

A.C.A. § 5-73-122

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- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 1 — Possession and Use Generally](#)

5-73-122. Carrying a firearm in publicly owned buildings or facilities.

(a)

(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147, and this section, it is unlawful for a person other than a law enforcement officer, either on-duty or off-duty, a security guard in the employ of the state or an agency of the state or any city or county, a member of a municipal fire department bomb squad who is authorized to carry a concealed handgun under § 12-15-204, or any state or federal military personnel, to knowingly carry or possess a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.

(2) It is unlawful for any person other than a law enforcement officer, either on-duty or off-duty, a security guard in the employ of the state or an agency of the state or any city or county, a member of a municipal fire department bomb squad who is authorized to carry a concealed handgun under § 12-15-204, or any state or federal military personnel, to knowingly carry or possess a firearm, whether loaded or unloaded, in the State Capitol Building or the Arkansas Justice Building in Little Rock.

(3) However, this subsection does not apply to a person carrying or possessing a firearm or other deadly weapon in a publicly owned building or facility or on the State Capitol grounds:

(A) For the purpose of participating in a shooting match or target practice under the auspices of the agency responsible for the publicly owned building or facility or State Capitol grounds;

(B) If necessary to participate in a trade show, exhibit, or educational course conducted in the publicly owned building or facility or on the State Capitol grounds;

(C)

(i) If the person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.

(ii)

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

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

(1) The Division of Correction;

(2) The Division of Community Correction; or

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

(D) If the person has completed the required training and received a concealed carry endorsement under § 5-73-322(g) and the place is not:

(i) A courtroom or the location of an administrative hearing conducted by a state agency, except as permitted by § 5-73-306(5) or § 5-73-306(6);

(ii) A public school kindergarten through grade twelve (K-12), a public prekindergarten, or a public daycare facility, except as permitted under subdivision (a)(3)(C) of this section;

(iii) A facility operated by the Division of Correction or the Division of Community Correction; or

(iv) A posted firearm-sensitive area, as approved by the Division of Arkansas State Police under § 5-73-325, located at:

(a) The Arkansas State Hospital;

- (b) The University of Arkansas for Medical Sciences; or
- (c) A collegiate athletic event;
- (E) If the person has a license to carry a concealed handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a judge on the Court of Appeals, and is carrying a concealed handgun in the Arkansas Justice Building; or
- (F) If the person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in a municipally owned or maintained park, or another similar municipally owned or maintained recreational property, except for those portions of a municipally owned or maintained park or recreational property that contain a:
 - (i) Football field, baseball field, soccer field, or other sports field where an athletic event or practice is occurring at the time;
 - (ii) Municipally owned or maintained building; or
 - (iii) Leased area to be used for a special event.
- (4) As used in this section, "facility" does not mean a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.
- (b) However, a law enforcement officer, either on-duty or off-duty, officer of the court, bailiff, or other person authorized by the court is permitted to possess a handgun in the courtroom of any court or a courthouse of this state.
- (c) A person violating this section upon conviction is guilty of a Class C misdemeanor.
- (d) An off-duty law enforcement officer carrying a firearm in a publicly owned building or facility may be required to be in physical possession of a valid identification identifying the person as a law enforcement officer.
- (e) An off-duty law enforcement officer may not carry a firearm into a courtroom if the off-duty law enforcement officer is a party to or a witness in a civil or criminal matter unless the law provides otherwise.

History

Acts 1977, No. 549, §§ 1, 2; A.S.A. 1947, §§ 41-3113, 41-3114; Acts 1991, No. 1044, § 1; 1995, No. 1223, § 1; 1997, No. 910, § 1; 2013, No. 226, § 2; 2015, No. 1078, § 2; 2015, No. 1259, § 1; 2017, No. 562, § 1; 2017, No. 859, § 2; 2017, No. 1087, § 1; 2019, No. 431, § 1; 2019, No. 472, §§ 3-5; 2019, No. 910, §§ 680, 681; 2021, No. 638, § 1; 2021, No. 693, § 1; 2023, No. 166, § 3.

A.C.A. § 5-73-301

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- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-301. Definitions.

As used in this subchapter:

- (1) "Acceptable electronic format" means an electronic image produced on the person's own cellular phone or other type of portable electronic device that displays all of the information on a concealed handgun license as clearly as an original concealed handgun license;
- (2) "Concealed" means to cover from observation so as to prevent public view;
- (3) "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense;
- (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;
- (5) "Licensee" means a person granted a valid license to carry a concealed handgun pursuant to this subchapter;
- (6) "Parking lot" means an area, structure, or part of a structure designated for the parking of motor vehicles or a designated drop-off zone for children at a school;
- (7) "Private university or private college" means an institution of higher education that is not a public university, public college, or community college as defined in § 5-73-322; and
- (8) "Retired law enforcement officer" means a person who retired as a certified law enforcement officer from a local or state law enforcement agency with at least ten (10) years of experience as a law enforcement officer.

History

Acts 1995, No. 411, § 1; 1995, No. 419, § 1; 1997, No. 1239, § 1; 2007, No. 664, § 1; 2007, No. 827, §§ 98, 99; 2013, No. 419, § 1; 2015, No. 1078, § 3; 2017, No. 859, § 3; 2017, No. 957, § 1.

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A.C.A. § 5-73-302

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-302. Authority to issue license.

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

(b)

(1) For new licenses issued after July 31, 2007, the license to carry a concealed handgun is valid throughout the state for a period of five (5) years from the date of issuance.

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

(c)

(1)

(A) After July 31, 2007, a license or renewal of a license issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of five (5) years.

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

(2)

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

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

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 389, § 1; 2007, No. 1014, §§ 1, 3; 2019, No. 910, § 5736.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-303. Immunity from civil damages.

The state, a county or city, or any employee of the state, county, or city is not liable for any civil damages resulting from the issuance of a license pursuant to a provision of this subchapter.

History

Acts 1995, No. 411, § 3; 1995, No. 419, § 3.

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A.C.A. § 5-73-304

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-304. Exemptions.

(a)

(1)

(A) A current or former certified law enforcement officer, chief of police, court bailiff, county sheriff, or retired law enforcement officer is exempt from the licensing requirements of this subchapter if otherwise authorized to carry a concealed handgun.

(B) A former certified law enforcement officer whose employment was terminated by a law enforcement agency due to disciplinary reasons or because he or she committed a disqualifying criminal offense is not exempt from the licensing requirements of this subchapter.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

(b) An employee of a local detention facility is exempt from the licensing requirements of this subchapter if the employee of a local detention facility is authorized in writing as exempt from the licensing requirements of this subchapter by the chief of police or county sheriff that employs the employee of a local detention facility.

(c) The authorization prescribed in subsection (b) of this section shall be carried on the person of the employee of a local detention facility and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § 5-73-306.

(d) A retired law enforcement officer is exempt from the licensing requirements of this subchapter if the retired law enforcement officer is permitted to carry a concealed handgun under § 12-15-202(b).

(e) As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(A) Securing a local detention facility;

(B) Monitoring inmates in a local detention facility; and

(C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 696, § 1; 1997, No. 1239, § 8; 1999, No. 1508, §§ 1, 7; 2013, No. 415, § 1; 2013, No. 1220, § 1; 2017, No. 957, § 2.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-305. Criminal penalty.

Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this subchapter, or who knowingly submits a false document when applying for a license issued pursuant to this subchapter upon conviction is guilty of a Class B misdemeanor.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2.

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- [Subchapter 3 — Concealed Handguns](#)

5-73-306. Prohibited places.

