1	State of Arkansas	A Bill	
2	92nd General Assembly	7 Dill	HOUSE BILL 1938
3	Regular Session, 2019		HOUSE BILL 1938
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5 6	By: Representative D. Garne	Γ	
7		For An Act To Be Entitled	
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10		N THE CAMPUS OF THE PUBLIC COLLEGE	
11		Y BY A PERSON IS PERMITTED; TO MAKE	
12		IONAL AND TECHNICAL AMENDMENTS; AND	
13	OTHER PUR		
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16		Subtitle	
17	GRAN	TING A PUBLIC COLLEGE OR UNIVERSITY	7
18	THE	ABILITY TO DETERMINE IF POSSESSION	OF
19	A CC	ONCEALED HANDGUN ON THE CAMPUS OF TH	IE
20	PUBL	LIC COLLEGE OR UNIVERSITY BY A PERSO	DN
21	IS F	PERMITTED; AND TO MAKE ORGANIZATIONA	ΔL
22	AND	TECHNICAL AMENDMENTS.	
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25	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
26			
27	SECTION 1. Ark	ansas Code § 5-73-122 is amended to	read as follows:
28	5-73-122. Carry	ing a firearm in publicly owned bui	ldings or facilities.
29	(a)(l) Except	as provided in § 5-73-322, § 5-73-3	06(5), <u>§ 5-73-327</u> , §
30	16-21-147, and this s	ection, it is unlawful for any pers	on other than a law
31	enforcement officer o	r a security guard in the employ of	the state or an
32	agency of the state,	or any city or county, or any state	or federal military
33	personnel, to knowing	ly carry or possess a loaded firear	m or other deadly
34	weapon in any publicl	y owned building or facility or on	the State Capitol
35	grounds.		
36	(2) It i	s unlawful for any person other tha	n a law enforcement

- l officer or a security guard in the employ of the state or an agency of the
- 2 state, or any city or county, or any state or federal military personnel, to
- 3 knowingly carry or possess a firearm, whether loaded or unloaded, in the
- 4 State Capitol Building or the Arkansas Justice Building in Little Rock.
- 5 (3) However, this subsection does not apply to a person carrying
- 6 or possessing a firearm or other deadly weapon in a publicly owned building
- 7 or facility or on the State Capitol grounds:
- 8 (A) For the purpose of participating in a shooting match
- 9 or target practice under the auspices of the agency responsible for the
- 10 publicly owned building or facility or State Capitol grounds;
- 11 (B) If necessary to participate in a trade show, exhibit,
- 12 or educational course conducted in the publicly owned building or facility or
- 13 on the State Capitol grounds;
- 14 (C)(i) If the person has a license to carry a concealed
- 15 $\,$ handgun under $\$ 5-73-301 et seq. and is carrying a concealed handgun in his
- $\,$ 16 $\,$ or her motor vehicle or has left the concealed handgun in his or her locked
- 17 and unattended motor vehicle in a publicly owned and maintained parking lot.
- 18 (ii)(a) As used in this subdivision (a)(3)(C),
- 19 "parking lot" means a designated area or structure or part of a structure
- 20 intended for the parking of motor vehicles or a designated drop-off zone for
- 21 children at school.
- 22 (b) "Parking lot" does not include a parking
- 23 lot owned, maintained, or otherwise controlled by the Department of
- 24 Correction or the Department of Community Correction;
- 25 (D) If the person has completed the required training and
- 26 received a concealed carry endorsement under § 5-73-322(g) possesses an
- 27 enhanced license to carry a concealed handgun under § 5-73-327 and the place
- 28 is not:
- 29 (i) A courtroom or the location of an administrative
- 30 hearing conducted by a state agency, except as permitted by § 5-73-306(5) or
- 31 § 5-73-306(6);
- 32 (ii) A public school kindergarten through grade
- 33 twelve (K-12), a public prekindergarten, or a public daycare facility, except
- 34 as permitted under subdivision (a)(3)(C) of this section;
- 35 (iii) A facility operated by the Department of
- 36 Correction or the Department of Community Correction; or

