

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senator Walters**

A Bill

Call Item

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO ALLOW PERSONS TO CARRY CONCEALED PISTOLS OR
9 REVOLVERS PURSUANT TO A LICENSE; AND FOR OTHER PURPOSES."

Subtitle

12 "TO ALLOW PERSON TO CARRY CONCEALED
13 PISTOLS OR REVOLVERS PURSUANT TO
14 LICENSE."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. (a) (1) The Arkansas State Police is authorized to issue
19 licenses to carry concealed pistols or revolvers to persons qualified as
20 provided in this section. Such licenses shall be valid throughout the state
21 for a period of four (4) years from the date of issuance. Any person
22 possessing a valid license issued pursuant to this section may carry a
23 concealed pistol or concealed revolver.

24 (2) The licensee must carry the license, together with valid
25 identification, at all times in which the licensee is carrying a concealed
26 pistol or revolver and must display both the license and proper identification
27 upon demand by a law enforcement officer.

28 (b) The Arkansas State Police shall issue a license if the applicant:

29 (1) Is a resident of the state and has been a resident for twelve
30 (12) months or longer immediately preceding the filing of the application;

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

32 (3) Does not suffer from a physical infirmity which prevents the
33 safe handling of a pistol or revolver;

34 (4) Is not ineligible to possess a firearm by virtue of having
35 been convicted of a felony in a court of this state, of any other state, or of

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1 the United States without having been pardoned for same;

2 (5) Does not chronically or habitually abuse controlled substances
3 to the extent that his normal faculties are impaired. It shall be presumed
4 that an applicant chronically and habitually uses controlled substances to the
5 extent that his faculties are impaired if the applicant has been voluntarily
6 or involuntarily committed to a treatment facility for the abuse of a
7 controlled substance or been found guilty of a crime under the provisions of
8 the Uniform Controlled Substances Act or similar laws of any other state or
9 the United States relating to controlled substances within a three-year period
10 immediately preceding the date on which the application is submitted;

11 (6) Does not chronically and habitually use alcoholic beverages to
12 the extent that his normal faculties are impaired. It shall be presumed that
13 an applicant chronically and habitually uses alcoholic beverages to the extent
14 that his normal faculties are impaired if the applicant has been voluntarily
15 or involuntarily committed as an alcoholic to a treatment facility or has been
16 convicted of two (2) or more offenses related to the use of alcohol under the
17 laws of this state or similar laws of any other state or the United States
18 within the three-year period immediately preceding the date on which the
19 application is submitted;

20 (7) Desires a legal means to carry a concealed pistol or revolver
21 to defend himself;

22 (8) Has not been adjudicated mentally incompetent;

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

25 (10) Is not a fugitive from justice; and

26 (11) Has satisfactorily completed a training course as prescribed
27 by the State Police which shall consist of four (4) hours of actual training
28 in the use of a pistol or revolver.

29 (c) The Arkansas State Police may deny a license if the applicant has
30 been found guilty of one or more crimes of violence constituting a
31 misdemeanor, or may revoke a license if the licensee has been found guilty of
32 one or more crimes of violence within the preceding three (3) years. The
33 Arkansas State Police shall, upon notification by any law enforcement agency
34 or a court and subsequent written verification, suspend a license or the
35 processing of an application for a license if the licensee or applicant is

1 arrested or formally charged with a crime which would disqualify such person
2 from having a license under this section until final disposition of the case.
3 The provisions of subsection (g) shall apply to any suspension or revocation
4 of a license pursuant to the provisions of this section.

5 (d) The application shall be completed, under oath, on a form
6 promulgated by the Arkansas State Police and shall include only:

7 (1) The name, address, place and date of birth, race, sex and
8 occupation of the applicant;

9 (2) The driver_s license number or Social Security number of
10 applicant;

11 (3) Any previous address of the applicant for the two (2) years
12 preceding the date of the application;

13 (4) A statement that the applicant is in compliance with criteria
14 contained within subsections (b) and (c);

15 (5) A statement that the applicant has been furnished a copy of
16 this act and is knowledgeable of its provisions;

17 (6) A conspicuous warning that the application is executed under
18 oath and that a knowingly false answer to any question, or the knowing
19 submission of any false document by the applicant, subjects the applicant to
20 criminal prosecution; and

21 (7) A statement that the applicant desires a legal means to carry
22 a concealed pistol or revolver to defend himself.

