

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1163

5 By: Representatives Burris, Stewart
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE ADMINISTRATION OF CONCEALED
11 HANDGUN LICENSING BY THE DEPARTMENT OF ARKANSAS
12 STATE POLICE; TO REQUIRE A CONCEALED HANDGUN
13 LICENSE TO BEAR A DIGITAL PHOTOGRAPH OF THE
14 LICENSEE UNDER CERTAIN CIRCUMSTANCES; AND FOR
15 OTHER PURPOSES.
16

Subtitle

17 TO AMEND PROVISIONS OF THE ARKANSAS CODE
18 CONCERNING THE ADMINISTRATION OF
19 CONCEALED HANDGUN LICENSING BY THE
20 DEPARTMENT OF ARKANSAS STATE POLICE.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 5-73-301 is amended to read as follows:

27 5-73-301. Definitions.

28 As used in this subchapter:

29 (1)(A) "Chronically or habitually abuse a controlled substance"
30 means using a controlled substance to the extent that a person's normal
31 faculties are impaired.

32 (B) It is presumed that an applicant for a concealed
33 handgun license chronically or habitually abuses a controlled substance to
34 the extent that his or her faculties are impaired if the applicant has been:

35 (i) Voluntarily or involuntarily committed to a
36 treatment facility for the abuse of a controlled substance; or



1 (ii) Found guilty of a crime under the Uniform
 2 Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other
 3 state or the United States relating to a controlled substance within the
 4 five-year period immediately preceding the date on which the application for
 5 a concealed handgun license is submitted;

6 (2)(A) "Chronically or habitually use an alcoholic beverage"
 7 means using an alcoholic beverage to the extent that a person's normal
 8 faculties are impaired.

9 (B) It is presumed that an applicant for a concealed
 10 handgun license chronically or habitually uses an alcoholic beverage to the
 11 extent that his or her normal faculties are impaired if the applicant has
 12 been:

13 (i) Voluntarily or involuntarily committed as an
 14 alcoholic to a treatment facility;

15 (ii) Convicted of two (2) or more offenses related
 16 to the use of alcohol under a law of this state or similar law of any other
 17 state or the United States within the five-year period immediately preceding
 18 the date on which the application for a concealed handgun license is
 19 submitted; or

20 (iii) Convicted of an alcohol-related offense while
 21 in possession of a handgun within the three-year period immediately preceding
 22 the date on which the application for a concealed handgun license is
 23 submitted;

24 (3) "Convicted" means that a person pleaded guilty or nolo
 25 contendere to or was found guilty of a criminal offense;

26 (4) "Concealed" means to cover from observation so as to prevent
 27 public view;

28 ~~(2)~~(5) "Concealed handgun license" means a license issued under
 29 this subchapter that authorizes a licensee to carry a concealed handgun;

30 (6) "Director" means the Director of the Department of Arkansas
 31 State Police; and

32 ~~(3)~~(7) "Handgun" means any firearm, other than a fully automatic
 33 firearm, with a barrel length of less than twelve inches (12") that is
 34 designed, made, or adapted to be fired with one (1) hand;

35 (8) "Licensee" means a person issued a concealed handgun license
 36 under this subchapter; and

1 (9)(A)(i) "Possession" means any actual or constructive
 2 possession by a person of a handgun and includes a handgun located within the
 3 passenger compartment of a motor vehicle.

4 (ii) A handgun is located within the passenger
 5 compartment of a motor vehicle if the handgun is contained in the motor
 6 vehicle's glove box or a container in the passenger compartment of the motor
 7 vehicle or any other place in the passenger compartment of the motor vehicle.

8 (B) A person does not have possession of a handgun if the
 9 handgun is:

10 (i) Unloaded and locked in the trunk of a motor
 11 vehicle; or

12 (ii) Locked in a space outside the passenger
 13 compartment of a motor vehicle and the space is not readily accessible to any
 14 occupant of the motor vehicle while the motor vehicle is in motion.

15
 16 SECTION 2. Arkansas Code § 5-73-302 is amended to read as follows:

17 5-73-302. Authority to issue license.

18 (a) The Director of the Department of Arkansas State Police may issue
 19 a license to carry a concealed handgun to a person qualified as provided in
 20 this subchapter.

21 (b) The license to carry a concealed handgun is valid throughout the
 22 state for a period of four (4) years from the date of issuance.

