

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1284

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
10 THE ARKANSAS CODE CONCERNING LAW ENFORCEMENT,
11 EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15
16 TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
17 OF THE ARKANSAS CODE CONCERNING LAW
18 ENFORCEMENT, EMERGENCY MANAGEMENT, AND
19 MILITARY AFFAIRS.
20
21

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

24 SECTION 1. Arkansas Code § 12-9-124(a)(1), concerning appointment of
25 part-time law enforcement officers by a political subdivision, is amended to
26 read as follows to add clarifying language:

27 (a)(1) A political subdivision may appoint a number of part-time law
28 enforcement officers equal to two (2) part-time law enforcement officers for
29 each full-time certified law enforcement officer employed full-time by and
30 receiving a salary from the appointing political subdivision's law
31 enforcement agency.
32

33 SECTION 2. Arkansas Code § 12-10-329(c), concerning fire protection
34 district maps, is amended to read as follows to delete obsolete language:

35 (c) The board shall incorporate the fire protection district maps
36 under this section into next generation 911 ~~no later than January 1, 2022.~~



SECTION 3. Arkansas Code § 12-12-930, concerning notice requirements when an owner, operator, lessee, or administrator of a childcare facility is married to a sex offender, is repealed because the section is being added as Arkansas Code § 20-78-229 by Section 7 of this act.

~~12-12-930. Notice requirement when owner, operator, lessee, or administrator of childcare facility is married to sex offender — Definition.~~

~~(a) As used in this section, "sex offender" means a:~~

~~(1) Level 2 sex offender whose information is made public under § 12-12-913(j)(1)(B);~~

~~(2) Level 3 sex offender; or~~

~~(3) Level 4 sex offender.~~

~~(b) If an owner, operator, lessee, or administrator of a childcare facility is married to a sex offender, the owner, operator, lessee, or administrator shall provide notification in writing or by email to the parent, legal guardian, person having lawful control, or person standing in loco parentis of a child who attends the childcare facility that:~~

~~(1) The owner, operator, lessee, or administrator is married to a sex offender; and~~

~~(2) The sex offender will not be present on the premises of the childcare facility while children are present.~~

SECTION 4. Arkansas Code § 12-15-202, concerning the eligibility of certain persons to carry a concealed handgun, is amended to read as follows to delete language that is being added as Arkansas Code §§ 12-15-203, 12-15-204, 12-15-205, and 12-15-206 by Section 5 of this act and to add clarifying language:

12-15-202. Eligibility to carry concealed handgun — Active or retired law enforcement officer.

(a) A certified law enforcement officer, or auxiliary law enforcement officer, ~~employee of a local detention facility, prosecuting attorney, deputy prosecuting attorney designated by the prosecuting attorney, or emergency medical technician~~ may carry a concealed handgun at any time if the certified law enforcement officer, or auxiliary law enforcement officer, ~~employee of a local detention facility, prosecuting attorney, deputy prosecuting attorney designated by the prosecuting attorney, or emergency medical technician:~~

(1) Is presently+

~~(A) Employed~~ employed by a public law enforcement department, law enforcement office, or law enforcement agency, ~~local detention facility, or prosecuting attorney;~~

~~(B) Holding the office of prosecuting attorney; or~~

~~(C) Working as an emergency medical technician;~~

(2) Is not subject to any disciplinary action that suspends his or her authority as a certified law enforcement officer, or auxiliary law enforcement officer, ~~employee of a local detention facility, prosecuting attorney, deputy prosecuting attorney designated by the prosecuting attorney, or emergency medical technician;~~

(3) Is carrying a badge or appropriate written photographic identification issued by the public law enforcement department, law enforcement office, or law enforcement agency, ~~local detention facility, prosecuting attorney, or state licensing agency~~ identifying him or her as a certified law enforcement officer, or auxiliary law enforcement officer, ~~employee of a local detention facility, prosecuting attorney, deputy prosecuting attorney designated by the prosecuting attorney, or emergency medical technician;~~

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

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

(6) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.