Except as permitted under § 5-73-322(g), a license to carry a concealed handgun issued under this subchapter does not authorize a person to carry a concealed handgun into:

- (1) Any police station, sheriff's station, or Division of Arkansas State Police station;
- (2) An Arkansas Highway Police Division of the Arkansas Department of Transportation facility;
- (3) [Repealed.]
- (4) Any part of a detention facility, prison, jail, or residential treatment facility owned or operated by the Division of Youth Services, including without limitation a parking lot owned, maintained, or otherwise controlled by:
 - (A) The Division of Correction;
 - (B) The Division of Community Correction; or
 - (C) A residential treatment facility owned or operated by the Division of Youth Services;
- (5) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office unless:
 - (A) The licensee is:
 - (i) Employed by the county;
 - (ii) A countywide elected official;
 - (iii) A justice of the peace; or
 - (iv)
 - (a) Employed by a governmental entity other than the county with an office or place of employment inside the courthouse, the courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office.
 - (b) A licensee is limited to carrying a concealed handgun under subdivision (5)(A)(iv)(a) of this section into the courthouse, courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office where the office or place of employment of the governmental entity that employs him or her is located;
 - (B) The licensee's principal place of employment is within the courthouse, the courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office; and
 - (C) The quorum court by ordinance approves a plan that allows licensees permitted under this subdivision (5) to carry a concealed handgun into the courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings as set out by the local security and emergency preparedness plan;
- (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 into his or her courtroom;
- (7) Any meeting place of the governing body of any governmental entity;
- (8) Any meeting of the General Assembly or a committee of the General Assembly;
- (9) Any state office;
- (10) Any athletic event not related to firearms;

(11)

(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises.

(B) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(12)

(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises.

(B) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(13)

(A) A school, college, community college, or university campus building or event.

(B) However, subdivision (13)(A) of this section does not apply to:

(i) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:

(a) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;

(b) Allows the licensee to carry a concealed handgun into the church or other place of worship under this section; and

(c) Allows the licensee to possess a concealed handgun on the developed property of the kindergarten through grade twelve (K-12) private school under § 5-73-119(e);

(ii) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school;

(iii) Participation in an authorized firearms-related activity;

(iv) Carrying a concealed handgun as authorized under § 5-73-322; or

(v) A publicly owned and maintained parking lot of a college, community college, or university if the licensee is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle;

(14) 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;

(15)

(A) Any church or other place of worship.

(B) However, this subchapter does not preclude a church or other place of worship from determining who may carry a concealed handgun into the church or other place of worship.

(C) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter a church or other place of worship under this section if the church or other place of worship either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(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;

(18)

(A)

(i) 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".

(ii)

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

- (b)* In addition to the requirement of subdivision (18)(A)(ii)(a) 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.
- (iii)* A written notice as described in subdivision (18)(A)(i) of this section is not required for a private home.
- (iv)* Any licensee entering a private home shall notify the occupant that the licensee is carrying a concealed handgun.
- (B)** Subdivision (18)(A) of this section does not apply if the place is:
- (i)* A public university, public college, or community college, as defined in § 5-73-322, and the licensee is carrying a concealed handgun as provided under § 5-73-322;
- (ii)* A publicly owned and maintained parking lot if the licensee is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle;
- (iii)* A parking lot of a private employer and the person is carrying a handgun as provided under § 11-5-117; or
- (iv)* A place owned, controlled, or operated by a local unit of government as defined in § 14-16-504 if the licensee is carrying a concealed handgun as provided under § 5-73-322(g) and (h), unless the place is listed in § 5-73-122(a)(3)(D)(i)-(iv) or the place is a part of a building licensed to dispense alcoholic beverages for consumption on the premises.
- (C)** The person or entity exercising control over the physical location of a place that does not use his, her, or its authority under this subdivision (18) to prohibit a person from possessing a concealed handgun is immune from a claim for monetary damages arising from or related to the decision not to place at each entrance to the place a written notice under this subdivision (18);
- (19)**
- (A)**
- (i)* A place owned or operated by a private entity that prohibits the carrying of a concealed handgun that posts a written notice as described under subdivision (18)(A) of this section.
- (ii)*
- (a)* A place owned or operated by a private entity that chooses not to post a written notice as described under subdivision (18)(A) of this section may provide written or verbal notification to a licensee who is carrying a concealed handgun at the place owned or operated by a private entity that carrying of a concealed handgun is prohibited.
- (b)* A licensee who receives written or verbal notification under subdivision (19)(A)(ii)(a) of this section is deemed to have violated this subdivision (19) if the licensee while carrying a concealed handgun either remains at or returns to the place owned or operated by the private entity.
- (B)** A place owned or operated by a private entity under this subdivision (19) includes without limitation:
- (i)* A private university or private college;
- (ii)* A church or other place of worship;
- (iii)* An establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises; and
- (iv)* An establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises; or
- (20)** A posted firearm-sensitive area, as approved by the Division of Arkansas State Police under § 5-73-325, located at:
- (A)** The Arkansas State Hospital;
- (B)** The University of Arkansas for Medical Sciences; or
- (C)** A collegiate athletic event.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 2; 2003, No. 1110, § 1; 2007, No. 664, § 2; 2009, No. 294, § 28; 2011, No. 758, § 1; 2013, No. 67, § 1; 2013, No. 226, §§ 3, 4; 2013, No. 1390, § 2; 2015, No. 933, § 2; 2015, No. 1078, §§ 4-7; 2015, No. 1175, § 1; 2015, No. 1259, § 2; 2017, No. 562, §§ 2-5; 2017, No. 707, § 5; 2017, No. 859, §§ 4-6; 2017, No. 1071, § 2; 2017, No. 1090, § 1; 2019, No. 431, § 2; 2019, No. 910, § 683; 2021, No. 809, § 1; 2021, No. 1024, § 1; 2023, No. 215, § 1.

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- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-307. List of license holders.

(a) The Department of Arkansas State Police shall maintain an automated listing of license holders, and this information shall be available online, upon request, at any time, to any law enforcement agency through the Arkansas Crime Information Center.

(b) Nothing in this subchapter shall be construed to require or allow the registration, documentation, or providing of a serial number with regard to any firearm.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 3; 2007, No. 827, § 100.

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5-73-308. License — Issuance or denial.

(a)

(1)

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

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

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

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

(b)

(1) The director may deny a license to carry a concealed handgun if the county sheriff or chief of police, if applicable, of the applicant's place of residence or the director or the director's designee submits 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 or participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation at the time of applying for a license to carry a concealed handgun.

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

(A) Issue the license; or

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

(3)

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

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

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 4; 2011, No. 758, § 2; 2013, No. 1328, § 1; 2019, No. 910, § 5737.

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5-73-309. License — Requirements.

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

- (1) Is a citizen of the United States or a permanent legal resident;
- (2)
 - (A) Is a resident of the state and has been a resident continuously for ninety (90) days or longer immediately preceding the filing of the application.
 - (B) However, subdivision (2)(A) of this section does not apply to any:
 - (i) Active duty member of the United States Armed Forces who submits documentation of his or her active duty status; or
 - (ii) Spouse of an active duty member of the United States Armed Forces who submits documentation of his or her spouse's active duty status;
- (3) Is at least:
 - (A) Twenty-one (21) years of age; or
 - (B) Eighteen (18) years of age and is:
 - (i) Currently a federally recognized commissioned or noncommissioned officer or an enlisted member on active duty in the United States Armed Forces;
 - (ii) In the National Guard or a reserve component of the United States Armed Forces; or
 - (iii) A former member of the United States Armed Forces who has been honorably discharged;
- (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;
- (5) Has not been convicted of a felony in a court of this state, of any other state, or of the United States unless:
 - (A) The applicant is subsequently granted a pardon by the Governor or the President of the United States explicitly restoring his or her ability to possess a firearm;
 - (B) The applicant was sentenced prior to March 13, 1995, and the record of conviction has been sealed or expunged under Arkansas law; or
 - (C) The applicant's offense was dismissed and sealed or expunged under § 16-93-301 et seq. or § 16-98-303(g);
- (6)
 - (A) 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 check successfully completed through the Division of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System.
 - (B) The director shall not consider a person's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 2, in determining whether an applicant is eligible to be issued a license to carry a concealed handgun under this subchapter;
- (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 voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or has been 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.
- (C)** An applicant shall not be considered to chronically or habitually abuse a controlled substance based solely on the applicant's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;
- (8)**
- (A)** Does not chronically 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 voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been 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;
- (9)** Desires a legal means to carry a concealed handgun to defend himself or herself;
- (10)** Has not been adjudicated mentally incompetent;
- (11)**
- (A)** Has not been voluntarily or involuntarily committed to a mental health institution or mental health treatment facility.
- (B)** An applicant who voluntarily sought mental health treatment at a mental health institution or mental health treatment facility may obtain a license under this subchapter if a circuit court grants his or her petition under § 5-73-327;
- (12)** Is not a fugitive from justice or does not have an active warrant for his or her arrest;
- (13)** Has satisfactorily completed a training course as prescribed and approved by the director; and
- (14)** Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 368, § 1; 1997, No. 1239, § 10; 1999, No. 51, § 1; 2003, No. 545, §§ 1, 5; 2007, No. 198, § 1; 2007, No. 664, § 3; 2013, No. 989, § 1; 2015, No. 105, § 1; 2015, No. 649, § 1; 2019, No. 910, §§ 5738, 5739; 2019, No. 917, § 1; 2019, No. 1038, § 1; 2023, No. 30, § 1; 2023, No. 757, § 1.