23 ~~(c)(1)(A) A license issued to a former elected or appointed sheriff of~~
 24 ~~any county of this state shall be renewed every four (4) years.~~

25 ~~(B) The license issued to a former elected or appointed~~
 26 ~~sheriff is revocable on the same grounds as other licenses.~~

27 ~~(2)(A) The former elected or appointed sheriff shall meet the~~
 28 ~~same qualifications as all other applicants.~~

29 ~~(B) However, the former elected or appointed sheriff is~~
 30 ~~exempt from the fee prescribed by § 5-73-311(a)(2) and from the training~~
 31 ~~requirements of § 5-73-309(a)(11) for issuance.~~

32
 33 SECTION 3. Arkansas Code § 5-73-304, pertaining to exemptions from the
 34 requirements to obtain a license to carry a concealed handgun, is amended to
 35 add additional subsections to read as follows:

36 (d)(1)(A) A concealed handgun license issued to a former elected or

1 appointed sheriff of any county of this state shall be renewed every four (4)
 2 years.

3 (B) The concealed handgun license issued to a former
 4 elected or appointed sheriff is revocable on the same grounds as any other
 5 concealed handgun license.

6 (2)(A) The former elected or appointed sheriff shall meet the
 7 same qualifications as any other applicant for a concealed handgun license.

8 (B) However, the former elected or appointed sheriff is
 9 exempt from the fee prescribed by § 5-73-311(a)(2) and from the training
 10 requirement under § 5-73-309.

11 (e) An active duty member of the United States Armed Forces who
 12 submits documentation of his or her active duty status is exempt from the
 13 length of residence requirement and training requirement under § 5-73-309.

14 (f) A retired city, state, or federal law enforcement officer is
 15 exempt from the length of residence requirement under § 5-73-309.

16
 17 SECTION 4. Arkansas Code § 5-73-306 is amended to read as follows:
 18 5-73-306. Prohibited places.

19 ~~(a)~~ No license to carry a concealed handgun issued pursuant to this
 20 subchapter authorizes any person to carry a concealed handgun into:

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

23 (2) Any Arkansas Highway Police Division of the Arkansas State
 24 Highway and Transportation Department facility;

25 (3)(A) Any building of the Arkansas State Highway and
 26 Transportation Department or onto grounds adjacent to any building of the
 27 Arkansas State Highway and Transportation Department.

28 (B) However, subdivision ~~(a)~~(3)(A) of this section does
 29 not apply to a rest area or weigh station of the Arkansas State Highway and
 30 Transportation Department;

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

32 (5) Any courthouse;

33 (6)(A) Any courtroom.

34 (B) However, nothing in this subchapter precludes a judge
 35 from carrying a concealed weapon or determining who will carry a concealed
 36 weapon in his or her courtroom;

- 1 (7) Any polling place;
- 2 (8) Any meeting place of the governing body of any governmental
- 3 entity;
- 4 (9) Any meeting of the General Assembly or a committee of the
- 5 General Assembly;
- 6 (10) Any ~~building where a state office is located;~~
- 7 (11) Any athletic event not related to firearms;
- 8 (12) Any portion of an establishment, except a restaurant as
- 9 defined in § 3-9-402, licensed to dispense alcoholic beverages for
- 10 consumption on the premises;
- 11 (13) Any portion of an establishment, except a restaurant as
- 12 defined in § 3-9-402, where beer or light wine is consumed on the premises;
- 13 (14) Any school, college, community college, or university
- 14 campus building or event, unless for the purpose of participating in an
- 15 authorized firearms-related activity;
- 16 (15) Inside the passenger terminal of any airport, ~~except that~~
- 17 ~~no person is prohibited from carrying any legal firearm into the passenger~~
- 18 ~~terminal if the firearm is encased for shipment for purposes of checking the~~
- 19 ~~firearm as baggage to be lawfully transported on any aircraft;~~
- 20 ~~(16) Any church or other place of worship; or~~
- 21 ~~(17)~~(16) Any place where the carrying of a firearm is prohibited
- 22 by federal law;
- 23 (17) Any place where a parade or demonstration requiring a
- 24 permit is being held and the licensee is a participant in the parade or
- 25 demonstration; or
- 26 ~~(b)(1)(18)(A) In addition to a place enumerated in this section,~~
- 27 ~~the carrying of a concealed handgun may be disallowed in any Any place at the~~
- 28 ~~discretion of the person or entity exercising control over the physical~~
- 29 ~~location of the place by placing at each entrance to the place a written~~
- 30 ~~notice clearly readable at a distance of not less than ten feet (10') that~~
- 31 ~~"carrying a handgun is prohibited".~~
- 32 (B)(i) If the place does not have a roadway entrance,
- 33 there shall be a written notice placed anywhere upon the premises of the
- 34 place.
- 35 (ii) ~~However, there~~ In addition to the requirement
- 36 of subdivision (18)(B)(i) of this section, there shall be at least one (1)