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

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

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

(C) Is carrying appropriate written photographic

1 identification issued by a public law enforcement department, law enforcement
 2 office, or law enforcement agency identifying him or her as a retired and
 3 former certified law enforcement officer;

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

6 (E) Has fingerprint impressions on file with the system
 7 together with written authorization for state and national level criminal
 8 history record screening;

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

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

16 (H) Is not under the influence of or consuming alcohol or
 17 another intoxicating or hallucinatory drug or substance.

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

22 (B) The Director of the Division of Arkansas State Police
 23 shall keep a record of all retired Department of Arkansas State Police or
 24 Division of Arkansas State Police officers authorized to carry a concealed
 25 handgun in the state and shall revoke any authorization for good cause shown.

26 ~~(3)(A) A concealed handgun may be carried by a retired~~
 27 ~~prosecuting attorney or a retired deputy prosecuting attorney designated by~~
 28 ~~the prosecuting attorney who:~~

29 ~~(i) Retired in good standing from service with a~~
 30 ~~prosecuting attorney's office for reasons other than mental disability;~~

31 ~~(ii) Immediately before retirement was authorized to~~
 32 ~~carry a firearm in the course and scope of his or her duties;~~

33 ~~(iii) Is carrying appropriate written photographic~~
 34 ~~identification issued by a prosecuting attorney's office, identifying him or~~
 35 ~~her as a retired prosecuting attorney or a retired deputy prosecuting~~
 36 ~~attorney designated by the prosecuting attorney;~~

~~(iv) Is not otherwise prohibited under federal law from receiving or possessing a firearm;~~

~~(v) Has fingerprint impressions on file with the system together with written authorization for state and national level criminal history record screening;~~

~~(vi) During the most recent twelve month period has met the statutory requirements of § 16-21-147(b)(4);~~

~~(vii) Before his or her retirement, worked or was employed as a prosecuting attorney or as a deputy prosecuting attorney for an aggregate of ten (10) years or more; and~~

~~(viii) Is not under the influence of or consuming alcohol or another intoxicating or hallucinatory drug or substance.~~

~~(B) A prosecuting attorney shall keep a record of all retired prosecuting attorneys and retired deputy prosecuting attorneys designated by the prosecuting attorney authorized to carry a concealed handgun in his or her jurisdiction and may revoke any authorization only for good cause shown and not for an arbitrary or capricious reason.~~

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

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

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

(d) A certified or retired law enforcement officer, or active or retired auxiliary law enforcement officer, ~~active or retired prosecuting attorney, active or retired deputy prosecuting attorney designated by the prosecuting attorney, current or former district court judge, circuit court judge, Court of Appeals judge, or Supreme Court justice, or emergency medical~~

1 ~~technician~~ carrying a concealed handgun under this section is not subject to
2 the prohibitions and limitations of § 5-73-306.

3 (e)(1) Any presently employed certified law enforcement officer
4 authorized by another state to carry a concealed handgun shall be entitled to
5 the same privilege while in this state, but subject to the same restrictions
6 of this section, provided that the state which has authorized the officer to
7 carry a concealed handgun extends the same privilege to presently employed
8 Arkansas-certified law enforcement officers.

9 (2) The director shall make a determination as to which states
10 extend the privilege to carry a concealed handgun to presently employed
11 Arkansas-certified law enforcement officers and shall then determine which
12 states' officers' authority to carry concealed handguns will be recognized in
13 Arkansas.

14 ~~(f) A concealed handgun may be carried by a current or former district~~
15 ~~court judge, circuit court judge, Court of Appeals judge, or Supreme Court~~
16 ~~justice who:~~

17 ~~(1) Is not otherwise prohibited under federal law from receiving~~
18 ~~or possessing a firearm; and~~

19 ~~(2) Is not under the influence of or consuming alcohol or~~
20 ~~another intoxicating or hallucinatory drug or substance.~~

21 ~~(g) An emergency medical technician may only carry a concealed handgun~~
22 ~~under this section if during the most recent twelve-month period he or she~~
23 ~~has met at his or her expense the standards of this state for training and~~
24 ~~qualification for active law enforcement officers to carry firearms.~~

25
26 SECTION 5. Arkansas Code Title 12, Chapter 15, Subchapter 2,
27 concerning authorization to carry a concealed handgun, is amended to add new
28 sections based on language deleted from § 12-15-202 by Section 4 of this act:

29 12-15-203. Eligibility to carry concealed handgun – Employee of a
30 local detention facility.

