

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1817

4
5 By: Representative Flanagin
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-73-311 TO
10 PROVIDE FOR THE ARKANSAS STATE POLICE TO ASCERTAIN THE
11 DISPOSITION OF ALL OUTSTANDING WARRANTS OR OTHER
12 UNRESOLVED ENTRIES ON THE CRIMINAL RECORDS OF PERSONS
13 APPLYING FOR A LICENSE TO CARRY A CONCEALED HANDGUN; AND
14 FOR OTHER PURPOSES."

Subtitle

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17 "TO PROVIDE FOR THE ARKANSAS STATE
18 POLICE TO ASCERTAIN THE DISPOSITION OF
19 ALL OUTSTANDING WARRANTS OR OTHER
20 UNRESOLVED ENTRIES ON THE CRIMINAL
21 RECORDS OF PERSONS APPLYING FOR A
22 LICENSE TO CARRY A CONCEALED HANDGUN"
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Annotated § 5-73-311 is amended to read as
27 follows:

28 "5-73-311. Application procedure.

29 (a) The applicant shall submit the following to the Department of
30 Arkansas State Police:

31 (1) A completed application as described in § 5-73-310;

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

33 (3) A nonrefundable license fee of one hundred dollars (\$100) or
34 such other amount as prescribed by the director under the Arkansas
35 Administrative Procedure Act, 25-15-201 et seq.;

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1 (4)(A) A full set of fingerprints of the applicant administered
 2 by the Department of Arkansas State Police.

3 (B) In the event a legible set of fingerprints, as
 4 determined by the Department of Arkansas State Police and the Federal Bureau
 5 of Investigation, cannot be obtained after a minimum of three (3) attempts,
 6 the director shall determine eligibility based upon a name check by the
 7 Department of Arkansas State Police and the Federal Bureau of Investigation at
 8 the request of the director.

9 (C) Costs for processing the set of fingerprints as
 10 required in subdivision (a)(4)(A) of this section shall be borne by the
 11 applicant; and

12 (5) A waiver authorizing the Department of Arkansas State Police
 13 access to any medical records concerning the applicant and permitting access
 14 to all of the applicant's criminal records from which the Arkansas State
 15 Police shall ascertain the disposition of all outstanding warrants or other
 16 unresolved entries if any; provided, however, that the Department of Arkansas
 17 State Police shall maintain the confidentiality of the medical records.

18 (b)(1) The Department of Arkansas State Police, upon receipt of the
 19 items listed in subsection (a) of this section, shall forward the full set of
 20 fingerprints of the applicant to the appropriate agencies for state and
 21 federal processing.

22 (2)(A) The Department of Arkansas State Police shall forward a
 23 copy of the applicant's application to the sheriff of the applicant's county
 24 of residence and, if applicable, the police chief of the applicant's
 25 municipality of residence.

26 (B)(i) The sheriff of the applicant's county of residence
 27 and, if applicable, the police chief of the applicant's municipality of
 28 residence may, at his discretion, participate in the process by submitting a
 29 voluntary report to the Department of Arkansas State Police containing any
 30 readily discoverable information that he feels may be pertinent to the
 31 licensing of any applicant.

32 (ii) The reporting shall be made within thirty (30)
 33 days after the date he receives the copy of the application."

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35 SECTION 2. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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