1 written notice posted within every three (3) acres of a place with no roadway
 2 entrance.

3 ~~(2)(A)(C)~~ However, no sign is A written notice as
 4 described in subdivision (18)(A) of this section is not required for a
 5 private home.

6 ~~(B)(D)~~ Any licensee entering a private home shall notify
 7 the occupant that the licensee is carrying a concealed handgun.

8 ~~(e) No license issued pursuant to this subchapter authorizes a~~
 9 ~~participant to carry a concealed handgun in a parade or demonstration for~~
 10 ~~which a permit is required.~~

11

12 SECTION 5. Arkansas Code § 5-73-308 is amended to read as follows:

13 5-73-308. License - Issuance or denial.

14 ~~(a)(1)(A)~~ Within one hundred twenty (120) days after the date of
 15 receipt of the items listed in § 5-73-311(a), the Director of the Department
 16 of Arkansas State Police shall issue the concealed handgun license or deny
 17 the application for the concealed handgun license based solely on the ground
 18 that the applicant fails to qualify under the criteria listed in this
 19 subchapter.

20 ~~(b)~~ The Director of the Department of Arkansas State Police director
 21 may deny a concealed handgun license if within the preceding five (5) years
 22 the applicant has been found guilty of one (1) or more crimes of violence
 23 constituting a misdemeanor or for the offense of carrying a weapon.

24 ~~(B) The director may revoke a license if the licensee has~~
 25 ~~been found guilty of one (1) or more crimes of violence within the preceding~~
 26 ~~three (3) years.~~

27 ~~(2) Subdivision (a)(1) of this section does not apply to a~~
 28 ~~misdemeanor that has been expunged or for which the imposition of sentence~~
 29 ~~was suspended.~~

30 ~~(3) Upon notification by any law enforcement agency or a court~~
 31 ~~and subsequent written verification, the director shall suspend a license or~~
 32 ~~the processing of an application for a license if the licensee or applicant~~
 33 ~~is arrested or formally charged with a crime that would disqualify the~~
 34 ~~licensee or applicant from having a license under this subchapter until final~~
 35 ~~disposition of the case.~~

36 ~~(b)(1)(c)~~ The director may deny a concealed handgun license if the

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

9 ~~(2) Within one hundred twenty (120) days after the date of~~
 10 ~~receipt of the items listed in § 5-73-311(a), the director shall:~~

11 ~~(A) Issue the license; or~~

12 ~~(B) Deny the application based solely on the ground that~~
 13 ~~the applicant fails to qualify under the criteria listed in this subchapter.~~

14 (d) Unless an applicant has obtained a letter of reference under § 5-
 15 73-311(c), the director may deny the concealed handgun license if there is an
 16 unresolved criminal charge on the applicant's record that could result in
 17 disqualification of the applicant.

18 ~~(3)(A)(e)(1)~~ If the director denies the application, the director
 19 shall notify the applicant in writing, stating the grounds for denial.

20 ~~(B)(2)~~ The decision of the director is final.

21
 22 SECTION 6. Arkansas Code § 5-73-309 is amended to read as follows:
 23 5-73-309. License - Requirements.

24 ~~(a)~~ The Director of the Department of Arkansas State Police shall
 25 issue a license to carry a concealed handgun if the applicant:

26 ~~(1)(A)~~ Is both a+

27 ~~(i)~~ Citizen citizen of the United States; ~~and~~

28 ~~(ii)(2)~~ Resident Is a resident of the state and has been a
 29 resident continuously for ~~twelve (12) months~~ ninety (90) days or longer
 30 immediately preceding the filing of the application.