A.C.A. § 5-73-310

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- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-310. Application form.

The application for a license to carry a concealed handgun shall be completed, under oath, on a form promulgated by the Director of the Division of Arkansas State Police and shall include only:

- (1) The name, address, place and date of birth, race, and sex of the applicant;
- (2) The driver's license number or Social Security number of the applicant;
- (3) Any previous address of the applicant for the two (2) years preceding the date of the application;
- (4) A statement that the applicant is in compliance with criteria contained within §§ 5-73-308(a) and 5-73-309;
- (5) A statement that the applicant has been furnished a copy of this subchapter and is acquainted with the truth and understanding of this subchapter;
- (6) A conspicuous warning that the application is executed under oath, and that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects the applicant to:
 - (A) Criminal prosecution and precludes any future license's being issued to the applicant; and
 - (B) Immediate revocation if the license has already been issued;
- (7) A statement that the applicant desires a legal means to carry a concealed handgun to defend himself or herself;
- (8)
 - (A) A statement of whether the applicant is applying for:
 - (i) An unrestricted license, that allows the person to carry any handgun; or
 - (ii) A restricted license, that allows the person to carry any handgun other than a semiautomatic handgun.
 - (B)
 - (i) An applicant requesting an unrestricted license shall establish proficiency in the use of a semiautomatic handgun.
 - (ii) An applicant requesting a restricted license shall establish proficiency in the use of a handgun and may use any kind of handgun when establishing proficiency; and
- (9) A statement of whether or not the applicant has been found guilty of a crime of violence or domestic abuse.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 5; 1999, No. 786, § 1; 2019, No. 910, § 5740.

A.C.A. § 5-73-311

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
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5-73-311. Application procedure.

- (a) The applicant for a license to carry a concealed handgun shall submit the following to the Division of Arkansas State Police:
- (1) A completed application, as described in § 5-73-310;
 - (2) A nonrefundable license fee of fifty dollars (\$50.00), except that:
 - (A) The nonrefundable license fee is twenty-five dollars (\$25.00) if the applicant is sixty-five (65) years of age or older; and
 - (B)
 - (i) There is no license fee if the applicant is a United States Armed Forces veteran or is currently serving in the United States Armed Forces.
 - (ii) An applicant shall submit a copy of his or her DD214 or similar document or valid military identification card to establish eligibility under subdivision (a)(2)(B)(i) of this section;
 - (3)
 - (A) A full set of fingerprints of the applicant.
 - (B) In the event a legible set of fingerprints, as determined by the division and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Director of the Division of Arkansas State Police shall determine eligibility in accordance with criteria that the division 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;
 - (4)
 - (A) A waiver authorizing the division 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 division 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 division shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.
 - (2)
 - (A) The division shall forward a 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 division containing any readily discoverable information that he or she feels may be pertinent to the licensing of any applicant.

- (ii) The reporting under subdivision (b)(2)(B)(i) of this section shall be made within thirty (30) days after the date the notice of the application was sent by the division.
- (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.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 9; 1997, No. 1251, § 1; 1999, No. 487, § 1; 2007, No. 664, § 4; 2009, No. 748, § 42; 2013, No. 1271, § 1; 2019, No. 61, § 1; 2019, No. 188, § 1; 2019, No. 910, §§ 5741-5745; 2021, No. 888, § 1.

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-312. Revocation.

(a)

(1) A license to carry a concealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § 5-73-308(a) or § 5-73-309.

(2)

(A) Any law enforcement officer making an arrest of a licensee for a violation of this subchapter or any other statutory violation that requires revocation of a license to carry a concealed handgun shall confiscate the license and forward it to the Director of the Division of Arkansas State Police.

(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.

(b) When the Division of Arkansas State Police receives notification from any law enforcement agency or court that a licensee has been found guilty or has pleaded guilty or nolo contendere to any crime involving the use of a weapon, the license issued under this subchapter is immediately revoked.

(c) The director shall revoke the license of any licensee who has pleaded guilty or nolo contendere to or been found guilty of an alcohol-related offense committed while carrying a handgun.

History

Acts 1995, No. 411, §§ 2, 4, 5; 1995, No. 419, §§ 2, 4, 5; 1997, No. 1239, § 11; 2003, No. 545, § 4; 2007, No. 827, § 101; 2019, No. 910, §§ 5746, 5747.

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5-73-313. Expiration and renewal.

(a) Except as provided in subdivision (f)(1) of this section, the licensee may renew his or her license no more than ninety (90) days prior to the expiration date by submitting to the Division of Arkansas State Police:

(1) A renewal form prescribed by the division;

(2) A verified statement that the licensee remains qualified pursuant to the criteria specified in §§ 5-73-308(a) and 5-73-309;

(3) A renewal fee of twenty-five dollars (\$25.00);

(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.

(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 this subchapter that did not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under this subchapter.

(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).

(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.

(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.

(f)

(1) An active duty member of the United States Armed Forces, a member of the National Guard, or a member of a reserve component of the United States Armed Forces, who is on active duty outside this state may renew his or her license within thirty (30) days after the person returns to this state by submitting to the division:

(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 (f)(1) of this section.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, §§ 6, 12; 1999, No. 487, § 2; 2003, No. 545, § 2; 2005, No. 881, § 1; 2007, No. 664, § 5; 2019, No. 61, § 2; 2019, No. 188, § 2.

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- [Subchapter 3 — Concealed Handguns](#)

5-73-314. Lost, destroyed, or duplicate license — Change of address.

(a) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license to carry a concealed handgun lost, the licensee shall notify the Director of the Division of Arkansas State Police in writing of the change or loss.

(b) If a license to carry a concealed handgun is lost or destroyed, or a duplicate is requested, the person to whom the license to carry a concealed handgun was issued shall comply with the provisions of subsection (a) of this section and may obtain a duplicate license or replacement license upon:

(1) Paying the Division of Arkansas State Police a fee established by the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(2) Furnishing a notarized statement to the division that the license to carry a concealed handgun has been lost or destroyed or that a duplicate is requested.

(c) The fee described in subdivision (b)(1) of this section shall be reduced by fifty percent (50%) if a person sixty-five (65) years of age or older is requesting a replacement or duplicate license under this section.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 2011, No. 758, § 3; 2013, No. 1271, § 2; 2015, No. 1155, § 15; 2019, No. 910, §§ 5748, 5749.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-315. Authority to carry concealed handgun — Identification of licensee.

(a) Any licensee possessing a valid license issued pursuant to this subchapter may carry a concealed handgun.

(b) The licensee shall:

(1) Carry the license, or an electronic copy of the license in an acceptable electronic format, together with valid identification, at any time when the licensee is carrying a concealed handgun; and

(2) Display both the license, or an electronic copy of the license in an acceptable electronic format, and proper identification upon demand by a law enforcement officer.

(c) The presentment of proof of a license to carry a concealed handgun in electronic form does not:

(1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(2) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 2007, No. 827, § 102; 2013, No. 419, § 2.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-316. Fees.

Any fee collected by the Department of Arkansas State Police pursuant to this subchapter shall be deposited into the Department of Arkansas State Police Fund.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-317. Rules.

The Director of the Division of Arkansas State Police may promulgate rules to permit the efficient administration of this subchapter.

History

Acts 1995, No. 411, § 8; 1995, No. 419, § 8; 2019, No. 315, § 172; 2019, No. 910, § 5750.

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5-73-318. Instructor review of applications.

