(b)(1) A license issued under this section expires four (4) years from the date of issuance or upon the expiration date of the military identification card of the soldier or airman, whichever occurs first.

(2)(A) A license issued under this section is renewable under the provisions of § 5-73-313 upon satisfaction of the requirements described in subsection (a) of this section.

(B) After December 31, 2007, a license issued under this section is required to bear a digital photograph of the soldier or airman.

(c) Except as otherwise specifically stated in this section, the

license issued under this section is subject to the provisions of this subchapter and any rules promulgated under § 5-73-317."

The Amendment was read \_\_\_\_\_  
By: Representative Burris  
GRH/YTC - 02-12-2007 08:36 \_\_\_\_\_  
GRH145 Chief Clerk