1	(iv) A posted firearm-sensitive area, as approved by
2	the Department of Arkansas State Police under § 5-73-325, located at:
3	(a) The Arkansas State Hospital;
4	(b) The University of Arkansas for Medical
5	Sciences; or
6	(c) A collegiate athletic event; or
7	(E) If the person has a license to carry a concealed
8	handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a
9	judge on the Court of Appeals, and is carrying a concealed handgun in the
10	Arkansas Justice Building.
11	(4) As used in this section, "facility" means a municipally
12	owned or maintained park, football field, baseball field, soccer field, or
13	another similar municipally owned or maintained recreational structure or
14	property.
15	(b) However, a law enforcement officer, officer of the court, bailiff,
16	or any other person authorized by the court is permitted to possess a handgun
17	in the courtroom of any court or a courthouse of this state.
18	(c) A person violating this section upon conviction is guilty of a
19	Class C misdemeanor.
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21	SECTION 2. Arkansas Code § 5-73-306 is amended to read as follows:
22	5-73-306. Prohibited places.
23	Except as permitted under $\S 5-73-322 \frac{(g)}{(g)}$ or $\S 5-73-327$, a license to
24	carry a concealed handgun issued under this subchapter does not authorize a
25	person to carry a concealed handgun into:
26	(1) Any \underline{A} police station, sheriff's station, or Department of
27	Arkansas State Police station;
28	(2) An Arkansas Highway Police Division of the Arkansas
29	Department of Transportation facility;
30	(3)(A) A building of the Arkansas Department of Transportation
31	or onto grounds adjacent to a building of the Arkansas Department of
32	Transportation.
33	(B) However, subdivision (3)(A) of this section does not
34	apply to:
35	(i) A rest area or weigh station of the Arkansas
36	Department of Transportation; or

1 (ii) A publicly owned and maintained parking lot 2 that is a publicly accessible parking lot if the licensee is carrying a 3 concealed handgun in his or her motor vehicle or has left the concealed 4 handgun in his or her locked and unattended motor vehicle in the publicly 5 owned and maintained parking lot; 6 (4) Any part of a detention facility, prison, or jail, including 7 without limitation a parking lot owned, maintained, or otherwise controlled 8 by the Department of Correction or Department of Community Correction; 9 (5) Any A courthouse, courthouse annex, or other building owned, 10 leased, or regularly used by a county for conducting court proceedings or 11 housing a county office unless: 12 (A) The licensee is: 13 (i) Employed by the county; 14 (ii) A countywide elected official; 15 (iii) A justice of the peace; or 16 (iv)(a) Employed by a governmental entity other than 17 the county with an office or place of employment inside the courthouse, the 18 courthouse annex, or other building owned, leased, or regularly used by the 19 county for conducting court proceedings or housing a county office. 20 (b) A licensee is limited to carrying a 21 concealed handgun under subdivision (5)(A)(iv)(a) of this section into the 22 courthouse, courthouse annex, or other building owned, leased, or regularly 23 used by the county for conducting court proceedings or housing a county 24 office where the office or place of employment of the governmental entity 25 that employs him or her is located; 26 (B) The licensee's principal place of employment is within 27 the courthouse, the courthouse annex, or other building owned, leased, or 28 regularly used by the county for conducting court proceedings or housing a 29 county office; and 30 The quorum court by ordinance approves a plan that (C) 31 allows licensees permitted under this subdivision (5) to carry a concealed 32 handgun into the courthouse, courthouse annex, or other building owned, 33 leased, or regularly used by a county for conducting court proceedings as set 34 out by the local security and emergency preparedness plan; 35 (6)(A) $\frac{Any}{A}$ courtroom. 36 (B) However, nothing in this subchapter precludes a judge

