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2 80th General Assembly
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A Bill

HOUSE BILL 1088

4 By: Representatives Wilkinson, B. G. Hendrix, Ammons, Laverty, Simmons,
5 Curran, T. Smith, Wallis, Thomas, Pappas, Purdom, Angel, Simon, Sheppard,
6 Thicksten, Davis, Molinaro, Hall, Kidd, Young, Flanagan, Watts, Cash, Wyrick,
7 and Wagner, Hogue, Calhoun, K. Wood, and Von Grep

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For An Act To Be Entitled

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11 "AN ACT TO AUTHORIZE THE ARKANSAS STATE POLICE TO ISSUE
12 LICENSES TO QUALIFIED APPLICANTS TO CARRY CONCEALED
13 WEAPONS; AND FOR OTHER PURPOSES."

14

Subtitle

15
16 "TO AUTHORIZE THE ARKANSAS STATE POLICE
17 TO ISSUE LICENSES TO QUALIFIED
18 APPLICANTS TO CARRY CONCEALED WEAPONS"

19

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

21

SECTION 1. As used in this act:

22
23 (a) "Director" means the director of the Arkansas State Police.

24 (b) "Handgun" means any firearm with a barrel length of less than
25 twelve inches (12") that is designed, made, or adapted to be fired with one
26 hand.

27 (c) "Concealed" means to cover from observation so as to prevent
28 public view.

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30 SECTION 2. (a)(1) The director is authorized to issue licenses to
31 carry concealed handguns to persons qualified as provided in this section.
32 Such licenses shall be valid throughout the state for a period of four (4)
33 years from the date of issuance. Any person possessing a valid license
34 issued pursuant to this section may carry a concealed handgun.

35 (2) The licensee must carry the license, together with valid

1 identification, at all times in which the licensee is carrying a concealed
2 handgun and must display both the license and proper identification upon
3 demand by a law enforcement officer.

4 (b) The director shall issue a license if the applicant:

5 (1) Is a resident of the state and has been a resident
6 continuously for twelve (12) months or longer immediately preceding the
7 filing of the application (provided this shall not apply to any retired city,
8 county, state or federal law enforcement officer);

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

10 (3) Does not suffer from a mental or physical infirmity which
11 prevents the safe handling of a handgun and has not threatened or attempted
12 suicide;

13 (4) Is not ineligible to possess a firearm by virtue of having
14 been convicted of a felony in a court of this state, of any other state, or
15 of the United States without having been pardoned for same and had firearms
16 possession rights restored;

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

27 (6) Does not chronically and habitually use alcoholic beverages
28 to the extent that his normal faculties are impaired. It shall be presumed
29 that an applicant chronically and habitually uses alcoholic beverages to the
30 extent that his normal faculties are impaired if the applicant has been
31 voluntarily or involuntarily committed as an alcoholic to a treatment
32 facility or has been convicted of two (2) or more offenses related to the use
33 of alcohol under the laws of this state or similar laws of any other state or
34 the United States within the three-year period immediately preceding the date
35 on which the application is submitted;

1 (7) Desires a legal means to carry a concealed handgun to defend
2 himself;

3 (8) Has not been adjudicated mentally incompetent;

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

6 (10) Is not a fugitive from justice;

7 (11) Has satisfactorily completed a training course as prescribed
8 *and approved by the director; and*

9 (12) *That the applicant sign a statement of allegiance to the*
10 *United States Constitution, the Arkansas Constitution, and all federal and*
11 *state courts.*

12 (c) The director may deny a license if the applicant has been found
13 guilty of one or more crimes of violence constituting a misdemeanor, or may
14 revoke a license if the licensee has been found guilty of one or more crimes
15 of violence within the preceding three (3) years. The director shall, upon
16 notification by any law enforcement agency or a court and subsequent written
17 verification, suspend a license or the processing of an application for a
18 license if the licensee or applicant is arrested or formally charged with a
19 crime which would disqualify such person from having a license under this
20 section until final disposition of the case.

