

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

As Engrossed: 2/2/95

# A Bill

SENATE BILL 157

4 By: Senators Walters, Scott, Bell, Hopkins, and Hunter

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## For An Act To Be Entitled

8 "TO AUTHORIZE THE ARKANSAS STATE POLICE TO ISSUE LICENSES  
9 TO QUALIFIED APPLICANTS TO CARRY CONCEALED HANDGUNS; AND  
10 FOR OTHER PURPOSES."

11

## Subtitle

13 "TO AUTHORIZE THE ARKANSAS STATE POLICE  
14 TO ISSUE LICENSES TO QUALIFIED  
15 APPLICANTS TO CARRY CONCEALED HANDGUNS."

16

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

18

19 SECTION 1. As used in this act:

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

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

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

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

32 (2) The licensee must carry the license, together with valid  
33 identification, at all times in which the licensee is carrying a concealed  
34 handgun and must display both the license and proper identification upon  
35 demand by a law enforcement officer.

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

37 (1) Is a resident of the state and has been a resident

1 continuously for twelve (12) months or longer immediately preceding the  
2 filing of the application (provided this shall not apply to any retired city,  
3 county, state or federal law enforcement officer);

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

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

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

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

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

31 (7) Desires a legal means to carry a concealed handgun to defend  
32 himself;

33 (8) Has not been adjudicated mentally incompetent;

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

1           (10) Is not a fugitive from justice;

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

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

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

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

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

20                 (2) The driver\_s license number or Social Security number of  
21 applicant;

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

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

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

28                 (6) A conspicuous warning that the application is executed under  
29 oath and that a knowingly false answer to any question, or the knowing  
30 submission of any false document by the applicant, subjects the applicant to  
31 criminal prosecution and precludes any future license being issued to the  
32 *applicant and immediate revocation if the license has already been issued;*

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

35                 (8) A description and the serial number of any handgun the

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

10 (e) The applicant shall submit the following to the Arkansas State  
11 Police:

- 12 (1) A completed application as described in subsection (d);  
13 (2) A full-face photograph of the applicant;  
14 (3) A non-refundable license fee of one hundred dollars (\$100) or  
15 such other amount as prescribed by the director under the Administrative  
16 Procedures Act. Costs for processing the set of fingerprints as required in  
17 paragraph (4) of this subsection shall be borne by the applicant;  
18 (4) A full set of fingerprints of the applicant administered by  
19 the Arkansas State Police; and  
20 (5) A waiver authorizing the Arkansas State Police access to any  
21 medical records concerning the applicant and permitting access to all of the  
22 applicant's criminal records, provided, however, that the State Police shall  
23 maintain the confidentiality of the medical records.

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

27 (2) The Arkansas State Police shall forward a copy of the  
28 applicant's application to the sheriff of the applicant's county of residence  
29 and, if applicable, the police chief of the applicant's municipality of  
30 residence. The sheriff of the applicant's county of residence and, if  
31 applicable, the police chief of the applicant's municipality of residence  
32 may, at his discretion, participate in the process by submitting a voluntary  
33 report to the Arkansas State Police containing any readily discoverable  
34 information that he feels may be pertinent to the licensing of any applicant.  
35 The reporting shall be made within thirty (30) days after the date he

1 receives the copy of the application. *The director may deny a license if the*  
2 *sheriff or chief of police, if applicable, of the applicant's place of*  
3 *residence submits an affidavit that the applicant has or is reasonably likely*  
4 *to be a danger to himself or herself or others or to the community at large*  
5 *as the result of the applicant's mental or psychological state as*  
6 *demonstrated by past patterns of behavior or participation in an incidence*  
7 *involving unlawful violence or threats of unlawful violence or if the*  
8 *applicant is under a criminal investigation at the time of applying for a*  
9 *license.*

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

12 (A) Issue the license; or

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

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

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

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

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

35 (i) In the event that a concealed handgun license is lost or destroyed,

1 the person to whom the license was issued shall comply with the provisions of  
2 subsection (h) of this section and may obtain a duplicate, or substitute  
3 thereof, upon payment to the Arkansas State Police of a fee established by  
4 the director under the Administrative Procedure Act, and furnishing a  
5 notarized statement to the Arkansas State Police that such handgun or license  
6 has been lost or disposed of.

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

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

32 (l) No license issued pursuant to this section shall authorize any  
33 person to carry a concealed handgun into any police, sheriff or Arkansas  
34 State Police station; any Arkansas Highway Police facility; any buildings of  
35 the Arkansas State Highway and Transportation Department, or onto any parking

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

29 (m) Certified law enforcement officers, chiefs of police, and sheriffs  
30 shall be exempt from the licensing requirements of this section, if otherwise  
31 authorized to carry a concealed handgun.

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

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

3 (p) Nothing in this section shall be construed to require or allow the  
4 registration, documentation or providing of serial numbers with regard to any  
5 firearm except as required by subsection (d)(8).  
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7 *SECTION 3. Neither the state, the county, the city, or any employee of*  
8 *the state, county, or city shall be liable for any civil damages resulting*  
9 *from the issuance of a license pursuant to the provisions of this act.*  
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11 *SECTION 4. When the Arkansas State Police receives notification from*  
12 *any law enforcement agency or court that a licensee has been found guilty or*  
13 *has plead guilty or nolo contendere to any crime involving the use of a*  
14 *weapon, the license issued under this act shall be immediately revoked.*  
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16 *SECTION 5. The director shall revoke the license of any licensee he*  
17 *determines has consumed alcoholic beverages while carrying a handgun. It*  
18 *shall be conclusive evidence of such consumption if an open container of*  
19 *alcoholic beverages is in the possession of the licensee or is in the vehicle*  
20 *in which the licensee is an occupant.*  
21

22 *SECTION 6. All provisions of this act of a general and permanent*  
23 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*  
24 *Code Revision Commission shall incorporate the same in the Code.*  
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26 *SECTION 7. If any provision of this act or the application thereof to*  
27 *any person or circumstance is held invalid, such invalidity shall not affect*  
28 *other provisions or applications of the act which can be given effect without*  
29 *the invalid provision or application, and to this end the provisions of this*  
30 *act are declared to be severable.*  
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32 *SECTION 8. The director is authorized to promulgate rules and*  
33 *regulations to permit the efficient administration of this act.*  
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35 */s/Walters et al*



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