(a) An instructor authorized to conduct a training course required by this subchapter shall check the application of a student for completeness, accuracy, and legibility.

(b) An instructor who repeatedly fails to comply with subsection (a) of this section may have his or her license to conduct a training course revoked.

History

Acts 1997, No. 1239, § 7.

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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 Division 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);
- (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) After July 31, 2007, the newly transferred license is valid for a period of five (5) years from the date of issuance and binds the holder to all Arkansas laws and rules regarding the carrying of the concealed handgun.

History

Acts 2003, No. 545, § 3; 2007, No. 664, § 26; 2007, No. 1014, § 2; 2019, No. 315, § 173.

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

-
- (a) The Division of Arkansas State Police may issue a license under this subchapter to a person who:
- (1) Is currently serving as an active duty member of, or has recently been honorably discharged from, the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces;
 - (2) Submits the following documents:
 - (A) A completed concealed handgun license application as prescribed by the division;
 - (B) A form specified by the Director of the Division of Arkansas State Police reflecting the fingerprints of the applicant;
 - (C) A properly completed and dated certificate from a concealed handgun carry training instructor who is registered with the division;
 - (D) 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;
 - (E) A form, as designated by the division, 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;
 - (F) A copy of the face or photograph side of a current uniformed services of the United States identification card, if the applicant is a member of the United States Armed Forces; and
 - (G) An electronic passport-style photo of the applicant, if the applicant does not hold an Arkansas driver's license or identification card; and
 - (3) Submits any required fees.
- (b) 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.

History

Acts 2005, No. 1868, § 1; 2007, No. 664, § 7; 2007, No. 1014, § 3; 2013, No. 989, § 2; 2017, No. 1017, § 1; 2019, No. 910, § 5751.

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5-73-321. Recognition of other states' licenses.

A person in possession of a valid license to carry a concealed handgun issued to the person by another state is entitled to the privileges and subject to the restrictions prescribed by this subchapter.

History

Acts 2009, No. 748, § 43; 2013, No. 1089, § 1.

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5-73-322. Concealed handguns in a university, college, or community college building.

(a)

(1) As used in this section, "public university, public college, or community college" means an institution that:

(A) Regularly receives budgetary support from the state government;

(B) Is part of the University of Arkansas or Arkansas State University systems; or

(C) Is required to report to the Arkansas Higher Education Coordinating Board.

(2) "Public university, public college, or community college" includes without limitation a public technical institute.

(3) "Public university, public college, or community college" does not include a private university or private college solely because:

(A) Students attending the private university or private college receive state-supported scholarships; or

(B) The private university or private college voluntarily reports to the board.

(b) A licensee who has completed the training required under subsection (g) of this section may possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college, whether owned or leased by the public university, public college, or community college, unless otherwise prohibited by this section or § 5-73-306.

(c)

(1) A licensee may possess a concealed handgun in the buildings and on the grounds of a private university or private college unless otherwise prohibited by this section or § 5-73-306 if the private university or private college does not adopt a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college.

(2)

(A) A private university or private college that adopts a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college shall post notices as described in § 5-73-306(18).

(B) A private university or private college that adopts a policy only allowing carrying of a concealed handgun under this section shall post notices as described in § 5-73-306(18) and subdivision (c)(2)(C) of this section.

(C) If a private university or private college permits carrying a concealed handgun under this section, the private university or private college may revise any sign or notice required to be posted under § 5-73-306(18) to indicate that carrying a concealed handgun under this section is permitted.

(d) The storage of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(c).

(e)

(1) A licensee who may carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college under this section may not carry a concealed handgun into a location in which an official meeting lasting no more than nine (9) hours is being conducted in

accordance with documented grievance and disciplinary procedures as established by the public university, public college, or community college if:

(A) At least twenty-four (24) hours' notice is given to participants of the official meeting;
(B) Notice is posted on the door of or each entryway into the location in which the official meeting is being conducted that possession of a concealed handgun by a licensee under this section is prohibited during the official meeting; and

(C) The area of a building prohibited under this subdivision (e)(1) is no larger than necessary to complete the grievance or disciplinary meeting.

(2) A person who knowingly violates subdivision (e)(1) of this section upon conviction is guilty of:

(A) A violation for a first offense and subject to a fine not exceeding one hundred dollars (\$100); and

(B) A Class C misdemeanor for a second or subsequent offense.

(f) This section does not affect a licensee's ability to store a concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

(g)

(1) A licensee who intends to carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college is required to complete a training course approved by the Director of the Division of Arkansas State Police.

(2)

(A) Training required under this subsection shall:

(i) Not be required to be renewed;

(ii) Consist of a course of up to eight (8) hours;

(iii) Be offered at the training instructor's option at concealed carry training courses; and

(iv) Cost no more than a nominal amount.

(B) The director may waive up to four (4) hours of the training required under this subsection for a licensee based on the licensee's prior training attended within ten (10) years of applying for the endorsement provided for under subdivision (g)(3) of this section on appropriate topics.

(3) A licensee who completes a training course under this subsection shall be given a concealed carry endorsement by the Division of Arkansas State Police on his or her license to carry a concealed handgun indicating that the person is permitted to possess and carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college.

(h) A licensee who completes a training course and obtains a concealed carry endorsement under subsection (g) of this section is exempted from the prohibitions and restrictions on:

(1) Carrying a firearm in a publicly owned building or facility under § 5-73-122, if the firearm is a concealed handgun; and

(2) Carrying a concealed handgun in a prohibited place listed under § 5-73-306(7)-(12), (14), (15), and (17), unless otherwise prohibited under § 5-73-306(19) or § 5-73-306(20).

(i) The division shall maintain a list of licensees who have successfully completed a training course under subsection (g) of this section.

(j)

(1) Unless possession of a concealed handgun is a requirement of a licensee's job description, the possession of a concealed handgun under this section is a personal choice made by the licensee and not a requirement of the employing public university, public college, or community college.

(2) A licensee who possesses a concealed handgun in the buildings and on the grounds of a public university, public college, or community college at which the licensee is employed is not:

(A) Acting in the course of or scope of his or her employment when possessing or using a concealed handgun;

(B) Entitled to worker's compensation benefits for injuries arising from his or her own negligent acts in possessing or using a concealed handgun;

(C) Immune from personal liability with respect to possession or use of a concealed handgun; or

(D) Permitted to carry a concealed handgun openly or in any other manner in which the concealed handgun is visible to ordinary observation.

(3) A public university, public college, or community college is immune from a claim for monetary damages arising from or related to a licensee's use of, or failure to use, a concealed handgun if the licensee elects to possess a concealed handgun under this section.

History

Acts 2013, No. 226, § 5; 2015, No. 1155, § 16; 2017, No. 562, § 6; 2017, No. 859, §§ 7, 8; 2019, No. 910, §§ 5752-5755; 2020, No. 97, § 46.

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A.C.A. § 5-73-323

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- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-323. Post-Prison Transfer Board exemptions. [Effective January 1, 2024.]

A member of the Post-Prison Transfer Board, a board investigator, or a revocation hearing judge who has been issued a license to carry a concealed handgun by the Division of Arkansas State Police under this subchapter may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or revocation hearing judge is on official business of the board.

History

Acts 2013, No. 320, § 2; 2023, No. 659, § 49.

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-324. Firearm rights shall not be infringed.

(a) A license to carry a concealed handgun issued under this subchapter shall not be denied, suspended, or revoked because a person was lawfully exercising his or her rights to carry a firearm under the United States Constitution, Amendment 2, the Arkansas Constitution, Article 2, § 5, or the Arkansas Code.

(b) The Division of Arkansas State Police shall not promulgate any rule and shall amend any existing rule that would result in a licensee having his or her license to carry a concealed handgun suspended or revoked solely because he or she possessed a handgun and the possession was not in violation of any criminal offense or § 5-73-306.

History

Acts 2017, No. 486, § 1.

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- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-325. Firearm-sensitive areas — Security plan approval.

(a)

(1) The following entities may submit a security plan to the Division of Arkansas State Police for approval that designates certain areas as a firearm-sensitive area where possession of a concealed handgun by a licensee under this subchapter is prohibited:

(A) The Arkansas State Hospital;

(B) The University of Arkansas for Medical Sciences; and

(C)

(i) An institution of higher education that hosts or sponsors a collegiate athletic event.