23 (e) The applicant shall submit only the following to the Arkansas State
24 Police:

25 (1) A completed application as described in subsection (d);

26 (2) A full-face photograph of the applicant;

27 (3) A non-refundable license fee of one hundred dollars (\$100).
28 Costs for processing the set of fingerprints as required in paragraph (4) of
29 this subsection shall be borne by the applicant;

30 (4) A full set of fingerprints of the applicant administered by
31 the Arkansas State Police; and

32 (5) A waiver authorizing the Arkansas State Police access to any
33 medical records concerning the applicant and permitting access to all of the
34 applicant's criminal records, provided, however, that the State Police shall
35 maintain the confidentiality of the medical records.

1 (f) (1) The Arkansas State Police, upon receipt of the items listed in
2 subsection (e) shall forward the full set of fingerprints of the applicant to
3 the appropriate agencies for state and federal processing.

4 (2) The Arkansas State Police shall forward a copy of the
5 applicant_s application to the sheriff of the applicant_s county of residence
6 and, if applicable, the police chief of the applicant_s municipality of
7 residence. The sheriff of the applicant_s county of residence and, if
8 applicable, the police chief of the applicant_s municipality of residence may,
9 at his discretion, participate in the process by submitting a voluntary report
10 to the Arkansas State Police containing any readily discoverable information
11 that he feels may be pertinent to the licensing of any applicant. The
12 reporting shall be made within thirty (30) days after the date he receives the
13 copy of the application.

14 (3) The Arkansas State Police shall, within one hundred twenty
15 (120) days after the date of receipt of the items listed in subsection (e):

16 (A) Issue the license; or

17 (B) Deny the application based solely on the ground that the
18 applicant fails to qualify under the criteria listed in subsections (b) and
19 (c). If the Arkansas State Police denies the application, it shall notify the
20 applicant in writing, stating the grounds for denial, and the denial shall be
21 subject to the appeal process set forth in subsection (g).

22 (4) In the event a legible set of fingerprints, as determined by
23 the Arkansas State Police and the Federal Bureau of Investigation, cannot be
24 obtained after a minimum of three (3) attempts, the Arkansas State Police
25 shall determine eligibility based upon a name check by the Arkansas State
26 Police and the Federal Bureau of Investigation at the request of the Arkansas
27 State Police.

28 (g) (1) If the Arkansas State Police denies the issuance of a license or
29 suspends or revokes a license, the party aggrieved may appeal such denial,
30 suspension or revocation to the Director of the Arkansas State Police within
31 thirty (30) days after the aggrieved party receives written notice of such
32 denial, suspension or revocation. The Director of the Arkansas State Police
33 shall rule upon such appeal within thirty (30) days after the appeal is filed
34 and failure to rule within this thirty-day period shall constitute sustaining
35 such denial, suspension or revocation. Such review shall be conducted

1 pursuant to such reasonable rules and regulations as the Arkansas State Police
2 may adopt.

3 (2) If the revocation, suspension or denial of issuance is
4 sustained by the Director of the Arkansas State Police pursuant to paragraph
5 (1) of this subsection, the aggrieved party may file within ten (10) days
6 after the rendition of such decision a petition in the circuit court in the
7 county of his residence for review of such decision. A hearing for review
8 shall be held and shall proceed before the court without a jury upon the
9 record made at the hearing before the Director of the Arkansas State Police.
10 No such party shall be allowed to carry a concealed pistol or revolver
11 pursuant to the provisions of this section while any such appeal is pending.

12 (h) The Arkansas State Police shall maintain an automated listing of
13 license holders and such information shall be available on-line, upon request,
14 at all times, to all law enforcement agencies through the Arkansas Crime
15 Information Center. However, the records of the department relating to
16 applications for licenses to carry concealed pistols or revolvers and records
17 relating to license holders shall be exempt from the provisions of the Freedom
18 of Information Act for a period of forty-five (45) days from the date of the
19 issuance of the license or the final denial of an application.

20 (i) Within thirty (30) days after the changing of a permanent address,
21 or within thirty (30) days after having a license lost or destroyed, the
22 licensee shall notify the Arkansas State Police in writing of such change or
23 loss.

24 (j) In the event that a concealed pistol or revolver license is lost or
25 destroyed, the person to whom the license was issued shall comply with the
26 provisions of subsection (i) of this section and may obtain a duplicate, or
27 substitute thereof, upon payment of fifteen dollars (\$15.00) to the Arkansas
28 State Police, and furnishing a notarized statement to the Arkansas State
29 Police that such license has been lost or destroyed.

30 (k) A license issued under this section shall be revoked if the licensee
31 becomes ineligible under the criteria set forth in subsection (b).

