

1 INTERIM STUDY PROPOSAL 2015-070

2 State of Arkansas *As Engrossed: H3/5/15 H3/9/15 H3/13/15*

3 90th General Assembly

A Bill

4 Regular Session, 2015

HOUSE BILL 1440

5
6 By: Representatives Dotson, Ballinger, Bell, Bentley, Collins, Davis, Della Rosa, C. Douglas, Drown,
7 Gates, Gonzales, M. Gray, Hickerson, G. Hodges, Ladyman, Lundstrum, Miller, Payton, Petty, Pitsch,
8 Richmond, Scott, B. Smith, Speaks, Sullivan, Tosh, Vaught, Wallace, Womack, *Farrer, Lemons,*
9 *Wardlaw*

10 By: Senators J. Woods, Caldwell, A. Clark, Collins-Smith, J. English, Hester, B. Johnson

11 Filed with: House Committee on State Agencies and Governmental Affairs
12 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

13
14 *AN ACT TO REDUCE THE FEE FOR A CONCEALED CARRY*
15 *LICENSE; TO CREATE A LIFETIME CONCEALED CARRY*
16 *LICENSE; AND FOR OTHER PURPOSES.*

Subtitle

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20 *TO REDUCE THE FEE FOR A CONCEALED CARRY*
21 *LICENSE; AND TO CREATE A LIFETIME*
22 *CONCEALED CARRY LICENSE.*

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24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 *SECTION 1. Arkansas Code § 5-73-302 is amended to read as follows:*
28 *5-73-302. Authority to issue license.*

29 *(a) The Director of the Department of Arkansas State Police may issue*
30 *a license to carry a concealed handgun to a person qualified as provided in*
31 *this subchapter.*

32 *(b)(1) ~~For new licenses issued after July 31, 2007, the~~ The license to*
33 *carry a concealed handgun is valid throughout the state for a period of five*
34 *(5) years from the date of issuance unless the person has applied for and*
35 *obtained a lifetime concealed handgun license.*

1 ~~(2) After July 31, 2007, upon renewal, an existing valid license~~
2 ~~to carry a concealed handgun shall be issued for a period of five (5) years.~~

3 (c)(1)(A) ~~After July 31, 2007, a A license or renewal of a license~~
4 ~~issued to a former elected or appointed sheriff of any county of this state~~
5 ~~shall be issued for a period of five (5) years, unless the former elected or~~
6 ~~appointed sheriff has applied for and obtained a lifetime concealed handgun~~
7 ~~license.~~

8 (B) ~~The license issued to a former elected or appointed~~
9 ~~sheriff is revocable on the same grounds as other licenses.~~

10 (2)(A) ~~The former elected or appointed sheriff shall meet the~~
11 ~~same qualifications as all other applicants.~~

12 (B) ~~However, the former elected or appointed sheriff is~~
13 ~~exempt from the fee prescribed by § 5-73-311(a)(2) and from the training~~
14 ~~requirements of § 5-73-309(13) for issuance.~~

15 (d) A lifetime concealed handgun license issued under this section:

16 (1) Does not have a renewal requirement; and

17 (2) Is limited to carrying a concealed handgun and for
18 ~~reciprocity recognition in other states and not for any other purpose.~~

19 (e) A person issued a standard concealed handgun license may upgrade
20 ~~his or her standard concealed handgun license to a lifetime concealed handgun~~
21 ~~license at any point during which the person's standard concealed handgun~~
22 ~~license is valid by paying the additional fee under § 5-73-311(a)(2)(B).~~

23
24 SECTION 2. Arkansas Code § 5-73-308 is amended to read as follows:

25 5-73-308. License – Issuance or denial.

26 (a)(1)(A) ~~The Director of the Department of Arkansas State Police may~~
27 ~~deny a license if within the preceding five (5) years the applicant has been~~
28 ~~found guilty of one (1) or more crimes of violence constituting a misdemeanor~~
29 ~~or for the offense of carrying a weapon.~~

30 (B) ~~The director may revoke a license if the licensee has~~
31 ~~been found guilty of one (1) or more crimes of violence within the preceding~~
32 ~~three (3) years.~~

33 (2) ~~Subdivision (a)(1) of this section does not apply to a~~
34 ~~misdemeanor that has been expunged or for which the imposition of sentence~~
35 ~~was suspended.~~

1 (3) Upon notification by any law enforcement agency or a court
2 and subsequent written verification, the director shall suspend a license or
3 the processing of an application for a license if the licensee or applicant
4 is arrested or formally charged with a crime that would disqualify the
5 licensee or applicant from having a license under this subchapter until final
6 disposition of the case.