21 (d) The application shall be completed, under oath, on a form
22 promulgated by the director and shall include only:

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

25 (2) The driver_s license number or Social Security number of
26 applicant;

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

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

31 (5) A statement that the applicant has been furnished a copy of
32 *this act and is acquainted with the truth and understanding of this act;*

33 (6) A conspicuous warning that the application is executed under
34 oath and that a knowingly false answer to any question, or the knowing
35 submission of any false document by the applicant, subjects the applicant to

1 criminal prosecution and precludes any future license being issued to the
2 applicant and immediate revocation if the license has already been issued;

3 (7) A statement that the applicant desires a legal means to carry
4 a concealed handgun to defend himself; and

5 (8) A description and the serial number of any handgun the
6 applicant may desire to carry. Any applicant may list up to three (3)
7 handguns that the applicant may choose to carry, but the applicant must
8 establish proficiency in the use of each of the handguns as required in the
9 training course as prescribed herein. In the event a license is issued
10 pursuant to this act, the serial number of the listed handguns shall be
11 printed only on the license. All other records of the serial numbers shall
12 thereafter be expunged. Should a license be denied, all records of the
13 serial numbers shall be expunged. All records of serial numbers of listed
14 handguns shall be destroyed when the license expires.

15 (e) The applicant shall submit the following to the Arkansas State
16 Police:

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

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

19 (3) A non-refundable license fee of one hundred dollars (\$100) or
20 such other amount as prescribed by the director under the Administrative
21 Procedures Act. Costs for processing the set of fingerprints as required in
22 paragraph (4) of this subsection shall be borne by the applicant;

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

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

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

32 (2) The Arkansas State Police shall forward a copy of the
33 applicant_s application to the sheriff of the applicant_s county of residence
34 and, if applicable, the police chief of the applicant_s municipality of
35 residence. The sheriff of the applicant_s county of residence and, if

1 applicable, the police chief of the applicant_s municipality of residence
2 may, at his discretion, participate in the process by submitting a voluntary
3 report to the Arkansas State Police containing any readily discoverable
4 information that he feels may be pertinent to the licensing of any applicant.
5 The reporting shall be made within thirty (30) days after the date he
6 receives the copy of the application. *The director may deny a license if the*
7 *sheriff or chief of police, if applicable, of the applicant's place of*
8 *residence submits an affidavit that the applicant has or is reasonably likely*
9 *to be a danger to himself or herself or others or to the community at large*
10 *as the result of the applicant's mental or psychological state as*
11 *demonstrated by past patterns of behavior or participation in an incidence*
12 *involving unlawful violence or threats of unlawful violence or if the*
13 *applicant is under a criminal investigation at the time of applying for a*
14 *license.*

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

17 (A) Issue the license; or

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

20 (4) If the director denies the application, it shall notify the
21 applicant in writing, stating the grounds for denial. The decision of the
22 director shall be final.

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

28 (g) The Arkansas State Police shall maintain an automated listing of
29 license holders and such information shall be available on-line, upon
30 request, at all times, to all law enforcement agencies through the Arkansas
31 Crime Information Center. However, the records of the department relating to
32 applications for licenses to carry concealed handguns and records relating to
33 license holders shall be exempt from the provisions of the Freedom of
34 Information Act for a period of forty-five (45) days from the date of the
35 issuance of the license or the final denial of an application.

1 (h) Within thirty (30) days after the changing of a permanent address,
2 or within thirty (30) days after having a license or handgun lost or disposed
3 of, the licensee shall notify the director in writing of such change or loss
4 or disposition.

5 (i) In the event that a concealed handgun license is lost or destroyed,
6 the person to whom the license was issued shall comply with the provisions of
7 subsection (h) of this section and may obtain a duplicate, or substitute
8 thereof, upon payment to the Arkansas State Police of a fee established by
9 the director under the Administrative Procedure Act, and furnishing a
10 notarized statement to the Arkansas State Police that such handgun or license
11 has been lost or disposed of.

12 (j) A license issued under this section shall be revoked if the
13 licensee becomes ineligible under the criteria set forth in subsection (b) or
14 (c). *Any law enforcement officer making an arrest of a licensee for a*
15 *violation of this act or any other statutory violation which requires*
16 *revocation of this permit, shall confiscate the permit and forward it to the*
17 *Director of the Arkansas State Police, and the permit shall be held until*
18 *determination of the charges are finalized, with the appropriate disposition*
19 *of the license thereafter.*

20 (k) No less than ninety (90) days prior to the expiration date of the
21 license, the Arkansas State Police shall mail to each licensee a written
22 notice of the expiration and a renewal form prescribed by the Arkansas State
23 Police. The licensee must renew his license on or before the expiration date
24 by filing with the Arkansas State Police the renewal form, a notarized
25 affidavit stating that the licensee remains qualified pursuant to the
26 criteria specified in subsections (b) and (c), and a renewal fee established
27 by the director under the Administrative Procedure Act. The license shall be
28 renewed upon receipt of the completed renewal application and appropriate
29 payment of fees. Additionally, a licensee who fails to file a renewal
30 application on or before its expiration date must renew his license by paying
31 a late fee of fifteen dollars (\$15.00). No license shall be renewed six (6)
32 months or more after its expiration date, and such license shall be deemed to
33 be permanently expired. A person whose license has been permanently expired
34 may reapply for licensure; however, an application for licensure and fees
35 pursuant to subsections (b), (c), and (e) must be submitted, and a new

1 background investigation shall be conducted.

