

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/10/99 H2/17/99

A Bill

HOUSE BILL 1262

5 By: Representative Simon
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
10 REGARDING LICENSES TO CARRY CONCEALED HANDGUNS; AND
11 FOR OTHER PURPOSES. "

Subtitle

13 "AN ACT TO AMEND VARIOUS SECTIONS OF THE
14 ARKANSAS CODE REGARDING LICENSES TO
15 CARRY CONCEALED HANDGUNS; AND FOR OTHER
16 PURPOSES. "
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 5-73-306 is amended to read as follows:

23 "5-73-306. Prohibited places.

24 (a) No license issued pursuant to this subchapter shall authorize any
25 person to carry a concealed handgun into:

26 (1) Any police, sheriff's, or Department of Arkansas State Police
27 station;

28 (2) Any Arkansas Highway Police facility;

29 (3) Any buildings of the Arkansas State Highway and
30 Transportation Department, or onto grounds adjacent to such buildings, except
31 that this subdivision (a)(3) shall not apply to rest areas and weigh stations
32 of the department;

33 (4) Any detention facility, prison, or jail;

34 (5) Any courthouse;

35 (6) Any courtroom, except that nothing in this subchapter shall
36 preclude a judge from carrying a concealed weapon or determining who will

1 carry a concealed weapon in his courtroom;

2 (7) Any polling place;

3 (8) Any meeting place of the governing body of any governmental
4 entity;

5 (9) Any meeting of the legislature or a committee thereof;

6 (10) Any building wherein a state office is located;

7 ~~(11) Any public park, unless for the purpose of participating in~~
8 ~~any authorized firearms-related activity. For the purpose of this subdivision~~

9 ~~(a)(11) "public park" shall not include rest areas of the Arkansas State~~
10 ~~Highway and Transportation Department;~~

11 ~~(12) Any athletic event not related to firearms;~~

12 ~~(13) (11) Any portion of an establishment licensed to dispense~~
13 ~~alcoholic beverages for consumption on the premises except restaurants as~~
14 ~~defined by §3-9-402(8);~~

15 ~~(14) (12) Any portion of establishment in which beer or light~~
16 ~~wine is consumed on the premises except restaurants as defined by §3-9-402(8);~~

17 ~~(15) (13) Any school, college, community college, or university~~
18 ~~campus building or event, unless for the purpose of participating in an~~
19 ~~authorized firearms-related activity;~~

20 ~~(16) (14) Inside the passenger terminal of any airport, except~~
21 ~~that no person shall be prohibited from carrying any legal firearm into the~~
22 ~~terminal if the firearm is encased for shipment for purpose of checking such~~
23 ~~firearm as baggage to be lawfully transported on any aircraft;~~

24 ~~(17) (15) Any church or other place of worship; or~~

25 ~~(18) (16) Any place where the carrying of firearms is prohibited~~
26 ~~by federal law.~~

27 (b)(1) In addition to the places enumerated in this section, the
28 carrying of a concealed handgun may be disallowed in any place in the
29 discretion of the person or entity exercising control over the physical
30 location of such place by the placing of a written notice clearly readable at
31 a distance of not less than ten feet (10') that the "carrying of a handgun is
32 prohibited."

33 (2) Provided, no sign shall be required for private homes, and any
34 licensee before entering a private home shall notify the occupants that he is
35 carrying a concealed handgun.

36 (c) No license issued pursuant to this subchapter shall authorize the

1 participants in a parade or demonstration for which a permit is required to
2 carry a concealed handgun."

3
4 SECTION 2. Arkansas Code 5-73-309 is amended to read as follows:

5 "5-73-309. License - Requirements.

6 The director shall issue a license if the applicant:

7 (a)(1)(A) Is a United States Citizen, a resident of the state and has
8 been a resident continuously for twelve (12) months or longer immediately
9 preceding the filing of the application.

10 (B) Provided, this shall not apply to any retired city,
11 county, state, or federal law enforcement officer;

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

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

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

20 (5)(A) Does not chronically or habitually abuse controlled
21 substances to the extent that his normal faculties are impaired.

22 (B) It shall be presumed that an applicant chronically and
23 habitually uses controlled substances to the extent that his faculties are
24 impaired if the applicant has been voluntarily or involuntarily committed to a
25 treatment facility for the abuse of a controlled substance or been found
26 guilty of a crime under the provisions of the Uniform Controlled Substances
27 Act, § 5-64-101 et seq., or similar laws of any other state or the United
28 States relating to controlled substances within a three-year period
29 immediately preceding the date on which the application is submitted;

30 (6)(A) Does not chronically and habitually use alcoholic
31 beverages to the extent that his normal faculties are impaired.

32 (B) It shall be presumed that an applicant chronically and
33 habitually uses alcoholic beverages to the extent that his normal faculties
34 are impaired if the applicant has been voluntarily or involuntarily committed
35 as an alcoholic to a treatment facility or has been convicted of two (2) or
36 more offenses related to the use of alcohol under the laws of this state or

1 similar laws of any other state or the United States within the three-year
2 period immediately preceding the date on which the application is submitted;

3 (7) Desires a legal means to carry a concealed handgun to defend
4 himself;

5 (8) Has not been adjudicated mentally incompetent;

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

8 (10) Is not a fugitive from justice;

9 (11) Has satisfactorily completed a training course as prescribed
10 and approved by the director; and

11 (12) Signs a statement of allegiance to the United States
12 Constitution and the Arkansas Constitution; or

13 (b) Is a person who has a valid license to carry a concealed handgun
14 issued by another state *and the director determines, without requiring the*
15 *person to meet the eligibility or fee requirements, that:*

16 ~~(1) The eligibility requirements to obtain a license to carry a~~
17 ~~concealed handgun imposed by the other state are at least as rigorous as the~~
18 ~~eligibility requirements imposed by this section; and~~

19 ~~(2) The other state provides reciprocal licensing privileges to a~~
20 ~~person who holds a license issued under this subchapter and who has applied~~
21 ~~for a license to carry a concealed handgun in the other state."~~

22
23 SECTION 3. Arkansas Code 5-73-310 is amended to read as follows:

24 "5-73-310. Application form.