31 ~~(B)~~ ~~However, subdivision (a)(1)(A) does not apply to any:~~

32 ~~(i)~~ ~~Retired city, county, state, or federal law~~
 33 ~~enforcement officer; or~~

34 ~~(ii)~~ ~~Active duty military personnel who submit~~
 35 ~~documentation of their active duty status;~~

36 ~~(2)(3)~~ Is twenty-one (21) years of age or older;

1 ~~(3)~~(4) Does not suffer from a mental or physical infirmity that
 2 prevents the safe handling of a handgun and has not threatened or attempted
 3 suicide;

4 ~~(4)~~(5)(A) ~~Is not:~~

5 ~~(A) Ineligible to possess a firearm by virtue of having~~
 6 Has not been convicted of a felony in a court of this state, of any other
 7 state, or of the United States without having been pardoned for conviction
 8 and had firearms possession rights restored; ~~and.~~

9 (B) A record of a conviction that has been sealed or
 10 expunged under Arkansas law does not render an applicant ineligible to
 11 receive a concealed handgun license if:

12 (i) The applicant was sentenced prior to March 13,
 13 1995; and

14 (ii) The order sealing or expunging the applicant's
 15 record of conviction complies with § 16-90-605;

16 (6) Subject Is not subject to any federal, state, or local law
 17 that makes it unlawful to receive, possess, or transport any firearm, and has
 18 had his or her background ~~checked~~ check successfully completed through the
 19 Department of Arkansas State Police and the Federal Bureau of Investigation's
 20 National Instant ~~Criminal Background~~ Check System;

21 ~~(5)~~(A)(7) Does not chronically or habitually abuse a controlled
 22 substance ~~to the extent that his or her normal faculties are impaired.~~

23 ~~(B) It is presumed that an applicant chronically and~~
 24 ~~habitually uses a controlled substance to the extent that his or her~~
 25 ~~faculties are impaired if the applicant has been:~~

26 ~~(i) Voluntarily or involuntarily committed to a~~
 27 ~~treatment facility for the abuse of a controlled substance; or~~

28 ~~(ii) Found guilty of a crime under the provisions of~~
 29 ~~the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law~~
 30 ~~of any other state or the United States relating to a controlled substance~~
 31 ~~within the three-year period immediately preceding the date on which the~~
 32 ~~application is submitted;~~

33 ~~(6)~~(A)(8) Does not chronically ~~and~~ or habitually use an
 34 alcoholic beverage ~~to the extent that his or her normal faculties are~~
 35 ~~impaired.~~

36 ~~(B) It is presumed that an applicant chronically and~~

1 ~~habitually uses an alcoholic beverage to the extent that his or her normal~~
 2 ~~faculties are impaired if the applicant has been:~~

3 ~~(i) Voluntarily or involuntarily committed as an~~
 4 ~~alcoholic to a treatment facility; or~~

5 ~~(ii) Convicted of two (2) or more offenses related~~
 6 ~~to the use of alcohol under a law of this state or similar law of any other~~
 7 ~~state or the United States within the three year period immediately preceding~~
 8 ~~the date on which the application is submitted;~~

9 ~~(7)(9)~~ Desires a legal means to carry a concealed handgun to
 10 defend himself or herself;

11 ~~(8)(10)~~ Has not been adjudicated mentally incompetent;

12 ~~(9)(11)~~ Has not been voluntarily or involuntarily committed to a
 13 mental institution or mental health treatment facility;

14 ~~(10)(12)~~ Is not a fugitive from justice or have an active
 15 warrant for his or her arrest; and

16 ~~(11)(13)~~ Has satisfactorily completed a training course as
 17 prescribed and approved by the director; ~~and.~~

18 ~~(12) Signs a statement of allegiance to the United States~~
 19 ~~Constitution and the Arkansas Constitution.~~

20 ~~(b) The director shall also issue a license to carry a concealed~~
 21 ~~handgun if the applicant is a person who has a valid license to carry a~~
 22 ~~concealed handgun issued by another state and the director determines that:~~

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

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

29
 30 SECTION 7. Arkansas Code § 5-73-310 is amended to read as follows:
 31 5-73-310. Application form.

