

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 2133

5 By: Representative Stewart  
6  
7

## For An Act To Be Entitled

9 AN ACT REGARDING RETIRED CERTIFIED LAW  
10 ENFORCEMENT OFFICERS AND CONCEALED HANDGUN  
11 ELIGIBIITY; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 REGARDING RETIRED CERTIFIED LAW  
14 ENFORCEMENT OFFICERS AND CONCEALED  
15 HANDGUN ELIGIBIITY.  
16  
17  
18

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

21 SECTION 1. Arkansas Code § 12-15-202 is amended to read as follows:  
22 12-15-202. Eligibility to carry concealed handgun.

23 (a) Any certified law enforcement officer may carry a concealed  
24 handgun if that officer is:

25 (1) Presently in the employ of a public law enforcement  
26 department, office, or agency;

27 (2) Authorized by the public law enforcement department, office,  
28 or agency to carry a firearm in the course and scope of his or her duties;

29 (3) Not subject to any disciplinary action by the public law  
30 enforcement department, office, or agency;

31 (4) Carrying a badge and appropriate written identification  
32 issued by the public law enforcement department, office, or agency  
33 identifying him or her as a certified law enforcement officer; and

34 (5) Not otherwise prohibited under federal law.

35 (b)(1) A concealed handgun may be carried by any retired law  
36 enforcement officer who:



1 (A) Retired in good standing from service with ten (10)  
 2 years or more of aggregate service as a certified law enforcement officer  
 3 authorized by a law enforcement department, office, or agency to carry a  
 4 firearm in the course and scope of his or her duties with a public law  
 5 enforcement department, office, or agency and retired for reasons other than  
 6 mental disability;

7 ~~(B) Immediately before retirement was a certified law~~  
 8 ~~enforcement officer authorized by a public law enforcement department,~~  
 9 ~~office, or agency to carry a firearm in the course and scope of his or her~~  
 10 ~~duties;~~

11 ~~(C)~~(B) Is carrying appropriate written identification  
 12 containing a photo issued by a public law enforcement department, office, or  
 13 agency identifying him or her as a retired and former certified law  
 14 enforcement officer;

15 ~~(D)~~(C) Is not otherwise prohibited under state or federal  
 16 law;

17 ~~(E)~~(D) Has his or her fingerprint impressions on file with  
 18 the Department of Arkansas State Police automated fingerprint identification  
 19 system together with written authorization for state and national level  
 20 criminal history record fingerprint-based screening; ~~and~~

21 ~~(F)~~(E) ~~During the most recent twelve month period has~~ Has  
 22 met, at the expense of the retired certified law enforcement officer, the  
 23 standards of this state for training and qualification for active law  
 24 enforcement officers to carry firearms; ~~and~~

25 (F) Is not under the influence of alcohol or an  
 26 intoxicating or hallucinatory drug or substance.

27 (2)(A) The chief law enforcement officer of the city or county  
 28 ~~shall~~ may keep a record of all retired law enforcement officers authorized to  
 29 carry a concealed handgun in his or her jurisdiction and shall ~~revoke any~~  
 30 ~~authorization~~ request revocation of the authorization from the Director of  
 31 the Department of Arkansas State Police for good cause shown.

32 (B) The Director of the Department of Arkansas State  
 33 Police shall keep a record of all retired certified law enforcement  
 34 ~~department~~ officers authorized to carry a concealed handgun in the state  
 35 under this section and shall revoke any authorization for good cause shown.

36 (C) The director may promulgate rules to permit the

1 efficient administration of this section.

2 (c)(1)(A) A firearms instructor certified by the Arkansas Commission  
 3 on Law Enforcement Standards and Training who is employed by any certified  
 4 law enforcement agency in this state may certify or recertify that a retired  
 5 law enforcement officer has met the training and qualification requirements  
 6 for certification set by the commission for active law enforcement officers  
 7 to carry firearms.

8 (B) A retired certified law enforcement officer shall pay  
 9 the expenses for meeting the training and qualification requirements  
 10 described in subdivision (c)(1)(A) of this section.

11 (C) A firearms safety training instructor registered and  
 12 in good standing with the Department of Arkansas State Police Concealed  
 13 Handgun Carry Licensing Section may certify or recertify that a retired  
 14 certified law enforcement officer has met the training and qualification  
 15 requirements for certification set by the commission for active law  
 16 enforcement officers to carry firearms.

17 (2) A firearms instructor or a firearms safety training  
 18 instructor under subdivision (c)(1) of this section who certifies or  
 19 recertifies that a retired law enforcement officer has met the training and  
 20 qualification requirements for certification set by the commission for active  
 21 law enforcement officers to carry firearms ~~under subdivision (c)(1)(A) of~~  
 22 ~~this section~~ shall complete and submit any required paperwork ~~to the~~  
 23 ~~commission.~~

24 (d) ~~Any~~ A certified law enforcement officer or retired certified law  
 25 enforcement officer carrying a concealed handgun under this section is not  
 26 subject to the prohibitions and limitations of § 5-73-306.

27 (e)(1) Any presently employed certified law enforcement officer  
 28 authorized by another state to carry a concealed handgun ~~shall be entitled to~~  
 29 ~~the same privilege~~ may carry a concealed handgun while in this state, but is  
 30 subject to the ~~same~~ restrictions of this section, ~~provided that~~ if the state  
 31 which has authorized the certified law enforcement officer to carry a  
 32 concealed handgun extends the ~~same~~ privilege to carry a concealed handgun to  
 33 presently employed Arkansas-certified law enforcement officers.

34 (2) A retired certified law enforcement officer authorized by  
 35 another state to carry a concealed handgun may carry a concealed handgun in  
 36 Arkansas while in this state, but is subject to the restrictions of this

1 section, if the state that has authorized the retired certified law  
2 enforcement officer to carry a concealed handgun extends the privilege to  
3 carry a concealed handgun to retired Arkansas-certified law enforcement  
4 officers.

5 (2)(3) The director shall make a determination as to which  
6 states extend the privilege to carry a concealed handgun to presently  
7 employed ~~Arkansas~~ or certified law enforcement officers or retired certified  
8 law enforcement officers in Arkansas and shall then determine which states'  
9 ~~officers'~~ authority to carry concealed handguns will be recognized in  
10 Arkansas.