(ii) A firearm-sensitive area under subdivision (a)(1)(C)(i) of this section is limited to an area where a collegiate athletic event is held.

(2) A security plan submitted under this section shall include the following information and corresponding security measures:

(A) Total projected attendance;

(B) Number of entrances and exits;

(C) Number of on-site private security personnel;

(D) Number of on-site law enforcement officers;

(E) Number of on-site first responders;

(F) Location of parking areas and number of motor vehicles projected to use the parking areas;

(G) Routes for emergency vehicles;

(H) Locations of all restrooms, stairs, and elevators;

(I) Evacuation procedures;

(J) Security communication protocol;

(K) Location of emergency vehicles;

(L) Public communication protocol; and

(M) Bomb threat and active shooter procedures.

(b) Security measures under this section shall include without limitation:

(1) Security personnel or law enforcement officers on-site;

(2) Use of a magnetometer or other metal-detecting device designed to detect a weapon;

(3) Barricades; or

(4) Other measures or devices designed to protect the public from a security threat.

(c)

(1) An entity shall submit a security plan to the division under this section annually or no later than five (5) days before a scheduled collegiate athletic event.

(2) The division shall approve or disapprove a security plan for a scheduled collegiate athletic event within seventy-two (72) hours of the receipt of the security plan.

(3) Otherwise the division shall approve or disapprove a security plan within ten (10) business days.

(d) Upon approval of a security plan, an entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

(e) A security plan submitted under this section is exempt from public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

History

Acts 2017, No. 859, § 9.

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-327. Voluntary mental health treatment.

(a) As used in this section, "mental health institution or mental health treatment facility" means a public or private facility where a person may voluntarily admit himself or herself for mental health treatment.

(b)

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

(2) However, the person may not obtain a license to carry a concealed handgun under this subchapter until at least two (2) years after he or she completed mental health treatment in a mental health institution or mental health treatment facility.

(c)

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

(2) A petitioner shall also provide the circuit court with a limited medical waiver that would allow the circuit court and the prosecuting attorney access to and the ability to request any medical record that concerns the petitioner's mental health treatment at issue.

(d)

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

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

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

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

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

(3) The petitioner's certified criminal history;

(4) The petitioner's reputation; and

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

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

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

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

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

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

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

History

Acts 2019, No. 917, § 2; 2023, No. 30, § 2.

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A.C.A. § 5-73-328

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- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-328. Board of Corrections exemption.

A member of the Board of Corrections who is a licensee may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a concealed handgun.

History

Acts 2023, No. 752, § 2.

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- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-329. Purpose and construction of subchapter.

(a) The purpose of this subchapter is solely to establish concealed carry licensing for the purpose of providing licensees reciprocity in other states that require a license to carry a concealed handgun in order to carry a concealed handgun.

(b) This subchapter does not require a person to obtain a license to carry a concealed handgun in order to carry a concealed handgun in this state.

History

Acts 2023, No. 777, § 1.

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A.C.A. § 7-1-101

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- [AR - Arkansas Code Annotated](#)
- [Title 7 Elections](#)
- [Chapter 1 General Provisions](#)

7-1-101. Definitions.

As used in this title, unless the context or chapter otherwise requires:

- (1) "Administrator" means the administrative head of a long-term care or residential care facility licensed by the state who is authorized in writing by a patient of the long-term care or residential care facility to deliver the application for an absentee ballot and to obtain or deliver the absentee ballot to the county clerk;
- (2) "Affidavit of eligibility" means an affidavit signed by a candidate for elective office stating that the candidate is eligible to serve in the office he or she seeks;
- (3) "Audit log" means an electronically stored record of events and ballot images from which election officials may produce a permanent paper record with a manual audit capacity for a voting system using voting machines;
- (4) "Authorized agent" means a person who is identified and authorized to deliver the application, obtain a ballot, and deliver the ballot on the day of the election to the county clerk for an applicant who is medically unable to cast a ballot at a polling site due to an unforeseen medical necessity as set forth in an affidavit from the administrator of a hospital or long-term care or residential care facility;
- (5) "Canvassing" means examining and counting the returns of votes cast at a public election to determine authenticity;
- (6) "Certificate of choice" means a certificate, signed by an executive officer of a political group that submits a petition to place its candidates for President and Vice-President on the ballot, designating the names of its candidates to appear on the ballot;
- (7) "Constitutional officers of this state" means the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands;
- (8) "Counting location" means a location selected by the county board of election commissioners with respect to all elections for the automatic processing or counting, or both, of votes;
- (9) "Designated bearer" means any person who is identified and authorized by the applicant to obtain from the county clerk or to deliver to the county clerk the applicant's ballot;
- (10)
 - (A) "Drop box" means:
 - (i) A receptacle, box, or other physical structure used to receive absentee ballots; and
 - (ii) That is available for public use.
 - (B) "Drop box" does not include a receptacle, box, or other physical structure that is provided by or used by a mail carrier authorized to receive or deliver absentee ballots under law;
- (11)
 - (A) "Election media" means any device used in an election definition or to record votes cast with a direct record electronic machine or voting machine.
 - (B) "Election media" includes without limitation:
 - (i) Memory stick devices; and
 - (ii) Personal computer cards;
- (12) "Election official" or "election officer" means a person who is a member of the county board of election commissioners, a person who performs election coordinator duties, a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff, or a deputy county clerk or a person assigned by a county clerk to conduct early voting;

- (13) "Electronic poll book" means hardware or software or a combination of hardware and software that allows election officials to view voter registration records and voting information during an election at an early voting location or at a polling site on election day;
- (14) "Electronic vote tabulating device" means a device used to electronically scan a marked paper ballot for the purpose of tabulation;
- (15) "Fail-safe voting" means the mechanism established under the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq., that allows a voter who has moved within the same county to vote at his or her new precinct without having updated his or her voter registration records;
- (16) "First-time voter" means any registered voter who has not previously voted in a federal election in the state;
- (17) "General or special election" means the regular biennial or annual election for election of United States, state, district, county, township, and municipal officials and the special elections to fill vacancies therein and special elections to approve any measure. The term as used in this act shall not apply to school elections for officials of school districts;
- (18) "Infamous crimes" for the purposes of Arkansas Constitution, Article 5, § 9, includes:
- (A) A felony offense;
 - (B) A misdemeanor theft of property offense;
 - (C) Abuse of office, § 5-52-107;
 - (D) Tampering, § 5-53-110; or
 - (E) A misdemeanor offense in which the finder of fact was required to find, or the defendant to admit, an act of deceit, fraud, or false statement;
- (19) "Majority party" means that political party in the State of Arkansas whose candidates were elected to a majority of the constitutional offices of this state in the last preceding general election;
- (20) "Marking device" means any approved device operated by a voter to record the voter's choices through marking or creating a paper ballot with ink or other substance that will enable the votes to be tabulated by means of an electronic vote tabulating device;
- (21) "Member of the merchant marine" means:
- (A) An individual employed as an officer or crew member of:
 - (i) A vessel documented under the laws of the United States;
 - (ii) A vessel owned by the United States; or
 - (iii) A vessel of foreign-flag registry under charter or control of the United States;
 - (B) An individual enrolled with the United States for employment or training for employment or maintained by the United States for emergency relief service as an officer or crew member of any such vessel; or
 - (C) As defined in the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., if different from the definition stated in this subdivision (21);
- (22) "Minority party" means that political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party that polled the second greatest number of votes for the office of Governor in the last preceding general election if all of the elected constitutional officers of this state are from a single political party;
- (23)
- (A) "Nonpartisan candidate" means a candidate for the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney.
 - (B) "Nonpartisan candidate" does not include a candidate for nonpartisan municipal office;
- (24)
- (A) "Nonpartisan election" means a general, special, or runoff election for the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney.
 - (B) "Nonpartisan election" does not include a general, special, or runoff election for a nonpartisan municipal office;
- (25)
- (A) "Nonpartisan office" means the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney.
 - (B) "Nonpartisan office" does not include a nonpartisan municipal office;
- (26) "Party certificate" means a written statement or receipt signed by the secretary or chair of the county committee or of the state committee, as the case may be, of the political party evidencing the name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fees, and filing of the party pledge, if any, required by the political party;

(27) "Party filing period" means the period of time established by law for the candidate for a political party's nomination to file his or her party certificate with the Secretary of State or county clerk, as the case may be;

(28)

(A) "Political party" means any group of voters that at the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office.

