

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.

State of Arkansas

As Engrossed: H3/4/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1623

By: Representatives Stewart, Woods, *M. Burris*, Adcock, Barnett, *Cheatham*, *Cole*, Flowers, House, Kerr, *M. Martin*, Nix, Perry, Sample, *G. Smith*, Wells, *Allen*, *Baird*, *T. Baker*, *Breedlove*, *J. Burris*, *Carnine*, *Carroll*, *Carter*, *Clemmer*, *D. Creekmore*, *Dale*, *J. Dickinson*, *Dismang*, *English*, *Garner*, *George*, *R. Green*, *Hall*, *Hawkins*, *Hobbs*, *D. Hutchinson*, *King*, *Lea*, *S. Malone*, *Maxwell*, *McCrary*, *Moore*, *Patterson*, *Pennartz*, *Pierce*, *Pyle*, *Reep*, *Rice*, *J. Roebuck*, *T. Rogers*, *Saunders*, *Slinkard*, *Tyler*, *B. Wilkins*

By: Senators *J. Taylor*, *Bledsoe*

For An Act To Be Entitled

AN ACT PROHIBITING THE RELEASE OF THE IDENTITIES
OR OTHER INFORMATION CONCERNING CONCEALED HANDGUN
LICENSEES; AND FOR OTHER PURPOSES.

Subtitle

PROHIBITING THE RELEASE OF THE
IDENTITIES OR OTHER INFORMATION
CONCERNING CONCEALED HANDGUN LICENSEES.

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

SECTION 1. Arkansas Code § 25-19-105(b) is amended to read as follows:

(b) It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter:

(1) State income tax records;

(2) Medical records, adoption records, and education records as defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, unless their disclosure is consistent with the provisions of that act;

(3) The site files and records maintained by the Arkansas Historic Preservation Program of the Department of Arkansas Heritage and the



1 Arkansas Archeological Survey;

2 (4) Grand jury minutes;

3 (5) Unpublished drafts of judicial or quasi-judicial opinions
4 and decisions;

5 (6) Undisclosed investigations by law enforcement agencies of
6 suspected criminal activity;

7 (7) Unpublished memoranda, working papers, and correspondence of
8 the Governor, members of the General Assembly, Supreme Court Justices, Court
9 of Appeals Judges, and the Attorney General;

10 (8) Documents that are protected from disclosure by order or
11 rule of court;

12 (9)(A) Files that if disclosed would give advantage to
13 competitors or bidders and records maintained by the Arkansas Economic
14 Development Commission related to any business entity's planning, site
15 location, expansion, operations, or product development and marketing, unless
16 approval for release of those records is granted by the business entity.

17 (B) However, this exemption shall not be applicable to any
18 records of expenditures or grants made or administered by the commission and
19 otherwise disclosable under the provisions of this chapter;

20 (10)(A) The identities of law enforcement officers currently
21 working undercover with their agencies and identified in the Arkansas Minimum
22 Standards Office as undercover officers.

23 (B) Records of the number of undercover officers and
24 agency lists are not exempt from this chapter;

25 (11) Records containing measures, procedures, instructions, or
26 related data used to cause a computer or a computer system or network,
27 including telecommunication networks or applications thereon, to perform
28 security functions, including, but not limited to, passwords, personal
29 identification numbers, transaction authorization mechanisms, and other means
30 of preventing access to computers, computer systems or networks, or any data
31 residing therein;

32 (12) Personnel records to the extent that disclosure would
33 constitute a clearly unwarranted invasion of personal privacy;

34 (13) Home addresses of nonelected state employees, nonelected
35 municipal employees, and nonelected county employees contained in employer
36 records, except that the custodian of the records shall verify an employee's

city or county of residence or address on record upon request;

(14) Materials, information, examinations, and answers to examinations utilized by boards and commissions for purposes of testing applicants for licensure by state boards or commissions;

(15) Military service discharge records or DD Form 214, the Certificate of Release or Discharge from Active Duty of the United States Department of Defense, filed with the county recorder as provided under § 14-2-102, for veterans discharged from service less than seventy (70) years from the current date;

(16) Vulnerability assessments submitted by a public water system on or before June 30, 2004, to the Administrator of the United States Environmental Protection Agency for a period of ten (10) years from the date of submission;

(17)(A) Records, including analyses, investigations, studies, reports, or recommendations, containing information relating to any Department of Human Services risk or security assessment, known or suspected security vulnerability, or safeguard related to compliance with the Health Insurance Portability and Accountability Act of 1996 or protection of other confidential department information.

(B) The records shall include:

- (i) Risk and security assessments;
- (ii) Plans and proposals for preventing and mitigating privacy and security risks;
- (iii) Emergency response and recovery records;
- (iv) Privacy and security plans and procedures; and
- (v) Any other records containing information that if disclosed might jeopardize or compromise efforts to secure and protect personal health information or other protected department information.

(C) This subdivision (b)(17) expires on July 1, 2009; ~~and~~

(18)(A) Records, including analyses, investigations, studies, reports, recommendations, requests for proposals, drawings, diagrams, blueprints, and plans, containing information relating to security for any public water system.

(B) The records shall include:

- (i) Risk and vulnerability assessments;
- (ii) Plans and proposals for preventing and

1 mitigating security risks;

2 (iii) Emergency response and recovery records;

3 (iv) Security plans and procedures; and

4 (v) Any other records containing information that
5 if disclosed might jeopardize or compromise efforts to secure and protect the
6 public water system.

7 (C) This subdivision (b)(18) shall expire on July 1,
8 2009~~+~~; and

9 (19)(A) Records pertaining to the issuance, renewal, expiration,
10 suspension, or revocation of a license to carry a concealed handgun, or a
11 present or past license under § 5-73-301 et seq., including without
12 limitation:

13 (i) All records provided to or obtained by any
14 local, state, or federal governments and their agents, officials, or
15 employees in the investigation of an applicant or licensee; and

16 (ii) All records pertaining to a criminal background
17 or health history check conducted on the applicant or licensee.

18 (B) Information or other records regarding an applicant or
19 a licensee may be released to a law enforcement agency for the purpose of
20 assisting in a criminal investigation or prosecution, or for determining
21 validity of or eligibility for a license.

22
23 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that the identities of persons
25 holding concealed weapons licenses should be private; that there are
26 currently insufficient safeguards ensuring that privacy; and that this act is
27 immediately necessary because persons holding concealed weapons licenses are
28 currently at risk of having that privacy exploited. Therefore, an emergency
29 is declared to exist and this act being immediately necessary for the
30 preservation of the public peace, health, and safety shall become effective
31 on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,
34 the expiration of the period of time during which the Governor may veto the
35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

/s/ Stewart