- 1 from carrying a concealed weapon or determining who will carry a concealed
- 2 weapon into his or her courtroom;
- 3 (7) Any \underline{A} meeting place of the governing body of any
- 4 governmental entity;
- 5 (8) Any \underline{A} meeting of the General Assembly or a committee of the
- 6 General Assembly;
- 7 (9) Any \underline{A} state office;
- 8 (10) Any An athletic event not related to firearms;
- 9 (11)(A) A portion of an establishment, except a restaurant as
- 10 defined in § 3-5-1202, licensed to dispense alcoholic beverages for
- 11 consumption on the premises.
- 12 (B) A person with a concealed carry endorsement under § 5-
- 13 73-322(g) who possesses an enhanced license to carry a concealed handgun
- 14 under § 5-73-327 and who is carrying a concealed handgun may not enter an
- 15 establishment under this section if the establishment either places a written
- 16 notice as permitted under subdivision (18) of this section or provides notice
- 17 under subdivision (19) of this section prohibiting a person with a license to
- 18 possess a concealed handgun at the physical location;
- 19 (12)(A) A portion of an establishment, except a restaurant as
- 20 defined in § 3-5-1202, where beer or light wine is consumed on the premises.
- 21 (B) A person with a concealed earry endorsement under § 5-
- 22 73-322(g) who possesses an enhanced license to carry a concealed handgun
- 23 under § 5-73-327 and who is carrying a concealed handgun may not enter an
- 24 establishment under this section if the establishment either places a written
- 25 notice as permitted under subdivision (18) of this section or provides notice
- 26 under subdivision (19) of this section prohibiting a person with a license to
- 27 possess a concealed handgun at the physical location;
- 28 (13)(A) A school, college, community college, or university
- 29 campus building or event.
- 30 (B) However, subdivision (13)(A) of this section does not
- 31 apply to:
- 32 (i) A kindergarten through grade twelve (K-12)
- 33 private school operated by a church or other place of worship that:
- 34 (a) Is located on the developed property of
- 35 the kindergarten through grade twelve (K-12) private school;
- 36 (b) Allows the licensee to carry a concealed

1 handgun into the church or other place of worship under this section; and 2 (c) Allows the licensee to possess a concealed 3 handgun on the developed property of the kindergarten through grade twelve 4 (K-12) private school under § 5-73-119(e); 5 (ii) A kindergarten through grade twelve (K-12) 6 private school or a prekindergarten private school that through its governing 7 board or director has set forth the rules and circumstances under which the 8 licensee may carry a concealed handgun into a building or event of the 9 kindergarten through grade twelve (K-12) private school or the 10 prekindergarten private school; 11 (iii) Participation in an authorized firearms-12 related activity; 13 (iv) Carrying a concealed handgun as authorized 14 under § 5-73-322 or § 5-73-327; or 15 (v) A publicly owned and maintained parking lot of a 16 college, community college, or university if the licensee is carrying a 17 concealed handgun in his or her motor vehicle or has left the concealed 18 handgun in his or her locked and unattended motor vehicle; 19 (14) Inside the passenger terminal of any airport, except that 20 no person is a person is not prohibited from carrying any legal firearm into 21 the passenger terminal if the firearm is encased for shipment for purposes of 22 checking the firearm as baggage to be lawfully transported on any aircraft; 23 (15)(A) Any A church or other place of worship. 24 (B) However, this subchapter does not preclude a church or 25 other place of worship from determining who may carry a concealed handgun 26 into the church or other place of worship. 27 (C) A person with a concealed carry endorsement under § 5-73-322(g) who possesses an enhanced license to carry a concealed handgun 28 29 under § 5-73-327 and who is carrying a concealed handgun may not enter a 30 church or other place of worship under this section if the church or other 31 place of worship either places a written notice as permitted under 32 subdivision (18) of this section or provides notice under subdivision (19) of 33 this section prohibiting a person with a license to possess a concealed 34 handgun at the physical location; 35

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by federal law;

