

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S3/21/17 S3/23/17 S3/23/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 724

4

5 By: Senator J. Dismang

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For An Act To Be Entitled

8 AN ACT CONCERNING POSSESSION OF A CONCEALED HANDGUN
9 ON THE PREMISES AND ON THE GROUNDS OF A TEACHING
10 HOSPITAL; EXEMPTING A PRIVATE UNIVERSITY OR PRIVATE
11 COLLEGE FROM THE REQUIREMENT THAT IT POST AT ITS
12 ENTRANCE THAT THE PRIVATE UNIVERSITY OR PRIVATE
13 COLLEGE DOES NOT PERMIT THE CARRYING OF A CONCEALED
14 *HANDGUN; CONCERNING THE POSSESSION OF A CONCEALED*
15 *HANDGUN; AND FOR OTHER PURPOSES.*

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Subtitle

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CONCERNING POSSESSION OF A CONCEALED

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HANDGUN ON THE PREMISES AND ON THE

21

GROUNDS OF A TEACHING HOSPITAL AND OTHER

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LOCATIONS; AND CONCERNING THE POSSESSION

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OF A CONCEALED HANDGUN AT A PRIVATE

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UNIVERSITY OR PRIVATE COLLEGE.

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

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29 *SECTION 1. Arkansas Code § 5-73-101, concerning definitions used for*
30 *weapons offenses, is amended to add additional definitions to read as*
31 *follows:*

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(11) "Collegiate athletic event" means a sporting or athletic

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contest, event, or practice of an individual or team of individuals in which

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one (1) or more individuals or team of individuals sponsored by, funded by,

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represented by or associated with a public or private university, college, or

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community college competes against itself or another individual or team of



1 individuals sponsored by, funded by, represented by or associated with a
2 public or private university, college, or community college;

3 (12)(A) "Public teaching hospital" means a publicly funded institution
4 of higher education that includes a hospital.

5 (B) "Public teaching hospital" includes without limitation
6 the premises and buildings of the University of Arkansas for Medical
7 Sciences.

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9 SECTION 2. Arkansas Code § 5-73-122, as amended by Acts 2017, No. 562,
10 is amended to read as follows:

11 5-73-122. Carrying a firearm in publicly owned buildings or
12 facilities.

13 (a)(1) Except as provided in §§ 5-73-322 and § 5-73-306, it is
14 unlawful for any person other than a law enforcement officer or a security
15 guard in the employ of the state or an agency of the state, or any city or
16 county, or any state or federal military personnel, to knowingly carry or
17 possess a loaded firearm or other deadly weapon in any publicly owned
18 building or facility or on the State Capitol grounds.

19 (2) It is unlawful for any person other than a law enforcement
20 officer or a security guard in the employ of the state or an agency of the
21 state, or any city or county, or any state or federal military personnel, to
22 knowingly carry or possess a firearm, whether loaded or unloaded, in the
23 State Capitol Building or the Justice Building in Little Rock.

24 (3) However, this subsection does not apply to a person carrying
25 or possessing a firearm or other deadly weapon in a publicly owned building
26 or facility or on the State Capitol grounds:

27 (A) For the purpose of participating in a shooting match
28 or target practice under the auspices of the agency responsible for the
29 publicly owned building or facility or State Capitol grounds;

30 (B) If necessary to participate in a trade show, exhibit,
31 or educational course conducted in the publicly owned building or facility or
32 on the State Capitol grounds;

33 (C)(i) If the person has a license to carry a concealed
34 handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his
35 or her motor vehicle or has left the concealed handgun in his or her locked
36 and unattended motor vehicle in a publicly owned and maintained parking lot.

1 (ii)(a) As used in this subdivision (a)(3)(C),
2 "parking lot" means a designated area or structure or part of a structure
3 intended for the parking of motor vehicles or a designated drop-off zone for
4 children at school.

5 (b) "Parking lot" does not include a parking
6 lot owned, maintained, or otherwise controlled by the Department of
7 Correction or Department of Community Correction;

8 (D) If the person has completed the required training and
9 received a concealed carry endorsement under § 5-73-322(g) and the place is
10 not a:

11 (i) Courtroom or the location of an administrative
12 hearing conducted by a state agency, except as permitted by § 5-73-306(5) or
13 ~~(6)~~ § 5-73-306(6);

14 (ii) Public school kindergarten through grade twelve
15 (K-12) or a public prekindergarten, except as permitted under subdivision
16 (a)(3)(C) of this section; ~~or~~

17 (iii) A facility operated by the Department of
18 Correction or the Department of Community Correction; ~~or~~

19 (iv) Place owned by, operated by, administered by,
20 or associated in a clinical setting with a public teaching hospital;

21 (v) Place that is hosting or being used for a
22 collegiate athletic event; or

23 (vi) Premises of the Arkansas State Hospital; or

24 (E) If the person has a license to carry a concealed handgun
25 under § 5-73-301 et seq., is a justice of the Supreme Court or a judge on the
26 Court of Appeals, and is carrying a concealed handgun in the Justice
27 Building.