32 The application for a license to carry a concealed handgun shall be
 33 completed, ~~under oath,~~ on a form promulgated by the Director of the
 34 Department of Arkansas State Police and shall include ~~only:~~

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

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

3 (3) ~~Any previous address of the applicant for the two (2) years~~
 4 ~~preceding the date of the application~~ Questions related to the applicant's
 5 fitness for issuance of a concealed handgun license;

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

8 ~~(5)~~(4) A statement that the applicant has been furnished a copy
 9 of this subchapter and is acquainted with the truth and understanding of this
 10 subchapter;

11 ~~(6)~~(5) A conspicuous warning that ~~the application is executed~~
 12 ~~under oath, and that~~ a knowingly false answer to any question or the knowing
 13 submission of any false document by the applicant subjects the applicant to:

14 (A) Criminal prosecution and precludes any future
 15 license's being issued to the applicant; and

16 (B) Immediate revocation if the license has already been
 17 issued;

18 ~~(7)~~(6) A statement that the applicant desires a legal means to
 19 carry a concealed handgun to defend himself or herself; and

20 ~~(8)~~(7)(A) A statement of whether the applicant is applying for:

21 (i) An unrestricted license, that allows the person
 22 to carry any handgun; or

23 (ii) A restricted license, that allows the person to
 24 carry any handgun other than a semiautomatic handgun.

25 (B)(i) An applicant requesting an unrestricted license
 26 shall establish proficiency in the use of a semiautomatic handgun.

27 (ii) An applicant requesting a restricted license
 28 shall establish proficiency in the use of a handgun and may use any kind of
 29 handgun when establishing proficiency; ~~and,~~

30 ~~(9) A statement of whether or not the applicant has been found~~
 31 ~~guilty of a crime of violence or domestic abuse.~~

32
 33 SECTION 8. Arkansas Code § 5-73-311 is amended to read as follows:
 34 5-73-311. Application procedure.

35 (a) The applicant for a license to carry a concealed handgun shall
 36 submit the following to the Department of Arkansas State Police:

- 1 (1) A completed application, as described in § 5-73-310;
- 2 (2) A nonrefundable license fee of one hundred dollars (\$100);
- 3 (3)(A) A full set of fingerprints of the applicant, ~~administered~~
- 4 ~~by the department.~~

5 (B) In the event a legible set of fingerprints, as
 6 determined by the department and the Federal Bureau of Investigation, cannot
 7 be obtained after a minimum of ~~three (3)~~ two (2) attempts, the Director of
 8 the Department of Arkansas State Police shall determine eligibility based
 9 upon a name check by the department and the Federal Bureau of Investigation
 10 at the request of the director.

11 (C) Costs for processing the set of fingerprints as
 12 required in subdivision (a)(3)(A) of this section shall be borne by the
 13 applicant; ~~and~~

14 (4)(A) A waiver authorizing the department access to any
 15 medical, criminal, or other records concerning the applicant ~~and permitting~~
 16 ~~access to all of the applicant's criminal records.~~

17 ~~(B) If a check of the applicant's criminal records~~
 18 ~~uncovers any unresolved felony arrests over ten (10) years old, then the~~
 19 ~~applicant shall obtain a letter of reference from the county sheriff,~~
 20 ~~prosecuting attorney, or circuit judge of the county where the applicant~~
 21 ~~resides that states that to the best of the county sheriff's, prosecuting~~
 22 ~~attorney's, or circuit judge's knowledge that the applicant is of good~~
 23 ~~character and free of any felony convictions.~~

24 ~~(C)(B)~~ The department shall maintain the confidentiality
 25 of the medical and criminal records; and

26 (5) A digital photograph of the applicant.

27 (b)(1) Upon receipt of the items listed in subsection (a) of this
 28 section, the department shall forward the full set of fingerprints of the
 29 applicant to the appropriate agencies for state and federal processing.

30 (2)(A) The department shall forward a ~~copy~~ notice of the
 31 applicant's application to the sheriff of the applicant's county of residence
 32 and, if applicable, the police chief of the applicant's municipality of
 33 residence.

34 (B)(i) The sheriff of the applicant's county of residence
 35 and, if applicable, the police chief of the applicant's municipality of
 36 residence may participate, at his or her discretion, in the process by

1 submitting a voluntary report to the department containing any readily
 2 discoverable information that he or she feels may be pertinent to the
 3 licensing of any applicant.