(16) Any A place where the carrying of a firearm is prohibited

1 (17) Any A place where a parade or demonstration requiring a 2 permit is being held, and the licensee is a participant in the parade or 3 demonstration; 4 (18)(A)(i) Any \underline{A} place at the discretion of the person or entity 5 exercising control over the physical location of the place by placing at each 6 entrance to the place a written notice clearly readable at a distance of not 7 less than ten feet (10') that "carrying a handgun is prohibited". 8 (ii)(a) If the place does not have a roadway 9 entrance, there shall be a written notice placed anywhere upon the premises of the place. 10 11 (b) In addition to the requirement of 12 subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1) 13 written notice posted within every three (3) acres of a place with no roadway 14 entrance. 15 (iii) A written notice as described in subdivision 16 (18)(A)(i) of this section is not required for a private home. 17 (iv) Any licensee entering a private home shall 18 notify the occupant that the licensee is carrying a concealed handgun. 19 (B) Subdivision (18)(A) of this section does not apply if 20 the place is: 21 (i) A public university, public college, or 22 community college, as defined in § 5-73-322, and the licensee is carrying a 23 concealed handgun as provided under § 5-73-322 or § 5-73-327; 24 (ii) A publicly owned and maintained parking lot if 25 the licensee is carrying a concealed handgun in his or her motor vehicle or 26 has left the concealed handgun in his or her locked and unattended motor 27 vehicle; or 28 (iii) A parking lot of a private employer and the 29 licensee is carrying a concealed handgun as provided under § 5-73-326. 30 The person or entity exercising control over the 31 physical location of a place that does not use his, her, or its authority 32 under this subdivision (18) to prohibit a person from possessing a concealed 33 handgun is immune from a claim for monetary damages arising from or related 34 to the decision not to place at each entrance to the place a written notice

(19)(A)(i) A place owned or operated by a private entity that

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under this subdivision (18);

1 prohibits the carrying of a concealed handgun that posts a written notice as 2 described under subdivision (18)(A) of this section. 3 (ii)(a) A place owned or operated by a private 4 entity that chooses not to post a written notice as described under 5 subdivision (18)(A) of this section may provide written or verbal 6 notification to a licensee who is carrying a concealed handgun at the place 7 owned or operated by a private entity that carrying of a concealed handgun is 8 prohibited. 9 (b) A licensee who receives written or verbal 10 notification under subdivision (19)(A)(ii)(a) of this section is deemed to 11 have violated this subdivision (19) if the licensee while carrying a 12 concealed handgun either remains at or returns to the place owned or operated 13 by the private entity. 14 (B) A place owned or operated by a private entity under 15 this subdivision (19) includes without limitation: 16 (i) A private university or private college; 17 (ii) A church or other place of worship; 18 (iii) An establishment, except a restaurant as 19 defined in § 3-5-1202, licensed to dispense alcoholic beverages for 20 consumption on the premises; and 21 An establishment, except a restaurant as 22 defined in § 3-5-1202, where beer or light wine is consumed on the premises; 23 or 24 (20) A posted firearm-sensitive area, as approved by the 25 Department of Arkansas State Police under § 5-73-325, located at: 26 (A) The Arkansas State Hospital; 27 The University of Arkansas for Medical Sciences; or 28 (C) A collegiate athletic event. 29 30 SECTION 3. Arkansas Code § 5-73-322 is amended to read as follows: 31 5-73-322. Concealed handguns in a university, college, or community 32 college building. 33 (a)(1) As used in this section, "public university, public college, or 34 community college" means an institution that: 35 Regularly receives budgetary support from the state

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government;

- 1 (B) Is part of the University of Arkansas or Arkansas 2 State University systems; or
- 3 (C) Is required to report to the Arkansas Higher Education 4 Coordinating Board.
- 5 (2) "Public university, public college, or community college" 6 includes without limitation a public technical institute.
- 7 (3) "Public university, public college, or community college" 8 does not include a private university or private college solely because:
- 9 (A) Students attending the private university or private 10 college receive state-supported scholarships; or
- 11 (B) The private university or private college voluntarily 12 reports to the Arkansas Higher Education Coordinating Board.