32 (l) No less than ninety (90) days prior to the expiration date of the
33 license, the Arkansas State Police shall mail to each licensee a written
34 notice of the expiration and a renewal form prescribed by the Arkansas State
35 Police. The licensee must renew his license on or before the expiration date

1 by filing with the Arkansas State Police the renewal form, a notarized
2 affidavit stating that the licensee remains qualified pursuant to the criteria
3 specified in subsections (b) and (c), and a renewal fee of fifty dollars
4 (\$50.00). The license shall be renewed upon receipt of the completed renewal
5 application and appropriate payment of fees. Additionally, a licensee who
6 fails to file a renewal application on or before its expiration date must
7 renew his license by paying a late fee of fifteen dollars (\$15.00). No
8 license shall be renewed six (6) months or more after its expiration date, and
9 such license shall be deemed to be permanently expired. A person whose
10 license has been permanently expired may reapply for licensure; however, an
11 application for licensure and fees pursuant to subsection (e) must be
12 submitted, and a new background investigation shall be conducted.

13 (m) No license issued pursuant to this section shall authorize any
14 person to carry a concealed pistol or revolver into any police, sheriff or
15 Arkansas State Police station; any Arkansas Highway Police facility; any
16 buildings of the Arkansas State Highway and Transportation Department, or onto
17 any parking lots or grounds adjacent to such buildings; any detention
18 facility, prison or jail; any courthouse; any courtroom, except that nothing
19 in this section shall preclude a judge from carrying a concealed weapon or
20 determining who will carry a concealed weapon in his courtroom; any polling
21 place; any meeting place of the governing body of any governmental entity; any
22 meeting of the legislature or a committee thereof; any public park unless for
23 the purpose of participating in any authorized firearms-related activity; any
24 school, college or professional athletic event not related to firearms; any
25 portion of an establishment, licensed to dispense alcoholic beverages for
26 consumption on the premises, that is primarily devoted to dispensing alcoholic
27 beverages; any portion of an establishment in which beer or light wine is
28 consumed on the premises, that is primarily devoted to such purpose; any
29 school, college, community college, or university facility unless for the
30 purpose of participating in any authorized firearms-related activity; inside
31 the passenger terminal of any airport, except that no person shall be
32 prohibited from carrying any legal firearm into the terminal if the firearm is
33 encased for shipment, for purposes of checking such firearm as baggage to be
34 lawfully transported on any aircraft; any church or other place of worship; or
35 any place where the carrying of firearms is prohibited by federal law. In

1 addition to the places enumerated in this section, the carrying of a concealed
2 pistol or revolver may be disallowed in any place in the discretion of the
3 person or entity exercising control over the physical location of such place
4 by the placing of a written notice clearly readable at a distance of not less
5 than ten (10) feet that the "carrying of a pistol or revolver is prohibited."
6 No license issued pursuant to this section shall authorize the participants
7 in a parade or demonstration for which a permit is required to carry a
8 concealed pistol or revolver.

9 (n) Certified law enforcement officers, chiefs of police, and sheriffs
10 shall be exempt from the licensing requirements of this section, if otherwise
11 authorized to carry a concealed pistol or revolver.

12 (o) Any person who knowingly submits a false answer to any question on
13 an application for a license issued pursuant to this section, or who knowingly
14 submits a false document when applying for a license issued pursuant to this
15 section, shall, upon conviction, be guilty of a Class B misdemeanor.

16 (p) All fees collected by the Arkansas State Police pursuant to this
17 section shall be deposited into the Department of Arkansas State Police Fund.

18 (q) All funds received by a sheriff or police chief pursuant to the
19 provisions of this section shall be deposited into the general fund of the
20 county or municipality, as appropriate, and shall be budgeted to the sheriff_s
21 office or police department as appropriate.

22 (r) Nothing in this section shall be construed to require or allow the
23 registration, documentation or providing of serial numbers with regard to any
24 firearm. Further, nothing in this section shall be construed to allow the
25 open and unconcealed carrying of any deadly weapon.

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27 SECTION 2. Neither the state nor any employee of the Arkansas State
28 Police Department shall be liable for any civil damages resulting from the
29 issuance of a license pursuant to this act.

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31 SECTION 3. When the Arkansas State Police receives notification from
32 any law enforcement agency or court that a licensee has been found guilty or
33 has plead guilty or nolo contendere to any crime involving the use of a weapon,
34 the license issued under this act shall be immediately revoked.

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1 SECTION 4. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 5. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 6. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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