

State of Arkansas
82nd General Assembly
Regular Session, 1999

A Bill

SENATE BILL 8

By: Senator Roebuck

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 5-73-309 TO PROVIDE
THAT THE APPLICANTS FOR CONCEALED HANDGUN PERMITS MUST
BE QUALIFIED TO POSSESS A FIREARM UNDER APPLICABLE
FEDERAL, STATE, AND LOCAL LAWS AND PASS A NICS
BACKGROUND CHECK IN ORDER TO BE ISSUED A LICENSE; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE THAT A PERSON MUST BE
QUALIFIED TO POSSESS A FIREARM UNDER
FEDERAL LAWS AND BACKGROUND CHECK TO GET
A CONCEALED HANDGUN LICENSE."

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

SECTION 1. Arkansas Code § 5-73-309 is amended to read as follows:

"5-73-309. License - Requirements.

The director shall issue a license if the applicant:

(a)(1)(A) Is a resident of the state and has been a resident
continuously for twelve (12) months or longer immediately preceding the filing
of the application.

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

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

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

(4)(A) Is not ineligible to possess a firearm by virtue of having

1 been convicted of a felony in a court of this state, of any other state, or of
2 the United States without having been pardoned for same and had firearms
3 possession rights restored; and

4 (B) Is not subject to any federal, state or local law which
5 makes it unlawful to receive, possess or transport any firearm, and has had
6 his or her background checked through the Federal Bureau of Investigation's
7 National Instant Criminal Background Check System (NICS);

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

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

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

20 (B) It shall be presumed that an applicant chronically and
21 habitually uses alcoholic beverages to the extent that his normal faculties
22 are impaired if the applicant has been voluntarily or involuntarily committed
23 as an alcoholic to a treatment facility or has been convicted of two (2) or
24 more offenses related to the use of alcohol under the laws of this state or
25 similar laws of any other state or the United States within the three-year
26 period immediately preceding the date on which the application is submitted;

27 (7) Desires a legal means to carry a concealed handgun to defend
28 himself;

29 (8) Has not been adjudicated mentally incompetent;

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

32 (10) Is not a fugitive from justice;

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

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

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

4 (1) The eligibility requirements to obtain a license to carry a
5 concealed handgun imposed by the other state are at least as rigorous as the
6 eligibility requirements imposed by this section; and

7 (2) The other state provides reciprocal licensing privileges to a
8 person who holds a license issued under this subchapter and who has applied
9 for a license to carry a concealed handgun in the other state."
10

11 SECTION 2. All provisions of this Act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.
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15 SECTION 3. If any provision of this Act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the Act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 Act are declared to be severable.
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21 SECTION 4. All laws and parts of laws in conflict with this Act are
22 hereby repealed.
23

24 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
25 Eighty-second General Assembly that the Brady Handgun Violence Prevention Act
26 will allow concealed handgun licensees in qualifying states to avoid the
27 instant background checks required by federal law; that these background
28 checks place an unnecessary and costly burden on responsible citizens to wait
29 for the completion of the background check and to pay the cost of the system;
30 and that by modifying the Arkansas law it will eliminate a costly and
31 duplicative background check for these responsible citizens when purchasing
32 firearms in Arkansas. Therefore, an emergency is declared to exist and this
33 act being immediately necessary for the preservation of the public peace,
34 health and safety shall become effective on the date of its approval by the
35 Governor. If the bill is neither approved nor vetoed by the Governor, it
36 shall become effective on the expiration of the period of time during which

1 the Governor may veto the bill. If the bill is vetoed by the Governor and the
2 veto is overridden, it shall become effective on the date the last house
3 overrides the veto.