

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

*As Engrossed: S2/12/07*

# A Bill

SENATE BILL 268

5 By: Senators Faris, Wilkinson, *Laverty, Glover, B. Pritchard*  
6 By: Representatives D. Creekmore, Stewart  
7  
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## For An Act To Be Entitled

10 AN ACT CONCERNING RECIPROCITY PROCEDURES  
11 ADMINISTERED BY THE ARKANSAS STATE POLICE FOR  
12 CONCEALED HANDGUN PERMITS; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15 AN ACT CONCERNING RECIPROCITY PROCEDURES  
16 ADMINISTERED BY THE ARKANSAS STATE  
17 POLICE FOR CONCEALED HANDGUN PERMITS.  
18  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-73-309 is amended to read as follows:  
24 5-73-309. License - Requirements.

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

27 (1)(A) Is both a:

28 (i) Citizen of the United States; and

29 (ii) Resident of the state and has been a resident  
30 continuously for twelve (12) months or longer immediately preceding the  
31 filing of the application.

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

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

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



- 1           (2) Is twenty-one (21) years of age or older;
- 2           (3) Does not suffer from a mental or physical infirmity that
- 3 prevents the safe handling of a handgun and has not threatened or attempted
- 4 suicide;
- 5           (4) Is not:
  - 6               (A) Ineligible to possess a firearm by virtue of having
  - 7 been convicted of a felony in a court of this state, of any other state, or
  - 8 of the United States without having been pardoned for conviction and had
  - 9 firearms possession rights restored; and
  - 10              (B) Subject to any federal, state, or local law that makes
  - 11 it unlawful to receive, possess, or transport any firearm, and has had his or
  - 12 her background checked through the Federal Bureau of Investigation's National
  - 13 Instant Criminal Background Check System;
  - 14              (5)(A) Does not chronically or habitually abuse a controlled
  - 15 substance to the extent that his or her normal faculties are impaired.
  - 16               (B) It is presumed that an applicant chronically and
  - 17 habitually uses a controlled substance to the extent that his or her
  - 18 faculties are impaired if the applicant has been:
    - 19                   (i) Voluntarily or involuntarily committed to a
    - 20 treatment facility for the abuse of a controlled substance; or
    - 21                   (ii) Found guilty of a crime under the provisions of
    - 22 the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law
    - 23 of any other state or the United States relating to a controlled substance
    - 24 within the three-year period immediately preceding the date on which the
    - 25 application is submitted;
    - 26              (6)(A) Does not chronically and habitually use an alcoholic
    - 27 beverage to the extent that his or her normal faculties are impaired.
    - 28               (B) It is presumed that an applicant chronically and
    - 29 habitually uses an alcoholic beverage to the extent that his or her normal
    - 30 faculties are impaired if the applicant has been:
      - 31                   (i) Voluntarily or involuntarily committed as an
      - 32 alcoholic to a treatment facility; or
      - 33                   (ii) Convicted of two (2) or more offenses related
      - 34 to the use of alcohol under a law of this state or similar law of any other
      - 35 state or the United States within the three-year period immediately preceding
      - 36 the date on which the application is submitted;

1 (7) Desires a legal means to carry a concealed handgun to defend  
2 himself or herself;

3 (8) Has not been adjudicated mentally incompetent;

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

6 (10) Is not a fugitive from justice;

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

9 (12) Signs a statement of allegiance to the United States  
10 Constitution and the Arkansas Constitution.

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

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

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

20  
21 SECTION 2. Arkansas Code § 5-73-401 is repealed.

22 ~~5-73-401. Recognition of other states' permits—Acts 1997, No. 789.~~

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

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35 /s/ Faris  
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