2 (1) No license issued pursuant to this section shall authorize any
3 person to carry a concealed handgun into any police, sheriff or Arkansas
4 State Police station; any Arkansas Highway Police facility; any buildings of
5 the Arkansas State Highway and Transportation Department, or onto any parking
6 lots or grounds adjacent to such buildings; any detention facility, prison or
7 jail; any courthouse; any courtroom, except that nothing in this section
8 shall preclude a judge from carrying a concealed weapon or determining who
9 will carry a concealed weapon in his courtroom; any polling place; any
10 meeting place of the governing body of any governmental entity; any meeting
11 of the legislature or a committee thereof; any building wherein a state
12 office is located; any public park unless for the purpose of participating in
13 any authorized firearms-related activity; any athletic event not related to
14 firearms; any portion of an establishment, licensed to dispense alcoholic
15 beverages for consumption on the premises; any portion of an establishment in
16 which beer or light wine is consumed on the premises; any school, college,
17 community college, or university *campus* or event unless for the purpose of
18 participating in an authorized firearms-related activity; inside the
19 passenger terminal of any airport, except that no person shall be prohibited
20 from carrying any legal firearm into the terminal if the firearm is encased
21 for shipment, for purposes of checking such firearm as baggage to be lawfully
22 transported on any aircraft; any church or other place of worship; or any
23 place where the carrying of firearms is prohibited by federal law. In
24 addition to the places enumerated in this section, the carrying of a
25 concealed handgun may be disallowed in any place in the discretion of the
26 person or entity exercising control over the physical location of such place
27 by the placing of a written notice clearly readable at a distance of not less
28 than ten (10) feet that the *_carrying of a handgun is prohibited._* *Provided*
29 *no sign shall be required for private homes and any licensee entering a*
30 *private home shall notify the occupants that he is carrying a concealed*
31 *handgun.* No license issued pursuant to this section shall authorize the
32 participants in a parade or demonstration for which a permit is required to
33 carry a concealed handgun.

34 (m) Certified law enforcement officers, chiefs of police, and sheriffs
35 shall be exempt from the licensing requirements of this section, if otherwise

1 authorized to carry a concealed handgun.

2 (n) Any person who knowingly submits a false answer to any question on
3 an application for a license issued pursuant to this act, or who knowingly
4 submits a false document when applying for a license issued pursuant to this
5 section, shall, upon conviction, be guilty of a Class B misdemeanor.

6 (o) All fees collected by the Arkansas State Police pursuant to this
7 section shall be deposited into the Department of Arkansas State Police Fund.

8 (p) Nothing in this section shall be construed to require or allow the
9 registration, documentation or providing of serial numbers with regard to any
10 *firearm except as required by subsection (d)(8).*

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12 *SECTION 3. Neither the state, the county, the city, or any employee of*
13 *the state, county, or city shall be liable for any civil damages resulting*
14 *from the issuance of a license pursuant to the provisions of this act.*

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16 *SECTION 4. When the Arkansas State Police receives notification from*
17 *any law enforcement agency or court that a licensee has been found guilty or*
18 *has plead guilty or nolo contendere to any crime involving the use of a*
19 *weapon, the license issued under this act shall be immediately revoked.*

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21 *SECTION 5. The director shall revoke the license of any licensee he*
22 *determines has consumed alcoholic beverages while carrying a handgun. It*
23 *shall be conclusive evidence of such consumption if an open container of*
24 *alcoholic beverages is in the possession of the licensee or is in the vehicle*
25 *in which the licensee is an occupant.*

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27 *SECTION 6. All provisions of this act of a general and permanent*
28 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
29 *Code Revision Commission shall incorporate the same in the Code.*

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31 *SECTION 7. If any provision of this act or the application thereof to*
32 *any person or circumstance is held invalid, such invalidity shall not affect*
33 *other provisions or applications of the act which can be given effect without*
34 *the invalid provision or application, and to this end the provisions of this*
35 *act are declared to be severable.*

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SECTION 8. The director is authorized to promulgate rules and regulations to permit the efficient administration of this act.

/s/Rep. Wilkinson, et al