4 (ii) The reporting shall be made within thirty (30)
 5 days after the date the ~~sheriff of the applicant's county of residence or, if~~
 6 ~~applicable, the police chief of the applicant's municipality of residence~~
 7 ~~receives the copy~~ notice of the application was sent by the department.

8 (c) If a check of the criminal records of an applicant for a concealed
 9 handgun license reveals any unresolved felony arrest more than ten (10) years
 10 old, then the applicant shall obtain a letter of reference from the county
 11 sheriff, prosecuting attorney, or circuit judge of the county where the
 12 applicant resides that states to the best of the county sheriff's,
 13 prosecuting attorney's, or circuit judge's knowledge the applicant is of good
 14 character and free of any felony conviction.

15
 16 SECTION 9. Arkansas Code § 5-73-312 is amended to read as follows:

17 5-73-312. Arrest of licensee - Revocation.

18 (a)(1) A license to carry a concealed handgun issued under this
 19 subchapter shall be revoked if the licensee becomes ineligible under the
 20 criteria set forth in §§ 5-73-308(a) and 5-73-309.

21 (2)(A)(i) Any law enforcement officer making an arrest of a
 22 licensee for a violation of this subchapter or any other statutory violation
 23 that requires revocation of a license to carry a concealed handgun shall
 24 confiscate the license and forward it to the Director of the Department of
 25 Arkansas State Police.

26 (ii) Any law enforcement officer making an arrest of
 27 a person with a concealed handgun license issued by another state for a
 28 violation of this subchapter or any other statutory violation that requires
 29 revocation of a concealed handgun license shall confiscate the concealed
 30 handgun license and forward it to the Concealed Handgun Licensing Section of
 31 the Department of Arkansas State Police. The confiscated concealed handgun
 32 license and any supporting paperwork shall be sent to the concealed handgun
 33 licensing agency in the issuing state by the Concealed Handgun Licensing
 34 Section of the Department of Arkansas State Police.

35 (3) If a licensee is not in possession of his or her concealed
 36 handgun license at the time of an arrest described in subdivisions

1 (a)(2)(A)(i) and (ii) of this section, a law enforcement officer shall
 2 forward any supporting paperwork to the Concealed Handgun Licensing Section
 3 of the Department of Arkansas State Police.

4 (B) The Unless otherwise provided by law, the license
 5 shall be held until a determination of the charge is finalized, with the
 6 appropriate disposition of the license after the determination.

7 (b) Upon notification by any law enforcement agency or a court and
 8 subsequent written verification, the director shall suspend a concealed
 9 handgun license or the processing of an application for a concealed handgun
 10 license if the licensee or applicant is arrested or formally charged with a
 11 crime that would disqualify the licensee or applicant from having a concealed
 12 handgun license under this subchapter until final disposition of the case.

13 ~~(b)(c)~~ When the Department of Arkansas State Police receives
 14 notification from any law enforcement agency or court that a licensee has
 15 been found guilty or has pleaded guilty or nolo contendere to any crime
 16 involving the use of a weapon, the license issued under this subchapter is
 17 immediately revoked.

18 ~~(e)(d)~~ The director shall revoke the license of any licensee who has
 19 pleaded guilty or nolo contendere to or been found guilty of an alcohol-
 20 related offense committed while carrying a handgun.

21 (e)(1) The director may revoke a concealed handgun license pursuant to
 22 this section indefinitely or for a stated period of time. The time frames
 23 for revocation shall be established by rules promulgated by the Department of
 24 Arkansas State Police.

25 (2) An appeal from the director's decision of revocation of a
 26 concealed handgun license pursuant to this section shall be made in
 27 accordance with the appeal procedure established by the Department of
 28 Arkansas State Police.

29
 30 SECTION 10. Arkansas Code § 5-73-313 is amended to read as follows:
 31 5-73-313. Expiration and renewal.

32 (a)(1) No less than ninety (90) days prior to the expiration date of
 33 the concealed handgun license to carry a concealed handgun, the Department of
 34 Arkansas State Police shall mail to notify each licensee a written notice of
 35 the expiration.

36 (2) The notice of the expiration shall:

1 (A) Inform the licensee of the requirement under
 2 subdivision (b)(5) of this section to submit a digital photograph of the
 3 licensee; and

4 (B) Provide instructions for the licensee to comply with
 5 the requirement under subdivision (b)(5) of this section to submit a digital
 6 photograph of the licensee.