31 An employee of a local detention facility may carry a concealed handgun
32 at any time if the employee of a local detention facility:

33 (1) Is presently employed by a local detention facility;

34 (2) Is not subject to any disciplinary action that suspends his
35 or her authority as an employee of a local detention facility;

36 (3) Is carrying a badge or appropriate written photographic

1 identification issued by the local detention facility identifying him or her
2 as an employee of a local detention facility;

3 (4) Is not otherwise prohibited under federal law from receiving
4 or possessing a firearm;

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

7 (6) Has fingerprint impressions on file with the Division of
8 Arkansas State Police automated fingerprint identification system.

9
10 12-15-204. Eligibility to carry concealed handgun – Active or retired
11 prosecuting attorney or deputy prosecuting attorney.

12 (a) A prosecuting attorney or deputy prosecuting attorney designated
13 by the prosecuting attorney may carry a concealed handgun at any time if the
14 prosecuting attorney or deputy prosecuting attorney designated by the
15 prosecuting attorney:

16 (1) Is presently holding the office of prosecuting attorney or
17 is presently employed by a prosecuting attorney;

18 (2) Is not subject to any disciplinary action that suspends his
19 or her authority as a prosecuting attorney or deputy prosecuting attorney
20 designated by the prosecuting attorney;

21 (3) Is carrying a badge or appropriate written photographic
22 identification issued by the prosecuting attorney identifying him or her as a
23 prosecuting attorney or deputy prosecuting attorney designated by the
24 prosecuting attorney;

25 (4) Is not otherwise prohibited under federal law from receiving
26 or possessing a firearm;

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

29 (6) Has fingerprint impressions on file with the Division of
30 Arkansas State Police automated fingerprint identification system.

31 (b)(1) A concealed handgun may be carried by a retired prosecuting
32 attorney or a retired deputy prosecuting attorney designated by the
33 prosecuting attorney who:

34 (A) Retired in good standing from service with a
35 prosecuting attorney's office for reasons other than mental disability;

36 (B) Immediately before retirement was authorized to carry

1 a firearm in the course and scope of his or her duties;

2 (C) Is carrying appropriate written photographic
3 identification issued by a prosecuting attorney's office, identifying him or
4 her as a retired prosecuting attorney or a retired deputy prosecuting
5 attorney designated by the prosecuting attorney;

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

8 (E) Has fingerprint impressions on file with the system
9 together with written authorization for state and national level criminal
10 history record screening;

11 (F) During the most recent twelve-month period has met the
12 statutory requirements of § 16-21-147(b)(4);

13 (G) Before his or her retirement, worked or was employed
14 as a prosecuting attorney or as a deputy prosecuting attorney for an
15 aggregate of ten (10) years or more; and

16 (H) Is not under the influence of or consuming alcohol or
17 another intoxicating or hallucinatory drug or substance.

18 (2) A prosecuting attorney shall keep a record of all retired
19 prosecuting attorneys and retired deputy prosecuting attorneys designated by
20 the prosecuting attorney authorized to carry a concealed handgun in his or
21 her jurisdiction and may revoke any authorization only for good cause shown
22 and not for an arbitrary or capricious reason.

23 (c) An active or retired prosecuting attorney or active or retired
24 deputy prosecuting attorney designated by the prosecuting attorney carrying a
25 concealed handgun under this section is not subject to the prohibitions and
26 limitations of § 5-73-306.

27
28 12-15-205. Eligibility to carry concealed handgun – Emergency medical
29 technician.