(B) A group of electors shall not assume a name or designation that is so similar in the opinion of the Secretary of State to that of an existing political party as to confuse or mislead the voters at an election.

(C) When any political party fails to obtain three percent (3%) of the total votes cast at an election for the office of Governor or nominees for presidential electors, it shall cease to be a political party;

(29) "Polling site" means a location selected by the county board of election commissioners where votes are cast;

(30) "Precinct" means a geographical area, the boundaries of which are determined by a county board of election commissioners in order to facilitate voting by the registered voters from that geographical area;

(31) "Primary election" means any election held by a political party in the manner provided by law for the purpose of selecting nominees of the political party for certification as candidates for election at any general or special election in this state;

(32)

(A) "Printed campaign materials" means:

(i) Literature mailed to an elector that is intended to or calculated to influence the vote of an elector in an election in this state, including without limitation signs, banners, flyers, and pamphlets; and

(ii) Yard signs and push cards intended to or calculated to influence the vote of an elector in an election in this state.

(B) "Printed campaign materials" does not mean political paraphernalia, including without limitation stickers, buttons, pens, T-shirts, nail files, or other similar trinkets;

(33) "Provisional ballot" means a ballot:

(A) Cast by special procedures to record a vote when there is some question concerning a voter's eligibility; and

(B) Counted contingent upon the verification of the voter's eligibility;

(34) "Qualified elector" means a person who holds the qualifications of an elector and who is registered pursuant to Arkansas Constitution, Amendment 51;

(35) "Sample ballot" means a ballot for distribution to the public or the press marked with the word "SAMPLE" so as to prevent the production of counterfeit ballots;

(36) "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, the United States Commissioned Corps of the Public Health Service, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps, or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., if different from the definition stated in this subdivision (36);

(37) "Vacancy in election" means the vacancy in an elective office created by death, resignation, or other good and legal cause arising prior to election to the office at a general or special election but arising subsequent to the certification of the ballot;

(38) "Vacancy in nomination" means the circumstances in which:

(A) The person who received the majority of votes at the preferential primary election or general primary election cannot accept the nomination due to death or notifies the party that he or she will not accept the nomination due to serious illness, moving out of the area from which the person was elected as the party's nominee, or filing for another office preceding the final date for certification of nominations; or

(B) There is a tie vote for the same office at a general primary election;

(39)

(A) "Vacancy in office" means the vacancy in an elective office created by death, resignation, or other good and legal cause arising subsequent to election to the office at a general or special election or arising subsequent to taking office and before the expiration of the term of office in those circumstances wherein the vacancy must be filled by a special election rather than by appointment.

(B) "Vacancy in office" does not apply to the election of a person at a general election to fill an unexpired portion of a term of office;

(40)

- (A) "Verification of voter registration" means:
- (i) Presenting a document or identification card when appearing to vote in person that:
 - (a) Shows the name of the person to whom the document or identification card was issued;
 - (b) Shows a photograph of the person to whom the document or identification card was issued;
 - (c) Is issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas; and
 - (d) If displaying an expiration date, is not expired or expired no more than four (4) years before the date of the election in which the voter seeks to vote; or
 - (ii) Submitting with an absentee ballot verification of voter registration in the form of a copy of a document or identification card that complies with the requirements of subdivision (40)(A)(i) of this section.
- (B) A document or identification card may be presented in a digital format on an electronic device if the document or identification card:
- (i) Complies with the requirements of subdivision (40)(A) of this section; and
 - (ii) The digital format has been approved or issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas.
- (C) Documents and identification cards that comply with the requirements of subdivision (40)(A) of this section include without limitation:
- (i) A driver's license;
 - (ii) A photo identification card;
 - (iii) A concealed handgun carry license;
 - (iv) A United States passport;
 - (v) An employee badge or identification document issued by an accredited postsecondary educational institution in the State of Arkansas;
 - (vi) A United States Armed Forces identification document;
 - (vii) A public assistance identification card if the card shows a photograph of the person to whom the document or identification card was issued; and
 - (viii) A voter verification card under § 7-5-324;
- (41) "Vote center" means an election day location designated by the county board of election commissioners at which a qualified elector from any precinct in the county holding the election may vote;
- (42) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
- (A) Allows the voter to verify the voter-verified paper audit trail before the casting of the voter's ballot;
 - (B) Is not retained by the voter;
 - (C) Does not contain individual voter information;
 - (D) Is produced on paper that is sturdy, clean, and resistant to degradation; and
 - (E) Is readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic code;
- (43) "Voting machine" means either:
- (A) A direct-recording electronic voting machine that:
 - (i) Records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter;
 - (ii) Processes the data by means of a computer program;
 - (iii) Records voting data and ballot images in internal and external memory components; and
 - (iv) Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (B) One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic vote tabulating device; and
- (44) "Voting system" means:
- (A) The total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:
 - (i) Define ballots;
 - (ii) Cast and count votes;
 - (iii) Report or display election results; and
 - (iv) Maintain and produce any audit trail information; and
 - (B) The practices and documentation used to:

- (i) Identify system components and versions of components;
- (ii) Test the system during its development and maintenance;
- (iii) Maintain records of system errors and defects;
- (iv) Determine specific system changes to be made to a system after the initial qualification of the system; and
- (v) Make available any materials to the voter, including without limitation notices, instructions, forms, or paper ballots.

History

Acts 1969, No. 465, Art. 1, § 1; 1971, No. 261, § 1; 1977, No. 888, § 3; A.S.A. 1947, § 3-101; Acts 1987, No. 123, § 12; 1991, No. 241, § 1; 1995, No. 946, § 1; 1995, No. 963, § 1; 1997, No. 445, § 1; 1997, No. 1082, § 1; 1999, No. 1342, § 1; 2003, No. 994, § 1; 2003, No. 1731, § 1; 2005, No. 2233, § 2; 2007, No. 224, § 1; 2007, No. 1020, § 1; 2009, No. 250, § 1; 2009, No. 659, § 5; 2009, No. 959, § 2; 2009, No. 1480, § 14; 2011, No. 203, § 1; 2013, No. 595, § 1; 2013, No. 724, § 3; 2013, No. 1110, § 1; 2013, No. 1126, § 1; 2013, No. 1211, § 1; 2013, No. 1297, § 1; 2013, No. 1389, § 1; 2015, No. 1042, § 1; 2015, No. 1218, §§ 1-3; 2017, No. 633, § 4; 2017, No. 787, § 1; 2019, No. 684, § 2; 2021, No. 729, § 1; 2023, No. 292, § 1; 2023, No. 353, § 1.

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A.C.A. § 20-56-308

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- [AR - Arkansas Code Annotated](#)
- [Title 20 Public Health and Welfare](#)
- [Subtitle 4. Food, Drugs, and Cosmetics](#)
- [Chapter 56 General Provisions](#)
- [Subchapter 3 — Medical Marijuana](#)

20-56-308. Firearm rights protections.

(a) The General Assembly finds that under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 5(f), a person's status as a qualifying patient or designated caregiver is confidential.

(b) The Department of Health shall not disclose the identity of a person who has been issued a registry identification card to the Division of the Arkansas State Police for the purpose of facilitating a criminal history record check or any other background check related to the issuance of a license to carry a concealed handgun under § 5-73-301 et seq.

(c) The Director of the Division of Arkansas State Police shall not consider a person's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 2, in determining whether an applicant or licensee is eligible to be issued a license to carry a concealed handgun under § 5-73-301 et seq.

History

Acts 2023, No. 757, § 2.

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A.C.A. § 25-19-105

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- [AR - Arkansas Code Annotated](#)
- [Title 25 State Government](#)
- [Chapter 19 Freedom of Information Act of 1967](#)

25-19-105. Examination and copying of public records.