7 (b) The licensee shall renew his or her license on or before the
 8 expiration date by ~~filing with~~ submitting to the department:

9 (1) A renewal form prescribed by the department;

10 (2) A ~~notarized affidavit stating~~ verified statement that the
 11 licensee remains qualified pursuant to the criteria specified in §§ 5-73-
 12 308-~~(a)~~(b) and 5-73-309; ~~and~~

13 (3) A renewal fee of thirty-five dollars (\$35.00);

14 (4) A firearms safety training form properly completed by the
 15 licensee's training instructor reflecting that the licensee's training was
 16 conducted; and

17 (5) A digital photograph of the licensee.

18 (c) The license shall be renewed upon receipt of the completed renewal
 19 application, submission of a digital photograph of the licensee, and
 20 appropriate payment of fees subject to a background investigation conducted
 21 pursuant to ~~§ 5-73-311~~ this subchapter that did not reveal any disqualifying
 22 offense or questionable outstanding charge.

23 (d) Additionally, a licensee who fails to file a renewal application
 24 on or before the expiration date shall renew his or her license by paying a
 25 late fee of fifteen dollars (\$15.00).

26 (e)(1) No license shall be renewed six (6) months or more after its
 27 expiration date, and the license is deemed to be permanently expired.

28 (2)(A) A person whose license has been permanently expired may
 29 reapply for licensure.

30 (B) An application for licensure and fees pursuant to §§
 31 5-73-308-~~(a)~~(b), 5-73-309, and 5-73-311(a) shall be submitted, and a new
 32 background investigation shall be conducted.

33 (f) A new criminal background investigation shall be conducted when an
 34 applicant applies for renewal of a license. Costs for processing a new
 35 background check shall be borne by the applicant.

36 (g) ~~Active duty military personnel and reservists on active duty who~~

1 ~~submit documentation of their active duty status are exempt from the training~~
 2 ~~requirements under § 5-73-309. The requirement under subdivision (b)(5) of~~
 3 ~~this section to submit a digital photograph of the licensee does not apply to~~
 4 ~~a concealed handgun license issued to a soldier or airman under § 5-73-320.~~

5
 6 SECTION 11. Arkansas Code § 5-73-314 is amended to read as follows:

7 5-73-314. Lost or destroyed license - Change of address - Change of
 8 name.

9 (a) Within thirty (30) days after the changing of a permanent address,
 10 or the changing of a legal name or within thirty (30) days after having a
 11 concealed handgun license ~~or handgun~~ lost or ~~disposed of~~ destroyed, the
 12 licensee shall notify the Director of the Department of Arkansas State Police
 13 in writing of the change or loss or ~~disposition~~ destruction.

14 (b) If ~~a concealed handgun license is lost or destroyed~~, the person to
 15 whom the license was issued shall comply with the provisions of subsection
 16 (a) of this section, ~~and the person~~ and the person may obtain a duplicate license or
 17 substitute license with up-to-date information upon:

18 (1) Payment to the Department of Arkansas State Police of a fee
 19 established by the director under the Arkansas Administrative Procedure Act,
 20 § 25-15-201 et seq.; and

21 (2) ~~Furnishing a notarized statement to the department that the~~
 22 ~~handgun or license has been lost or disposed of~~ Submitting a digital
 23 photograph of the licensee.

24
 25 SECTION 12. Arkansas Code § 5-73-315 is amended to read as follows:

26 5-73-315. Possession of concealed handgun license - Identification of
 27 licensee.

28 (a) Any person possessing a valid concealed handgun license issued
 29 pursuant to this subchapter may carry a concealed handgun.

30 (b) The licensee shall:

31 (1) Carry the concealed handgun license, together with valid
 32 identification, at any time when the licensee is carrying a concealed
 33 handgun; and

34 (2) Display both the concealed handgun license and proper
 35 identification upon demand by a law enforcement officer.

36 (c) Except as provided in § 5-73-320, a concealed handgun license

1 issued, renewed, or obtained under § 5-73-314 or § 5-73-319 after December
 2 31, 2007, shall bear a digital photograph of the licensee.

3
 4 SECTION 13. Arkansas Code § 5-73-319 is amended to read as follows:
 5 5-73-319. Transfer of a license to Arkansas.