25 The application shall be completed, under oath, on a form promulgated by
26 the director and shall include only:

27 (1) The name, address, place and date of birth, race, and sex, of the
28 applicant;

29 (2) The driver's license number or social security number of the
30 applicant;

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

33 (4) A statement that the applicant is in compliance with criteria
34 contained within §§ 5-73-308(a) and 5-73-309;

35 (5) A statement that the applicant has been furnished a copy of this
36 subchapter and is acquainted with the truth and understanding of this

1 subchapter;

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

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

9 (8) (A) A description and the serial number of only the type and
10 caliber of any handgun the applicant may desire to carry.

11 ~~(B) Any applicant may list up to three (3) handguns that~~
12 ~~the applicant may choose to carry, but t~~The applicant must establish
13 proficiency in the use of each of the handguns the type and caliber of the
14 handgun as required in the training course prescribed in this subchapter.

15 ~~(C)(i) In the event a license is issued pursuant to this~~
16 ~~subchapter, the serial number of the listed handguns shall be printed only on~~
17 ~~the license.~~

18 ~~(ii) All other records of the serial numbers shall~~
19 ~~thereafter be expunged.~~

20 ~~(D) Should a license be denied, all records of the serial~~
21 ~~numbers shall be expunged.~~

22 ~~(E) All records of serial numbers of listed handguns shall~~
23 ~~be destroyed when the license expires; and~~

24 (9) A statement of whether or not the applicant has been found
25 guilty of a crime of violence or domestic abuse."
26

27 SECTION 4. Arkansas Code 5-73-312 is amended to read as follows:

28 "5-73-310. Revocation.

29 (a)(1) A license issued under this subchapter shall be revoked if the
30 licensee becomes ineligible under the criteria set forth in §§ 5-73-308(a) and
31 5-73-309.

32 (2) Any law enforcement officer making an arrest of a licensee
33 for a violation of this subchapter or any other statutory violation which
34 requires revocation of this permit shall confiscate the permit and forward it
35 to the Director of the Department of Arkansas State Police, and the permit
36 shall be held until determination of the charges are finalized, with the

1 appropriate disposition of the license thereafter.

2 (b) When the Department of Arkansas State Police receives notification
3 from any law enforcement agency or court that a licensee has been found guilty
4 or has pleaded guilty or nolo contendere to any crime involving the use of a
5 weapon, the license issued under this subchapter shall be immediately revoked.

6 (c) ~~(1)~~ The director shall revoke the license of any licensee proven to
7 have consumed alcoholic beverages while carrying a handgun.

8 ~~(2) It shall be conclusive evidence of such consumption if an~~
9 ~~open container of alcoholic beverages is in the possession of the licensee or~~
10 ~~is in the vehicle in which the licensee is an occupant."~~

11

12 SECTION 5. Arkansas Code 5-73-401 is amended to read as follows:

13 "5-73-401. Recognition of other states' permits - Acts 1997, No. 789.

14 Any person in possession of a valid license issued by another state to
15 carry a concealed handgun shall be entitled to the privileges, ~~and~~ subject to
16 the restrictions prescribed by Arkansas' concealed handgun law (§ 5-73-301 et
17 seq.) *provided that the concealed handgun law of the state that issued the*
18 *license is at least as restrictive as Arkansas' concealed handgun law and that*
19 ~~the state that issued the license recognizes the concealed handgun licenses~~
20 ~~issued under § 5-73-301, et seq.~~ *The Director of the Department of State*
21 *Police shall make a determination as to which states' permits will be*
22 *recognized in Arkansas and provide that list to every law enforcement agency*
23 *within the state. The director shall revise the list from time to time and*
24 *provide the revised list to every law enforcement agency in this state."*

25

26 SECTION 6. Arkansas Code 5-73-402 is amended to read as follows:

27 "5-73-402. Recognition of other states' permits - Acts 1997, No. 1239.

28 Any person in possession of a valid license issued by another state to
29 carry a concealed handgun shall be entitled to the privileges, ~~and~~ subject to
30 the restrictions prescribed by Arkansas concealed handgun law (§ 5-73-301 et
31 seq.) *provided that the concealed handgun law of the state that issued the*
32 *license is at least as restrictive as Arkansas' concealed handgun law the*
33 ~~state that issued the license recognizes concealed handgun licenses issued~~
34 ~~under § 5-73-301, et seq.~~ *The Director of the Department of State Police*
35 *shall make a determination as to which states' permits will be recognized in*
36 *Arkansas and provide that list to every law enforcement agency within the*

1 state. The director shall revise the list from time to time and provide the
2 revised list to every law enforcement agency in this state.”

3
4 SECTION 7. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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

13
14 SECTION 9. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16 /s/ Simon
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36