(a)

(1)

(A) Except as otherwise specifically provided by this section or by laws specifically enacted to provide otherwise, all public records shall be open to inspection and copying, including without limitation copying through image capture, including still and moving photography and video and digital recording, by any citizen of the State of Arkansas during the regular business hours of the custodian of the records.

(B) However, access to inspect and copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, public records shall be denied to:

(i) A person who at the time of the request has pleaded guilty to or been found guilty of a felony and is incarcerated in a correctional facility; and

(ii) The representative of a person under subdivision (a)(1)(B)(i) of this section unless the representative is the person's attorney who is requesting information that is subject to disclosure under this section.

(2)

(A) A citizen may make a request to the custodian to inspect, copy, including without limitation through image capture, including still and moving photography and video and digital recording, or receive copies of public records.

(B) The request may be made in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian.

(C) The request shall be sufficiently specific to enable the custodian to locate the records with reasonable effort.

(3) A custodian shall respond as follows in writing within the time period required under this section to a written request for public records:

(A) If no records exist that are responsive to the request, the custodian shall respond that no records exist;

(B) If any responsive records that exist are subject to exemptions under this chapter or other law, the custodian shall respond and identify the applicable exemptions; and

(C) If the custodian lacks administrative control over any responsive records that may exist, the custodian shall respond and identify the appropriate custodian to direct the request to, if known or readily ascertainable.

(4) A custodian's response under subdivision (a)(3) of this section may be delivered by electronic mail.

(5) If a custodian knowingly fails to respond as required under subdivision (a)(3) of this section, he or she shall be subject to the penalties in § 25-19-104 for a violation of this chapter.

(6) The requirements of this subsection do not affect the obligation of a custodian to immediately provide to the requestor any responsive records not in active use or storage.

(b) It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter:

(1) State income tax records;

(2) Medical records, adoption records, and education records as defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, unless their disclosure is consistent with the provisions of that act;

- (3) The site files and records maintained by the Arkansas Historic Preservation Program and the Arkansas Archeological Survey;
- (4) Grand jury minutes;
- (5) Unpublished drafts of judicial or quasi-judicial opinions and decisions;
- (6) Undisclosed investigations by law enforcement agencies of suspected criminal activity;
- (7) Unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General;
- (8) Documents that are protected from disclosure by order or rule of court;
- (9)
- (A) Files that if disclosed would give advantage to competitors or bidders; and
- (B)
- (i) Records maintained by the Arkansas Economic Development Commission related to any business entity's planning, site location, expansion, operations, or product development and marketing, unless approval for release of those records is granted by the business entity.
- (ii) However, this exemption shall not be applicable to any records of expenditures or grants made or administered by the commission and otherwise disclosable under the provisions of this chapter;
- (10)
- (A) The identities of law enforcement officers currently working undercover with their agencies and identified in the Arkansas Minimum Standards Office as undercover officers.
- (B) Records of the number of undercover officers and agency lists are not exempt from this chapter;
- (11) Records containing measures, procedures, instructions, or related data used to cause a computer or a computer system or network, including telecommunication networks or applications thereon, to perform security functions, including, but not limited to, passwords, personal identification numbers, transaction authorization mechanisms, and other means of preventing access to computers, computer systems or networks, or any data residing therein;
- (12) Personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (13) Personal contact information, including without limitation home or mobile telephone numbers, personal email addresses, and home addresses of nonelected state employees, nonelected municipal employees, nonelected school employees, and nonelected county employees contained in employer records, except that the custodian of the records shall verify an employee's city or county of residence or address on record upon request;
- (14) Materials, information, examinations, and answers to examinations utilized by boards and commissions for purposes of testing applicants for licensure by state boards or commissions;
- (15) Military service discharge records or DD Form 214, the Certificate of Release or Discharge from Active Duty of the United States Department of Defense, filed with the county recorder as provided under § 14-2-102, for veterans discharged from service less than seventy (70) years from the current date;
- (16) Vulnerability assessments submitted by a public water system on or before June 30, 2004, to the Administrator of the United States Environmental Protection Agency for a period of ten (10) years from the date of submission;
- (17) [Repealed.]
- (18)
- (A) Records, including analyses, investigations, studies, reports, recommendations, requests for proposals, drawings, diagrams, blueprints, and plans containing information relating to security for any public water system or municipally owned utility system.
- (B) The records under subdivision (b)(18)(A) of this section include:
 - (i) Risk and vulnerability assessments;
 - (ii) Plans and proposals for preventing and mitigating security risks;
 - (iii) Emergency response and recovery records;
 - (iv) Security plans and procedures;
 - (v) Plans and related information for generation, transmission, and distribution systems; and
 - (vi) Other records containing information that if disclosed might jeopardize or compromise efforts to secure and protect the public water system or municipally owned utility system;
- (19) Records pertaining to the issuance, renewal, expiration, suspension, or revocation of a license to carry a concealed handgun, or a present or past licensee under § 5-73-301 et seq., including without limitation all records provided to or obtained by a local, state, or federal government or their officials, agents, or employees in the investigation of an applicant, licensee, or past licensee, and all records

pertaining to a criminal or health history check conducted on the applicant, licensee, or past licensee except that:

(A) Information or other records regarding an applicant, licensee, or past licensee may be released to a law enforcement agency to assist in a criminal investigation or prosecution or to determine the validity of or eligibility for a license; and

(B) The name of an applicant, licensee, or past licensee may be released as contained in investigative or arrest reports of law enforcement that are subject to release as public records;

(20)

(A) Except as provided in subdivision (b)(20)(B) of this section, personal information of current and former public water system customers and municipally owned utility system customers, including without limitation:

(i) Home and mobile telephone numbers;

(ii) Personal email addresses;

(iii) Home and business addressees; and

(iv) Customer usage data.

(B) Personal information of a current or former water system customer or municipally owned utility system customer may be disclosed to:

(i) The current or former water system customer, who may receive his or her own information;

(ii) A person who serves as the attorney, guardian, or other representative of the current or former water system customer, who may receive the information of his or her client, ward, or principal;

(iii) A tenant of the current or former water system customer or municipally owned utility system customer, who may receive notice of pending termination of service;

(iv) A federal or state office or agency for the purpose of participating in research being conducted by such federal or state office or agency, if the federal or state office or agency agrees to prohibit disclosure of the personal information;

(v) For the purpose of facilitating a shared billing arrangement, a county, municipality, improvement district, urban service district, public utility, public facilities board, or public water authority that provides or provided a service to the current or former water system customer or municipally owned utility system customer; or

(vi) An agent or vendor of the water system or municipally owned utility system that provides a billing or administrative service to the water system or municipally owned utility system provided that the agent or vendor and the water system or municipally owned utility system enter an agreement that prohibits disclosure by the agent or vendor of the water system or municipally owned utility system of the personal information of a current or former water system customer or municipally owned utility system customer to any other person;

(21) Electronic data information maintained by a disaster recovery system;

(22) The date of birth, home address, email address, phone number, and other contact information from county or municipal parks and recreation department records of a person who was under eighteen (18) years of age at the time of the request made under this section;

(23)

(A) Information related to taxes collected by particular entities under § 26-74-501 et seq.; the Advertising and Promotion Commission Act, § 26-75-601 et seq.; and § 26-75-701 et seq.

(B) However, this exemption does not apply to information or other records regarding the total taxes collected under § 26-74-501 et seq.; the Advertising and Promotion Commission Act, § 26-75-601 et seq.; and § 26-75-701 et seq. in the county or municipality as a whole;

(24)

(A) Undisclosed and ongoing investigations by the Alcoholic Beverage Control Board, Alcoholic Beverage Control Division, or Alcoholic Beverage Control Enforcement Division.

