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Proposed Rulemaking

Title

Promulgated by:
State Parks Division, Department of Parks, Heritage, and Tourism
State Parks, Recreation, and Travel Commission

Title 22. Public Property

Chapter XI. State Parks, Recreation, and Travel Commission, State Parks Division, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 50. General Rules

Subpart 1. Generally

22 CAR § 50-114. Firearms, hunting, explosives, and fireworks.

(a) **Use of firearms and other deadly weapons.** ~~The public display of any firearm is prohibited:~~

(1) ~~Persons displaying or discharging firearms may be ejected from the park (see exceptions in subsections (c) and (d) of this section);~~Unlawful use of firearms and other deadly weapons within Arkansas ~~State Parks~~ state parks shall be prohibited.

(2) ~~Firearms may be confiscated (with a receipt given) to be returned to owner upon departure from the park; and/or~~Discharging, shooting, or firing a weapon outside designated areas or possessing a weapon in clearly posted restricted locations may result in a legal citation and prosecution under Arkansas law.

(3) ~~Unlawful use and/or careless handling will result in criminal arrest and prosecution~~Possession of firearms or other deadly weapons on ~~Arkansas State Parks' properties~~ state park property that ~~are~~ is owned, managed, or operated in conjunction

with federal agencies may be further limited or restricted, which restrictions will be clearly posted. ~~.~~

~~(b)~~ **~~Concealed handguns.~~**

~~(1)(A) Acts 2003, No. 1110, was enacted to permit persons to carry a concealed handgun into a public park.~~

~~(B)(i) Section 1 of the act addresses places in which concealed handguns are not allowed.~~

~~(ii) Among the list of places are "any building wherein a state office is located" and "schools".~~

~~(iii) See also Arkansas Code § 5-73-306.~~

~~(2) For Arkansas state parks, these buildings include:~~

~~(A) The bladesmithing school at Historic Washington State Park;~~

~~(B) DeGray Lake Resort State Park Lodge and Convention Center;~~

~~(C) Maintenance buildings;~~

~~(D) Marina sales offices;~~

~~(E) Mather Lodge;~~

~~(F) Mount Magazine State Park Lodge and Conference Center;~~

~~(G) Museum buildings with offices;~~

~~(H) Ozark Folk Center State Park lodge office, recreation room, and gift shop;~~

~~(I) All restaurants/cafes;~~

~~(J) Queen Wilhelmina State Park Lodge; and~~

~~(K) Visitor information centers.~~

~~(3)(A) Signs or decals will be posted at the locations listed above indicating that carrying of a handgun is prohibited.~~

~~(B) These will be distributed by the Manager of Operations.~~

~~(4)(A) Persons carrying a concealed handgun must:~~

~~(i) Keep it secure and out of sight; and~~

~~(ii) Have in possession the license as well as valid photo identification.~~

~~(B) The license must be made available to law enforcement officers upon request (Arkansas Code § 5-73-315).~~

~~(5) Excluding law enforcement officers, loaded firearms of any type are prohibited in state parks located on United States Army Corps of Engineers property (Reference: 36 C.F.R. § 327.13).~~

~~(c)~~(b) ~~**Sports/hunting firearms**~~**Hunting.**

(1)~~(A)~~ Hunting is not permitted within Arkansas ~~State Parks~~state parks except in areas designated as a Wildlife Management Area by the Arkansas State Game and Fish Commission. ~~Persons "on a journey" may have firearms on state property (Arkansas Code § 5-73-120).~~

~~(B) However, while on state park/museum property, firearms must be kept unloaded and in a locking device or in a locked vehicle at all times.~~

~~(B)~~(2) Arkansas ~~State Parks~~ state parks designated as or containing a designated Wildlife Management Area shall specify hunting seasons and hunting areas through a cooperative management agreement with the Arkansas State Game and Fish Commission.

