

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1417

5 By: Representatives Harris, Vines, Bell
6

For An Act To Be Entitled

8 AN ACT TO EXTEND THE CONCEALED HANDGUN LICENSE
9 EXEMPTION TO CURRENT AND FORMER CERTIFIED LAW
10 ENFORCEMENT OFFICERS, AUXILIARY LAW ENFORCEMENT
11 OFFICERS, BAILIFFS, AND RETIRED LAW ENFORCEMENT
12 OFFICERS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO EXTEND THE CONCEALED HANDGUN LICENSE
16 EXEMPTION TO CURRENT AND FORMER CERTIFIED
17 LAW ENFORCEMENT OFFICERS, AUXILIARY LAW
18 ENFORCEMENT OFFICERS, BAILIFFS, AND
19 RETIRED LAW ENFORCEMENT OFFICERS.
20
21
22

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

25 SECTION 1. Arkansas Code § 5-73-304 is amended to read as follows:
26 5-73-304. Exemptions.

27 (a)(1)(A) A current or former certified law enforcement officer, chief
28 of police, court bailiff, or county sheriff is exempt from the licensing
29 requirements of this subchapter, if otherwise authorized to carry a concealed
30 handgun.

31 (B) A former certified law enforcement officer whose
32 employment was terminated by a law enforcement agency due to disciplinary
33 reasons or because he or she committed a disqualifying criminal offense is
34 not exempt from the licensing requirements of this subchapter.

35 (2) Solely for purposes of this subchapter, an auxiliary law
36 enforcement officer certified by the Arkansas Commission on Law Enforcement



1 Standards and Training and approved by the county sheriff of the county where
 2 he or she is acting as an auxiliary law enforcement officer is deemed to be a
 3 certified law enforcement officer.

4 (b) An auxiliary law enforcement officer is exempt from the licensing
 5 requirements of this subchapter ~~when~~ if the auxiliary law enforcement
 6 officer:

7 (1) ~~The auxiliary law enforcement officer has~~ Has completed the
 8 minimum training requirements and is certified as an auxiliary law
 9 enforcement officer in accordance with the commission; and

10 (2) ~~Specifically Is~~ Is authorized in writing as exempt from the
 11 licensing requirements of this subchapter by the auxiliary law enforcement
 12 officer's chief of police or county sheriff.

13 (c) The authorization prescribed in subdivision (b)(2) of this section
 14 shall be carried on the person of the auxiliary law enforcement officer and
 15 be produced upon demand at the request of any law enforcement officer or
 16 owner or operator of any of the prohibited places as set out in § 5-73-306.

17
 18 SECTION 2. Arkansas Code § 12-15-201, concerning definitions related
 19 to concealed handgun permits, is amended to add new definitions to read as
 20 follows:

21 (3) "Auxiliary law enforcement officer" means a person certified
 22 by the Arkansas Commission on Law Enforcement Standards and Training and
 23 approved by the county sheriff or chief of police of a municipality where he
 24 or she is acting as an auxiliary law enforcement officer if:

25 (A) The auxiliary law enforcement officer has completed
 26 the minimum training requirements and is certified as an auxiliary law
 27 enforcement officer in accordance with the commission; and

28 (B) The chief of police of the law enforcement agency or
 29 county sheriff authorizes the status of the auxiliary law enforcement officer
 30 and the authorization is:

31 (i) In writing;

32 (ii) In the possession of the auxiliary law
 33 enforcement officer; and

34 (iii) Produced upon demand at the request of any law
 35 enforcement officer or owner or operator of any of the prohibited places
 36 under § 5-73-306; and

1 (4) "In good standing" means that the person:

2 (A) Was not terminated;

3 (B) Did not resign in lieu of termination; or

4 (C) Was not subject to a pending disciplinary action or
 5 criminal investigation at the time of his or her retirement or resignation
 6 from the public law enforcement department, office, or agency.

7
 8 SECTION 3. Arkansas Code § 12-15-202(a) and (b), concerning the
 9 eligibility to carry a concealed handgun for law enforcement officers, are
 10 amended to read as follows:

11 (a) Any certified law enforcement officer or auxiliary law enforcement
 12 officer acting as an auxiliary law enforcement officer may carry a concealed
 13 handgun if that officer ~~is~~:

14 (1) ~~Presently~~ Is presently in the employ of a public law
 15 enforcement department, office, or agency;

16 (2) ~~Authorized~~ Is authorized by the public law enforcement
 17 department, office, or agency to carry a firearm in the course and scope of
 18 his or her duties;

19 (3) ~~Not~~ Is not subject to any disciplinary action that suspends
 20 his or her authority as a law enforcement officer by the public law
 21 enforcement department, office, or agency;

22 (4) ~~Carrying~~ Is carrying a badge and appropriate written
 23 photographic identification issued by the public law enforcement department,
 24 office, or agency identifying him or her as a certified law enforcement
 25 officer; ~~and~~

26 (5) ~~Not~~ Is not otherwise prohibited under federal law; ~~;~~

27 (6) Is not under the influence of alcohol or another
 28 intoxicating or hallucinatory drug or substance; and

29 (7) Has fingerprint impressions on file with the Department of
 30 Arkansas State Police Automated Fingerprint Identification System.

31 (b)(1) A concealed handgun may be carried by any retired law
 32 enforcement officer or retired auxiliary law enforcement officer acting as a
 33 retired auxiliary law enforcement officer who:

34 (A) Retired in good standing from service with a public
 35 law enforcement department, office, or agency for reasons other than mental
 36 disability;

1 (B) Immediately before retirement was a certified law
2 enforcement officer authorized by a public law enforcement department,
3 office, or agency to carry a firearm in the course and scope of his or her
4 duties;

5 (C) Is carrying appropriate written photographic
6 identification issued by a public law enforcement department, office, or
7 agency identifying him or her as a retired and former certified law
8 enforcement officer;

9 (D) Is not otherwise prohibited under federal law from
10 receiving or possessing a firearm;

11 (E) Has fingerprint impressions on file with the
12 Department of Arkansas State Police Automated Fingerprint Identification
13 System together with written authorization for state and national level
14 criminal history record screening; ~~and~~

15 (F) During the most recent twelve-month period has met, at
16 the expense of the retired law enforcement officer, the standards of this
17 state for training and qualification for active law enforcement officers to
18 carry firearms;

19 (G) Before his or her retirement, worked or was employed
20 as a law enforcement officer or acted as an auxiliary law enforcement officer
21 for an aggregate of ten (10) years or more; and

22 (H) Is not under the influence of alcohol or another
23 intoxicating or hallucinatory drug or substance.

24 (2)(A) The chief law enforcement officer of the city or county
25 shall keep a record of all retired law enforcement officers authorized to
26 carry a concealed handgun in his or her jurisdiction and shall revoke any
27 authorization for good cause shown.

28 (B) The Director of the Department of Arkansas State
29 Police shall keep a record of all retired department officers authorized to
30 carry a concealed handgun in the state and shall revoke any authorization for
31 good cause shown.

32
33
34
35
36