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- (b) A The governing body of a public university, public college, or community college may choose to allow a licensee who has completed the training required under subsection (g) of this section may § 5-73-327 to possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college, whether owned or leased by the public university, public college, or community college, unless otherwise prohibited by this section, or § 5-73-306.
- (c)(1) A private university or private college may choose to permit a licensee may who has completed the training required under § 5-73-327 to possess a concealed handgun in the buildings and on the grounds of a the private university or private college unless otherwise prohibited by this section, or § 5-73-306 if the private university or private college does not adopt a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college.
- (2)(A) A private university or private college that adopts a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college shall post notices as described in § 5-73-306(18).
- 32 (B) A private university or private college that adopts a
 33 policy only allowing carrying of a concealed handgun under this section shall
 34 post notices as described in § 5-73-306(18) and subdivision (c)(2)(C) of this
 35 section.
 - (C) If a private university or private college permits

- 1 carrying a concealed handgun under this section, the private university or 2 private college may revise any sign or notice required to be posted under § 3 5-73-306(18) to indicate that carrying a concealed handgun under this section 4 is permitted. 5 The storage or possession of a handgun in a university or college-6 operated student dormitory, student housing, or residence hall is prohibited 7 under $\S 5-73-119(c)$ at all times. 8 (e)(1) A licensee who may carry a concealed handgun in the buildings 9 and on the grounds of a public university, public college, or community 10 college under this section may not carry a concealed handgun into a location 11 in which an official meeting lasting no more than nine (9) hours is being 12 conducted in accordance with documented grievance and disciplinary procedures 13 as established by the public university, public college, or community college 14 if: 15 (A) At least twenty-four (24) hours' notice is given to 16 participants of the official meeting; 17 (B) Notice is posted on the door of or each entryway into 18 the location in which the official meeting is being conducted that possession 19 of a concealed handgun by a licensee under this section is prohibited during the official meeting; and 20 21 (C) The area of a building prohibited under this 22 subdivision (e)(1) is no larger than necessary to complete the grievance or 23 disciplinary meeting. 24 (2) A person who knowingly violates subdivision (e)(1) of this 25 section upon conviction is guilty of: 26 (A) A violation for a first offense and subject to a fine 27 not exceeding one hundred dollars (\$100); and 28 (B) A Class C misdemeanor for a second or subsequent 29 offense. 30 (f) This section does not affect a licensee's ability to store a concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v). 31 32 (g)(1) A licensee who intends to carry a concealed handgun in the
 - (2)(A) Training required under this subsection shall:

community college is required to complete a training course approved by the

buildings and on the grounds of a public university, public college, or

Director of the Department of Arkansas State Police.

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1	(1) NOT be required to be renewed;
2	(ii) Consist of a course of up to eight (8) hours;
3	(iii) Be offered by all training instructors and at
4	all concealed carry training courses; and
5	(iv) Cost no more than a nominal amount.
6	(B) The Director of the Department of Arkansas State
7	Police may waive up to four (4) hours of training required under this
8	subsection for a licensee based on the licensee's prior training attended
9	within ten (10) years of applying for the endorsement provided for under
10	subdivision (g)(3) of this section on appropriate topics.
11	(3) A licensee who completes a training course under this
12	subsection shall be given a concealed carry endorsement by the Department of
13	Arkansas State Police on his or her license to carry a concealed handgun that
14	the person is permitted to possess and carry a concealed handgun in the
15	buildings and on the grounds of a public university, public college, or
16	community college.
17	(h) A licensee who completes a training course and obtains a concealed
18	carry endorsement under subsection (g) of this section is exempted from the
19	prohibitions and restrictions on:
20	(1) Carrying a firearm in a publicly owned building or facility
21	under § 5-73-122, if the firearm is a concealed handgun; and
22	(2) Carrying a concealed handgun in a prohibited place listed
23	under § 5-73-306(7)-(12), (14), (15), and (17), unless otherwise prohibited
24	under § 5-73-306(19) or § 5-73-306(20).
25	(i) The department shall maintain a list of licensees who have
26	successfully completed a training course under subsection (g) of this
27	section.
28	(j)(l) Unless possession of a concealed handgun is a requirement of a
29	licensee's job description, the possession of a concealed handgun under this
30	section is a personal choice made by the licensee and not a requirement of
31	the employing public university, public college, or community college.
32	(2) A licensee who possesses a concealed handgun in the
33	buildings and on the grounds of a public university, public college, or
34	community college at which the licensee is employed is not:
35	(A) Acting in the course of or scope of his or her
36	employment when possessing or using a concealed handgun:

1	(B) Entitled to worker's compensation benefits for
2	injuries arising from his or her own negligent acts in possessing or using a
3	concealed handgun;
4	(C) Immune from personal liability with respect to
5	possession or use of a concealed handgun; or
6	(D) Permitted to carry a concealed handgun openly or in
7	any other manner in which the concealed handgun is visible to ordinary
8	observation.
9	(3) A public university, public college, or community college is
10	immune from a claim for monetary damages arising from or related to a
11	licensee's use of, or failure to use, a concealed handgun if the licensee
12	elects to possess a concealed handgun under this section.
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14	SECTION 4. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
15	to add an additional section to read as follows:
16	5-73-327. Enhanced license to carry a concealed handgun.
17	(a) The Director of the Department of Arkansas State Police shall
18	grant an enhanced license to carry a concealed handgun to a licensee who
19	successfully completes training required under this section.
20	(b)(l) Training required under this section shall:
21	(A) Not be required to be renewed;
22	(B) Consist of a course of up to eight (8) hours;
23	(C) Be offered by all training instructors and at all
24	concealed carry training courses; and
25	(D) Cost no more than a nominal amount.
26	(2) The director may waive up to four (4) hours of training on
27	appropriate topics required under this section based on the licensee's prior
28	training attended within ten (10) years of applying for the enhanced license
29	to carry a concealed handgun.
30	(c) An enhanced license to carry a concealed handgun exempts the
31	licensee from the prohibitions and restrictions on:
32	(1) Carrying a firearm in a publicly owned building or facility
33	under § 5-73-122, unless otherwise prohibited, if the firearm is a concealed
34	handgun; and
35	(2) Carrying a concealed handgun in the following otherwise
36	<pre>prohibited places:</pre>

1	(A) A meeting place of the governing body of any	
2	governmental entity, unless otherwise prohibited under § 5-73-122;	
3	(B) A meeting of the General Assembly or a committee of	
4	the General Assembly, unless otherwise prohibited under § 5-73-122;	
5	(C) A state office, unless otherwise prohibited under § 5-	
6	<u>73-122;</u>	
7	(D) An athletic event not related to firearms, unless	
8	otherwise prohibited under § 5-73-122, or if the athletic event is sponsored	
9	by a school, kindergarten through grade twelve (K-12) school, or a public	
10	college, public university, or community college;	
11	(E) A portion of an establishment, except a restaurant as	
12	defined in § 3-5-1202, licensed to dispense alcoholic beverages for	
13	consumption on the premises or where beer or light wine is consumed on the	
14	premises, except that a licensee who possesses an enhanced license to carry a	
15	concealed handgun under this section and who is carrying a concealed handgun	
16	may not enter an establishment under this subdivision (c)(2) if the	
17	establishment either places a written notice as permitted under § 5-73-	
18	306(18) or provides notice under § 5-73-306(19) prohibiting a licensee to	
19	possess a concealed handgun at the physical location;	
20	(F) Inside the passenger terminal of an airport, except	
21	that a person is not prohibited from carrying any legal firearm into the	
22	passenger terminal if the firearm is encased for shipment for purposes of	
23	checking the firearm as baggage to be lawfully transported on any aircraft;	
24	(G) A church or other place of worship, except that a	
25	licensee who possesses an enhanced license to carry a concealed handgun and	
26	who is carrying a concealed handgun may not enter a church or other place of	
27	worship without the express permission of the church or other place of	
28	worship if the church or other place of worship either places a written	
29	notice as permitted under $\S 5-73-306(18)$ or provides notice under $\S 5-73-$	
30	306(19) prohibiting a licensee to possess a concealed handgun at the physical	
31	location; or	
32	(H) A place where a parade or demonstration requiring a	
33	permit is being held, and the licensee is a participant in the parade or	
34	demonstration.	
35	(d) The Department of Arkansas State Police shall maintain a list of	
36	licensees who have successfully completed the training required under this	

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