30 (a) An emergency medical technician may carry a concealed handgun at
31 any time if the emergency medical technician:

32 (1) Is presently working as an emergency medical technician;

33 (2) Is not subject to any disciplinary action that suspends his
34 or her authority as an emergency medical technician;

35 (3) Is carrying a badge or appropriate written photographic
36 identification issued by a state licensing agency identifying him or her as

1 an emergency medical technician;

2 (4) Is not otherwise prohibited under federal law from receiving
3 or possessing a firearm;

4 (5) Is not under the influence of alcohol or another
5 intoxicating or hallucinatory drug or substance; and

6 (6) Has fingerprint impressions on file with the Division of
7 Arkansas State Police automated fingerprint identification system.

8 (b) An emergency medical technician carrying a concealed handgun under
9 this section is not subject to the prohibitions and limitations of § 5-73-
10 306.

11 (c) An emergency medical technician may only carry a concealed handgun
12 under this section if during the most recent twelve-month period he or she
13 has met at his or her expense the standards of this state for training and
14 qualification for active law enforcement officers to carry firearms.

15
16 12-15-206. Eligibility to carry concealed handgun – Current or former
17 judge or justice.

18 (a) A concealed handgun may be carried by a current or former district
19 court judge, circuit court judge, Court of Appeals judge, or Supreme Court
20 justice who:

21 (1) Is not otherwise prohibited under federal law from receiving
22 or possessing a firearm; and

23 (2) Is not under the influence of or consuming alcohol or
24 another intoxicating or hallucinatory drug or substance.

25 (b) A current or former district court judge, circuit court judge,
26 Court of Appeals judge, or Supreme Court justice carrying a concealed handgun
27 under this section is not subject to the prohibitions and limitations of § 5-
28 73-306.

29
30 SECTION 6. Arkansas Code § 12-61-112(b)-(c), concerning the ordering
31 of the militia into active service, is amended to read as follows to clarify
32 references and make stylistic changes:

33 (b) An officer or enlisted ~~personnel member~~ member of the organized militia
34 shall not be arrested on any warrant except for treason or felony while going
35 to, remaining at, or returning from a place where ~~they are~~ the officer or
36 enlisted member is ordered to attend for military duty.

(c) ~~Whenever~~ When any part of the organized militia of the state is on active duty by order of the Governor in the enforcement of the law or executing the orders of the Commander-in-Chief, the commanding officer of ~~the troops~~ that part of the organized militia may order the closing of any place where arms, ammunition, dynamite, or other explosives are sold and restrict or forbid the selling, bartering, lending, or giving away of any arms, ammunition, dynamite, or other explosives so long as any of ~~the troops remain~~ that part of the organized militia remains on duty in the place, or in the vicinity of where the place may be located, whether any civil officer has forbidden the same or not.

SECTION 7. Arkansas Code Title 20, Chapter 78, Subchapter 2, concerning the Childcare Facility Licensing Act, is amended to add a new section that was repealed by Section 3 of this act:

20-78-229. Notice requirement when owner, operator, lessee, or administrator of childcare facility is married to sex offender – Definition.

(a) As used in this section, “sex offender” means a:

(1) Level 2 sex offender whose information is made public under § 12-12-913(j)(1)(B);

(2) Level 3 sex offender; or

(3) Level 4 sex offender.

(b) If an owner, operator, lessee, or administrator of a childcare facility is married to a sex offender, the owner, operator, lessee, or administrator shall provide notification in writing or by email to the parent, legal guardian, person having lawful control, or person standing in loco parentis of a child who attends the childcare facility that:

(1) The owner, operator, lessee, or administrator is married to a sex offender; and

(2) The sex offender will not be present on the premises of the childcare facility while children are present.

SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

1 (2) To the extent that a conflict exists between an act of the
2 regular session of the Ninety-Fourth General Assembly and this act:

3 (A) The act of the regular session of the Ninety-Fourth
4 General Assembly shall be treated as a subsequent act passed by the General
5 Assembly for the purposes of:

6 (i) Giving the act of the regular session of the
7 Ninety-Fourth General Assembly its full force and effect; and

8 (ii) Amending or repealing the appropriate parts of
9 the Arkansas Code of 1987; and

10 (B) Section 1-2-107 shall not apply; and

11 (3) This act shall make only technical, not substantive, changes
12 to the Arkansas Code of 1987.