(B) Completed investigations by the Alcoholic Beverage Control Board, Alcoholic Beverage Control Division, or Alcoholic Beverage Control Enforcement Division or investigations by the Alcoholic Beverage Control Board, Alcoholic Beverage Control Division, or Alcoholic Beverage Control Enforcement Division that have been provided to the person or entity under investigation are subject to disclosure under this section;

(25)

(A) When the custodian is a governmental entity that has knowledge of the individual's assistance as described in this subdivision (b)(25)(A), information that could reasonably be used to identify an individual who is assisting or has assisted a governmental entity in one (1) or more investigations, whether open or closed, of matters that are criminal in nature, if disclosure of the individual's identity

could reasonably be expected to endanger the life or physical safety of the individual or a member of the individual's family within the first degree of consanguinity and:

- (i) The individual is a confidential informant;
 - (ii) The individual is a confidential source; or
 - (iii) The individual's assistance is or was provided under the assurance of confidentiality.
- (B)** As used in this subdivision (b)(25), "information that could reasonably be used to identify an individual" includes the following:
- (i) The individual's name;
 - (ii) The individual's date of birth;
 - (iii) A physical description of the individual that could reasonably be used to identify him or her;
 - (iv) The individual's Social Security number, driver's license number, or other government-issued number specific to him or her;
 - (v) The individual's work or personal contact information; and
 - (vi) Any other information about the individual that could reasonably be used to identify the individual;

(26)

(A) Records, including analyses, investigations, studies, reports, recommendations, requests for proposals, drawings, diagrams, blueprints, and plans containing information relating to security for any medical marijuana cultivation facility, marijuana dispensary, or marijuana laboratory processor.

(B) The records under subdivision (b)(26)(A) of this section include:

- (i) Risk and vulnerability assessments;
- (ii) Plans and proposals for preventing and mitigating security risks;
- (iii) Emergency response and recovery records;
- (iv) Security plans and procedures;
- (v) Plans and related information for generation, transmission, and distribution systems; and
- (vi) Other information that, if disclosed, would jeopardize or compromise efforts to secure and protect the security of a medical marijuana cultivation facility, marijuana dispensary, or marijuana laboratory processor;

(27)

(A) Ballots, other than sample ballots, unless otherwise ordered by a court of law.

(B) Subdivision (b)(27)(A) of this section does not apply to a poll watcher during an election, who shall be allowed to inspect a voter statement and ballot while ensuring the secrecy of the vote is maintained and subject to reasonable restrictions prescribed by the State Board of Election Commissioners; and

(28) Records that reflect the planning or provision of security services provided to the:

(A) Governor; or

(B) Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, members of the General Assembly, Justices of the Supreme Court, or Judges of the Court of Appeals.

(c)

(1) Notwithstanding subdivision (b)(12) of this section, all employee evaluation or job performance records, including preliminary notes and other materials, shall be open to public inspection only upon final administrative resolution of any suspension or termination proceeding at which the records form a basis for the decision to suspend or terminate the employee and if there is a compelling public interest in their disclosure.

(2) Any personnel or evaluation records exempt from disclosure under this chapter shall nonetheless be made available to the person about whom the records are maintained or to that person's designated representative.

(3)

(A) Except as stated under subdivision (c)(4) of this section, upon receiving a request for the examination or copying of personnel or evaluation records, the custodian of the records shall determine within twenty-four (24) hours of the receipt of the request whether the records are exempt from disclosure and make efforts to the fullest extent possible to notify the person making the request and the subject of the records of that decision.

(B)

(i) If the subject of the records cannot be contacted in person or by telephone within the twenty-four-hour period, the custodian shall send written notice via overnight mail to the subject of the records at his or her last known address. Either the custodian, requester, or the subject of the records may, before the close of the Attorney General's office the following business day, seek an opinion from the Attorney General, who, within three (3) working days of receipt of the request, shall issue an opinion stating whether the decision is consistent with this chapter.

(ii) In the event of a review by the Attorney General, the custodian shall not disclose the records until the Attorney General has issued his or her opinion.

(C) However, nothing in this subsection shall be construed to prevent the requester or the subject of the records from seeking judicial review of the custodian's decision or the decision of the Attorney General.

(4) If a request for public records seeks only the gross salary of a public employee or a set of public employees, then the:

(A) Records custodian is not required to notify the public employee or set of public employees before disclosing the gross salary amount; and

(B) Public employee whose gross salary is the subject of the request for public records is not entitled to seek an opinion from the Attorney General under subdivision (c)(3)(B) of this section.

(d)

(1) Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, those records shall not be denied to any citizen.

(2)

(A) Upon request and payment of a fee as provided in subdivision (d)(3) of this section, the custodian shall furnish copies of public records if the custodian has the necessary duplicating equipment.

(B) A citizen may request a copy of a public record in any medium in which the record is readily available or in any format to which it is readily convertible with the custodian's existing software.

(C) A custodian is not required to compile information or create a record in response to a request made under this section.

(3)

(A)

(i) Except as provided in § 25-19-109 or by law, any fee for copies shall not exceed the actual costs of reproduction, including the costs of the medium of reproduction, supplies, equipment, and maintenance, but not including existing agency personnel time associated with searching for, retrieving, reviewing, or copying the records.

(ii) The custodian may also charge the actual costs of mailing or transmitting the record by facsimile or other electronic means.

(iii) If the estimated fee exceeds twenty-five dollars (\$25.00), the custodian may require the requester to pay that fee in advance.

(iv) Copies may be furnished without charge or at a reduced charge if the custodian determines that the records have been requested primarily for noncommercial purposes and that waiver or reduction of the fee is in the public interest.

(v) Except as provided in § 25-19-109, the custodian may not charge a fee for the requestor's inspection or copying, including without limitation copying through image capture, including still and moving photography and video and digital recording, of public records.

(B) The custodian shall provide an itemized breakdown of charges under subdivision (d)(3)(A) of this section.

(e) If a public record is in active use or storage and therefore not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) working days at which time the record will be available for the exercise of the right given by this chapter.

(f)

(1) No request to inspect, copy, or obtain copies of public records shall be denied on the ground that information exempt from disclosure is commingled with nonexempt information.

(2) Any reasonably segregable portion of a record shall be provided after deletion of the exempt information.

(3) The amount of information deleted shall be indicated on the released portion of the record and, if technically feasible, at the place in the record where the deletion was made.

(4) If it is necessary to separate exempt from nonexempt information in order to permit a citizen to inspect, copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, or obtain copies of public records, the custodian shall bear the cost of the separation.

(g) Any computer hardware or software acquired by an entity subject to § 25-19-103(7)(A) after July 1, 2001, shall be in full compliance with the requirements of this section and shall not impede public access to records in electronic form.

(h) Notwithstanding any Arkansas law to the contrary, at the conclusion of any investigation conducted by a state agency in pursuit of civil penalties against the subject of the investigation, any settlement agreement entered into by a state agency shall be deemed a public document for the purposes of this chapter. However, the provisions of this subsection shall not apply to any investigation or settlement agreement involving any state tax covered by the Arkansas Tax Procedure Act, § 26-18-101 et seq.

History

Acts 1967, No. 93, § 4; 1977, No. 652, § 2; A.S.A. 1947, § 12-2804; Acts 1987, No. 49, § 1; 1989 (3rd Ex. Sess.), No. 8, § 1; 1993, No. 895, § 1; 1997, No. 540, § 52; 1997, No. 873, § 1; 1997, No. 1335, § 1; 1999, No. 1093, § 1; 2001, No. 1259, § 1; 2001, No. 1336, § 1; 2001, No. 1653, § 2; 2003, No. 213, § 1; 2003, No. 275, § 2; 2003, No. 763, § 2; 2003, No. 1214, § 1; 2005, No. 259, § 2; 2005, No. 2003, § 1; 2007, No. 268, § 2; 2007, No. 726, §§ 1, 2; 2007, No. 998, § 2; 2009, No. 631, § 2; 2009, No. 1291, § 1; 2011, No. 99, § 2; 2011, No. 168, § 1; 2013, No. 145, § 1; 2013, No. 235, § 2; 2013, No. 411, § 1; 2015, No. 186, § 3; 2015, No. 881, § 2; 2015, No. 1015, § 1; 2015, No. 1102, § 1; 2017, No. 711, § 1; 2019, No. 392, § 6; 2019, No. 568, § 1; 2019, No. 910, § 3585; 2019, No. 1012, § 1; 2019, No. 1034, § 1; 2021, No. 310, §§ 2-5; 2021, No. 658, § 1; 2021, No. 727, § 1; 2023, No. 36, § 1; 2023, No. 879, §§ 1, 2; 2023 (1st Ex. Sess.), No. 7, § 3.

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