~~(2)(A) The only exception to this rule will be during specified hunting seasons and in designated hunting areas at Hobbs State Park – Conservation Area under cooperative management agreement with the Arkansas State Game and Fish Commission.~~

~~(B) Designated trails within open hunting zones at Hobbs State Park – Conservation Area will be closed to all users except hunters during:~~

~~(i) The modern gun hunt (approximately five (5) days);~~

~~(ii) The muzzle load hunt (approximately five (5) days); and~~

~~(iii) Mornings until 12:00 noon during the spring turkey season.~~

~~(d)~~(c) **Shooting ranges.**

(1)(A) The Department of Parks, Heritage, and Tourism currently operates shooting ranges at~~:~~

(i) Hobbs State Park – Conservation Area~~, a (public range);~~ and

(ii) Ozark Folk Center State Park~~, a (law enforcement)~~ range.

(B) Approved ~~Firearms~~firearms ~~-~~and related ammunition are allowed on these ranges, but firearms must be unloaded upon entry and departure from these sites.

(2)(A) Ranges operate under National Rifle Association Range Safety Guidelines ~~and/or~~or National Muzzle Loading Rifle Association guidelines.

(B) Rules approved by the ~~Manager of Operations~~Director of the State Parks Division ~~-~~will be posted at each location.

(C) Compliance with all range rules is mandatory.

(3) Shooting clubs hosting events or law enforcement agencies during qualifications will designate a chief range officer, ~~(~~and assistant range officers as appropriate~~),~~ to maintain a safe and efficient shooting environment.

(4)(A) Abuse or violation of range rules will be sufficient reason for park management staff to suspend clubs, groups, or individuals from the shooting range.

(B) Those suspended will only be reinstated upon approval of the ~~Manager of Operations or the Director of the State Parks Division~~ director.

~~(e)~~(d) **Explosives.**

(1) To ensure the safety of visitors, staff, natural resources, and park infrastructure, the possession, use, storage, or transportation of explosives, as defined by ~~Ark. Code An.~~Arkansas Code § ~~5~~5-73-101(7), is strictly prohibited within all Arkansas ~~State Parks~~state parks.~~The use of explosives of any type is prohibited within state park/museum properties.~~

(2)~~(A)~~ Exceptions to this prohibition may be granted only under the following conditions and with written approval from the ~~State Parks Director~~director:~~For construction purposes, special permission for the use of explosives must be obtained from the Director of the State Parks Division or the Manager of Operations.~~

~~(B)~~(A) Authorized governmental agencies, ~~(~~e.g.,~~~~such as law enforcement, fire departments, or military personnel~~)~~, acting within the scope of official duties~~.~~;

~~(C)~~(B) Licensed professionals conducting permitted activities, ~~(~~such as construction or demolition~~)~~, in full compliance with state regulations~~.~~; and

~~(D)~~(C) Professionals or educators conducting ~~living history~~living history programs utilizing black powder per 22 CAR § 50-138~~,~~ but only pursuant to ~~Arkansas~~ State Parks Division oversight and training protocols.

~~(f)~~(e) **Fireworks.**

(1)(A) To celebrate some national holidays and in conjunction with special events~~,~~, fireworks programs ~~or special events~~ may be established at a park~~/~~ or museum with approval from the ~~State Parks Director~~director.

(B) Public displays of fireworks shall be performed only under competent supervision and after the persons or organizations making the displays have applied for and received a permit for the displays from the ~~State Fire Marshal's Office~~State Fire Marshal.

(2) However, due to the danger of bodily harm, especially to children, the danger of starting grass fires or forest fires, and the noise and disturbance to park visitors, the ~~department~~~~State Parks Division~~ division prohibits the individual use and display of all types of fireworks.

(3) In addition, the sale of fireworks is prohibited in any park or~~/mm~~~~museum~~ museum store or any concessions inside park or~~/~~ museum boundaries.

(4) Any use of fireworks within the park after a warning is given ~~will~~may result in the confiscation of the items or the issuance of a legal citation.