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89th General Assembly  
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As Engrossed: H3/1/13  
**A Bill**

HOUSE BILL 1417

By: Representatives Harris, Vines, Bell, *Wright, Ballinger, C. Douglas, Fite, Hobbs, Wardlaw, Womack, Wren*

### For An Act To Be Entitled

AN ACT TO EXTEND THE CONCEALED HANDGUN LICENSE EXEMPTION TO CURRENT AND FORMER CERTIFIED LAW ENFORCEMENT OFFICERS, AUXILIARY LAW ENFORCEMENT OFFICERS, BAILIFFS, AND RETIRED LAW ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES.

### Subtitle

TO EXTEND THE CONCEALED HANDGUN LICENSE EXEMPTION TO CURRENT AND FORMER CERTIFIED LAW ENFORCEMENT OFFICERS, AUXILIARY LAW ENFORCEMENT OFFICERS, BAILIFFS, AND RETIRED LAW ENFORCEMENT OFFICERS.

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

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

5-73-304. Exemptions.

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

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

(2) Solely for purposes of this subchapter, an auxiliary law



enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

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

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

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

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

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

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

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

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

(i) In writing;

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

(iii) Produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places

under § 5-73-306; and

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

(A) Was not terminated;

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

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

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

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

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

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

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

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

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

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

(7) Has fingerprint impressions on file with the Department 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, office, or agency for reasons other than mental

disability;

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

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

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

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

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

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

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

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

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

*/s/Harris*

**APPROVED: 03/15/2013**