28 (4) As used in this section, "facility" means a municipally
29 owned or maintained park, football field, baseball field, soccer field, or
30 another similar municipally owned or maintained recreational structure or
31 property.

32 (b)(1) Any person other than a law enforcement officer, officer of the
33 court, or bailiff, acting in the line of duty, or any other person authorized
34 by the court, who possesses a handgun in the courtroom of any court of this
35 state is guilty of a Class D felony, except as permitted under § 5-73-306(5),
36 § 5-73-306(6), or this section.

1 (2) *Otherwise, any person violating a provision of this section*
2 *is guilty of a Class A misdemeanor.*

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4 SECTION 3. *Arkansas Code § 5-73-301, concerning definitions involving*
5 *the carrying of a concealed handgun, is amended to add an additional*
6 *subdivision to read as follows:*

7 (7) "Private university or private college" means an institution
8 of higher education that is not a public university, public college, or
9 community college as defined in § 5-73-322.

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11 SECTION 4. *Arkansas Code § 5-73-306(17) and (18), concerning places*
12 *where carrying a concealed handgun by a concealed handgun licensee is*
13 *prohibited, as amended by Acts 2017, No. 562, is amended to read as follows:*

14 (17) Any place where a parade or demonstration requiring a
15 permit is being held, and the licensee is a participant in the parade or
16 demonstration; ~~or~~

17 (18)(A)(i) Any place at the discretion of the person or entity
18 exercising control over the physical location of the place by placing at each
19 entrance to the place a written notice clearly readable at a distance of not
20 less than ten feet (10') that "carrying a handgun is prohibited".

21 (ii)(a) If the place does not have a roadway
22 entrance, there shall be a written notice placed anywhere upon the premises
23 of the place.

24 (b) In addition to the requirement of
25 subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1)
26 written notice posted within every three (3) acres of a place with no roadway
27 entrance.

28 (iii) A written notice as described in subdivision
29 (18)(A)(i) of this section is not required for a private home.

30 (iv) Any licensee entering a private home shall
31 notify the occupant that the licensee is carrying a concealed handgun.

32 (B) Subdivision (18)(A) of this section does not apply if
33 the physical location is:

34 (i) A public university, public college, or
35 community college, as defined in § 5-73-322, and the licensee is carrying a
36 concealed handgun as provided under § 5-73-322; or

1 (ii) A publicly owned and maintained parking lot if
2 the licensee is carrying a concealed handgun in his or her motor vehicle or
3 has left the concealed handgun in his or her locked and unattended motor
4 vehicle.

5 (C) The person or entity exercising control over the
6 physical location of a place that does not use his, hers, or its authority
7 under this subdivision (18) to prohibit a person from possessing a concealed
8 handgun is immune from a claim for monetary damages arising from or related
9 to the decision not to place at each entrance to the place a written notice
10 under this subdivision (18); or

11 (19) Any premises owned or operated by a private university or
12 private college unless the private university or private college permits a
13 licensee to carry a concealed handgun on the premises

14
15 SECTION 5. Arkansas Code § 5-73-322(c)(2), as amended by Acts 2017,
16 No. 562, is amended to read as follows:

17 (2)(A) ~~A private university or private college that adopts a~~
18 ~~policy expressly disallowing the carrying of a concealed handgun in the~~
19 ~~buildings and on the grounds of the private university or private college~~
20 ~~shall post notices as described in § 5-73-306(18).~~

21 ~~(B)~~ A private university or private college that adopts a
22 policy only allowing carrying of a concealed handgun under this section ~~shall~~
23 may post notices as described in § 5-73-306(18) and subdivision
24 ~~(e)(1)(G)(c)(1)(B)~~ of this section.

25 ~~(G)(B)~~ If a private university or private college permits
26 carrying a concealed handgun under this section, the private university or
27 private college may revise any sign or notice ~~required to be posted~~ under §
28 5-73-306(18) to indicate that carrying a concealed handgun under this section
29 is permitted.

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31 SECTION 6. Arkansas Code § 5-73-322(j)(3), concerning immunity of a
32 public university, public college, or community college, as amended by Acts
33 2017, No. 562, is amended to read as follows:

34 (3) A public university, public college, or community college is
35 immune from a claim for monetary damages arising from or related to a
36 licensee's use of, or failure to use, a concealed handgun, ~~if the licensee is~~

1 ~~employed by the public university, public college, or community college~~
2 ~~against whom the claim is filed and if the licensee elects to possess ~~the~~ a~~
3 ~~concealed handgun under this section.~~

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5 *SECTION 7. DO NOT CODIFY. Effective date.*

6 *The effective date of this act is September 1, 2017.*

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8 */s/J. Dismang*

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