

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

A Bill

SENATE BILL 523

4 By: Senators Mahony and Bearden

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For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE ACTIVE AND RETIRED CERTIFIED LAW
9 ENFORCEMENT OFFICERS TO CARRY CONCEALED HANDGUNS; AND FOR
10 OTHER PURPOSES."

11

Subtitle

13 "TO AUTHORIZE ACTIVE AND RETIRED
14 CERTIFIED LAW ENFORCEMENT OFFICERS TO
15 CARRY CONCEALED HANDGUNS"

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

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19 SECTION 1. (a) Any certified law enforcement officer:

20 (1) who is presently in the employ of a public law enforcement
21 department, office or agency; and

22 (2) who is authorized by the public law enforcement department,
23 office or agency to carry a firearm in the course and scope of his or her
24 duties; and

25 (3) who is not subject to any disciplinary action by the public
26 law enforcement department, office or agency; and

27 (4) who is carrying appropriate written identification issued by
28 the public law enforcement department, office or agency identifying him or
29 her as a certified law enforcement officer; and

30 (5) who is not otherwise prohibited under state or federal law;
31 may carry a concealed handgun.

32 (b) Any retired law enforcement officer:

33 (1) who retired from service with a public law enforcement
34 department, office or agency for reasons other than mental disability; and

35 (2) who immediately before retirement was a certified law

1 enforcement officer authorized by the public law enforcement department,
2 office or agency to carry a firearm in the course and scope of his or her
3 duties; and

4 (3) who has nonforfeitable rights to benefits under the
5 retirement plan of the public law enforcement department, office or agency;
6 and

7 (4) who is carrying appropriate written identification issued by
8 the public law enforcement department, office or agency identifying him or
9 her as a retired and former certified law enforcement officer; and

10 (5) *who is not otherwise prohibited under state or federal law;*
11 *and,*

12 (6) *who has written authorization from the chief law enforcement*
13 *officer of the city or county in which he resides; may carry a concealed*
14 *handgun in accordance with regulations prescribed by the board created by*
15 *this act. The chief law enforcement officer of the city or county shall keep*
16 *a record of all retired law enforcement officers authorized to carry a*
17 *concealed handgun in his jurisdiction and shall revoke any authorization for*
18 *good cause shown.*

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20 SECTION 2. For purposes of this act, the term:

21 (a) "Certified law enforcement officer" means any appointed or elected
22 law enforcement officer or sheriff employed by a public law enforcement
23 department, office or agency who works forty (40) or more hours per week and
24 who is responsible for the prevention and detection of crime and the
25 enforcement of the criminal, traffic, or highway laws of this state and who
26 has met the selection and training requirements for certification set by the
27 Arkansas Commission on Law Enforcement Standards and Training.

28 (b) "Public law enforcement department, office or agency" means any
29 public police department, sheriff's office, or other public agency, force or
30 organization whose primary responsibility as established by law, statute or
31 ordinance is the enforcement of the criminal, traffic, or highway laws of
32 this state.

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34 SECTION 3. (a) *There is hereby created a board to be composed of four*
35 *(4) persons appointed by the Governor. One (1) person shall be appointed*

1 from a list of names provided by the Arkansas Municipal Police Association,
2 one (1) person shall be appointed from a list of names provided by the
3 Arkansas Police Chiefs Association, one (1) person shall be appointed from a
4 list of names provided by the Arkansas Sheriffs Association and one (1)
5 person shall be appointed from a list of names provided by the Arkansas State
6 Police Association. Appointees shall serve two (2) year terms.

7 (b) The board shall promulgate regulations which prescribe
8 restrictions under which retired law enforcement officers may carry concealed
9 weapons and the regulation shall also prescribe the procedure for the conduct
10 of a thorough background check for the retired law enforcement officers and
11 only those retired law enforcement officers whose background check is
12 acceptable to the board shall be entitled to carry a concealed weapon under
13 this act.

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

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

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

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/s/Mahony et al

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As Engrossed: 3/17/95 4/6/95

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