6 (a) Any person who becomes a resident of Arkansas who has a valid
 7 license to carry a concealed handgun issued by a reciprocal state may apply
 8 to transfer his or her license to Arkansas by submitting the following to the
 9 Department of Arkansas State Police:

- 10 (1) The person's current reciprocal state license;
- 11 (2) Two (2) properly completed fingerprint cards;
- 12 (3) A nonrefundable license fee of thirty-five dollars (\$35.00);

13 ~~and~~

14 (4) Any fee charged by a state or federal agency for a criminal
 15 history check; and

- 16 (5) A digital photograph of the person.

17 (b) The newly transferred license is valid for a period of four (4)
 18 years from the date of issuance and binds the holder to all Arkansas laws and
 19 regulations regarding the carrying of the concealed handgun.

20
 21 SECTION 14. Arkansas Code § 5-73-320 is amended to read as follows:
 22 5-73-320. License for certain members of the Arkansas National Guard.

23 (a) The Department of Arkansas State Police may issue a license under
 24 this subchapter to a person who:

25 (1) Is currently serving as a federally recognized commissioned
 26 or noncommissioned officer of the National Guard or a reserve component of
 27 the armed forces of the United States;

28 (2) Submits the following documents:

29 (A) A completed concealed handgun license application as
 30 prescribed by the department;

31 (B) A form specified by the Director of the Department of
 32 Arkansas State Police reflecting the fingerprints of the soldier or airman;

33 (C) A dated letter personally signed by a commanding
 34 officer or his or her designee stating that the soldier or airman:

35 (i) Is a current member of the National Guard or a
 36 reserve component of the armed forces of the United States;

1 (ii) Is of good character and sound judgment;
 2 (iii) Is not disqualified by state or federal law
 3 from possessing a firearm;

4 (iv) Has met the military qualification requirements
 5 for issuance and operation of a handgun within one (1) year of the
 6 application date; and

7 (v) Has been a resident of the State of Arkansas for
 8 the twelve-month period preceding the application date according to the
 9 military and pay records of the soldier or airman;

10 (D) A copy of the military range qualification score card
 11 signed and dated within one (1) year of the application date by a range
 12 officer or noncommissioned officer in charge of the range; and

13 (E) A copy of the face or photograph side of a current
 14 United States Uniformed Services military identification card for a member of
 15 the armed forces; and

16 (3) Submits any required application fee.

17 (b)(1) A license issued under this section expires four (4) years from
 18 the date of issuance or upon the expiration date of the military
 19 identification card of the soldier or airman, whichever occurs first.

20 (2)(A) A license issued under this section is renewable under
 21 the provisions of § 5-73-313 upon satisfaction of the requirements described
 22 in subsection (a) of this section.

23 (B) A license issued under this section is not required to
 24 bear a digital photograph of the soldier or airman.

25 (c) Except as otherwise specifically stated in this section, the
 26 license issued under this section is subject to the provisions of this
 27 subchapter and any rules promulgated under § 5-73-317.

28
 29 SECTION 15. Arkansas Code § 5-73-401 is amended to read as follows:
 30 5-73-401. Recognition of other states' ~~permits—Acts 1997, No. 789~~
 31 licenses.

32 Any person who is not a resident of this state and who is in possession
 33 of a valid license issued by another state to carry a concealed handgun shall
 34 be entitled to the privileges and subject to the restrictions prescribed by
 35 Arkansas' concealed handgun law, ~~(§ 5-73-301 et seq.)~~, provided that the
 36 concealed handgun law of the state that issued the license is ~~at least as~~

1 ~~restrictive as~~ substantially similar in requirements to Arkansas' concealed
 2 handgun law and that the state that issued the license recognizes concealed
 3 handgun licenses issued under § 5-73-301 et seq. The Director of the
 4 Department of Arkansas State Police shall make a determination based on
 5 specific criteria as to which states' ~~permits~~ licenses will be recognized in
 6 Arkansas and provide that list to every law enforcement agency within the
 7 state. The director shall revise the list from time to time and provide the
 8 revised list to every law enforcement agency in this state.

9
 10 SECTION 16. Arkansas Code § 5-73-402 is repealed.

11 ~~5-73-402. Recognition of other states' permits—Acts 1997, No. 1239.~~

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