7 (b)(1) The director may deny a license to carry a concealed handgun if
8 the county sheriff or chief of police, if applicable, of the applicant's
9 place of residence or the director or the director's designee submits an
10 affidavit that the applicant has been or is reasonably likely to be a danger
11 to himself or herself or others or to the community at large, as demonstrated
12 by past patterns of behavior or participation in an incident involving
13 unlawful violence or threats of unlawful violence, or if the applicant is
14 under a criminal investigation at the time of applying for a license to carry
15 a concealed handgun.

16 (2) Within one hundred twenty (120) days after the date of
17 receipt of the items listed in § 5-73-311(a), the director shall:

18 (A) Issue the license; or

19 (B) Deny the application based solely on the ground that
20 the applicant fails to qualify under the criteria listed in this subchapter.

21 (3)(A) If the director denies the application, the director
22 shall notify the applicant in writing, stating the grounds for denial.

23 (B) The decision of the director is subject to appeal
24 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

25 (c) A person holding a lifetime concealed handgun license that
26 subsequently becomes revoked or suspended under this section is not eligible
27 to hold a lifetime concealed handgun license under any circumstances and
28 instead is eligible only to possess a standard concealed handgun license if
29 the revocation or suspension is reversed or expires.

30
31 SECTION 3. Arkansas Code § 5-73-309 is amended to read as follows:
32 5-73-309. License – Requirements.

33 The Director of the Department of Arkansas State Police shall issue a
34 standard license or lifetime license to carry a concealed handgun if the
35 applicant:

36 (1) Is a citizen of the United States;

1 (2)(A) *Is a resident of the state and has been a resident*
2 *continuously for ninety (90) days or longer immediately preceding the filing*
3 *of the application.*

4 (B) *However, subdivision (2)(A) of this section does not*
5 *apply to any:*

6 (i) *Retired city, county, state, or federal law*
7 *enforcement officer; ~~or~~*

8 (ii) *Active duty member of the United States armed*
9 *forces who submits documentation of his or her active duty status; or*

10 (iii) *Spouse of an active duty member of the United*
11 *States armed forces who submits documentation of his or her spouse's active*
12 *duty status;*

13 (3) *Is twenty-one (21) years of age or older;*

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

17 (5)(A) *Has not been convicted of a felony in a court of this*
18 *state, of any other state, or of the United States without having been*
19 *pardoned for conviction and had firearms possession rights restored.*

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

23 (i) *The applicant was sentenced prior to March 13,*
24 *1995; or*

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

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

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

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

1 committed to a treatment facility for the abuse of a controlled substance or
2 has been found guilty of a crime under ~~the provisions of~~ the Uniform
3 Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other
4 state or the United States relating to a controlled substance within the
5 three-year period immediately preceding the date on which the application is
6 submitted;

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

9 (B) It is presumed that an applicant chronically and
10 habitually uses an alcoholic beverage to the extent that his or her normal
11 faculties are impaired if the applicant has been voluntarily or involuntarily
12 committed as an alcoholic to a treatment facility or has been convicted of
13 two (2) or more offenses related to the use of alcohol under a law of this
14 state or similar law of any other state or the United States within the
15 three-year period immediately preceding the date on which the application is
16 submitted;

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

19 (10) Has not been adjudicated mentally incompetent;

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

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

24 (13) Has satisfactorily completed a training course as
25 prescribed and approved by the director; and

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

28

29 SECTION 4. Arkansas Code § 5-73-311(a)(2), concerning the application
30 fee to obtain a concealed handgun license, is amended to read as follows:

31 (2)(A) A nonrefundable license fee of ~~one hundred dollars~~
32 ~~(\$100), except that the nonrefundable license fee is fifty dollars (\$50.00)~~
33 ~~if the applicant is sixty-five (65) years of age or older~~ fifty dollars
34 (\$50.00) for an applicant who applies for licensure with a paper form
35 provided by the department or if the applicant applies for licensure through
36 the department website.

1 (B) If a person is applying for a lifetime concealed
2 handgun license, the nonrefundable license fee is one hundred fifty dollars
3 (\$150);
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5 SECTION 5. Arkansas Code § 5-73-311, concerning the application
6 procedure for a concealed carry license, is amended to add a new subsection
7 to read as follows:

8 (d) The application procedure for a lifetime concealed handgun license
9 shall not require any information or documentation not required for a
10 standard concealed handgun license.

11
12 /s/Dotson
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15 Referred by the Arkansas House of Representatives
16 Prepared by: VJF
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