

Stricken language would be deleted from and underlined language would be added to present law.
Act 859 of the Regular Session

State of Arkansas As Engrossed: S3/21/17 S3/23/17 S3/23/17 H3/29/17

91st General Assembly

Regular Session, 2017

A Bill

SENATE BILL 724

By: Senator J. Dismang

For An Act To Be Entitled

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

Subtitle

CONCERNING POSSESSION OF A CONCEALED HANDGUN ON THE PREMISES AND ON THE GROUNDS OF A TEACHING HOSPITAL AND OTHER LOCATIONS; AND CONCERNING THE POSSESSION OF A CONCEALED HANDGUN AT A PRIVATE UNIVERSITY OR PRIVATE COLLEGE.

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

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

(11) "Collegiate athletic event" means a sporting or athletic contest, event, or practice of an individual or team of individuals in which one (1) or more individuals or a team of individuals sponsored by, funded by, represented by, or associated with a public or private university, college, or community college competes against themselves or another individual or



team of individuals.

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

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

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

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

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

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

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

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

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

(b) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Department of

Correction or the Department of Community Correction;

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

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

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

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

(iv) A posted firearm-sensitive area, as approved by the Department of Arkansas State Police under § 5-73-325, located at:

(a) The Arkansas State Hospital;

(b) The University of Arkansas for Medical Sciences; or

(c) A collegiate athletic event.

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

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

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

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

SECTION 3. Arkansas Code § 5-73-301, concerning definitions involving the carrying of a concealed handgun, is amended to add an additional

subdivision to read as follows:

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

SECTION 4. Arkansas Code § 5-73-306(11) and (12), concerning certain establishments that sell alcohol and are places that may prohibit the possession of a concealed handgun, as amended by Acts 2017, No. 562, is amended to read as follows:

(11)(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises.

(B) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(12)(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises.

(B) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

SECTION 5. Arkansas Code § 5-73-306(15), concerning certain churches or other places of worship that may prohibit the possession of a concealed handgun, as amended by Acts 2017, No. 562, is amended to read as follows:

(15)(A) Any church or other place of worship.

(B) However, this subchapter does not preclude a church or other place of worship from determining who may carry a concealed handgun into the church or other place of worship.

(C) A person with a concealed carry endorsement under § 5-73-322(g) and who is carrying a concealed handgun may not enter a church or

other place of worship under this section if the church or other place of worship either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

SECTION 6. Arkansas Code § 5-73-306(17) and (18), concerning places where carrying a concealed handgun by a concealed handgun licensee is prohibited, as amended by Acts 2017, No. 562, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(19)(A)(i) A place owned or operated by a private entity that prohibits the carrying of a concealed handgun that posts a written notice as described under subdivision (18)(A) of this section.

(ii)(a) A place owned or operated by a private entity that chooses not to post a written notice as described under subdivision (18)(A) of this section may provide written or verbal notification to a licensee who is carrying a concealed handgun at the place owned or operated by a private entity that carrying of a concealed handgun is prohibited.

(b) A licensee who receives written or verbal notification under subdivision (19)(A)(ii)(a) of this section is deemed to have violated this subdivision (19) if the licensee while carrying a concealed handgun either remains at or returns to the place owned or operated by the private entity.

(B) A place owned or operated by a private entity under this subdivision (19) includes without limitation:

(i) A private university or private college;
(ii) A church or other place of worship;
(iii) An establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises; and

(iv) An establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises;
or

(20) A posted firearm-sensitive area, as approved by the Department of Arkansas State Police under § 5-73-325, located at:

(A) The Arkansas State Hospital;

(B) The University of Arkansas for Medical Sciences; or

(C) A collegiate athletic event.

SECTION 7. Arkansas Code § 5-73-322(h), concerning the endorsement to carry a concealed handgun, as amended by Acts 2017, No. 562, is amended to read as follows:

(h) A licensee who completes a training course and obtains ~~an~~ a concealed carry endorsement under subsection (g) of this section is exempted from the prohibitions and restrictions on:

(1) Carrying a firearm in a publicly owned building or facility under § 5-73-122, if the firearm is a concealed handgun; and

(2) Carrying a concealed handgun in a prohibited place listed under § 5-73-306(7)-(12), (14), (15), and (17), unless otherwise prohibited under § 5-73-306(19) or § 5-73-306(20).

SECTION 8. Arkansas Code § 5-73-322(j)(3), concerning immunity of a public university, public college, or community college, as amended by Acts 2017, No. 562, is amended to read as follows:

(3) A public university, public college, or community college is immune from a claim for monetary damages arising from or related to a licensee's use of, or failure to use, a concealed handgun, ~~if the licensee is employed by the public university, public college, or community college against whom the claim is filed and~~ if the licensee elects to possess the a concealed handgun under this section.

SECTION 9. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended to add an additional section to read as follows:

5-73-325. Firearm-sensitive areas – Security plan approval.

(a)(1) The following entities may submit a security plan to the Department of Arkansas State Police for approval that designates certain areas as a firearm-sensitive area where possession of a concealed handgun by a licensee under this subchapter is prohibited:

(A) The Arkansas State Hospital;

(B) The University of Arkansas for Medical Sciences; and

(C)(i) An institution of higher education that hosts or sponsors a collegiate athletic event.

(ii) A firearm-sensitive area under subdivision (a)(1)(C)(i) of this section is limited to an area where a collegiate athletic event is held.

(2) A security plan submitted under this section shall include the following information and corresponding security measures:

- (A) Total projected attendance;
- (B) Number of entrances and exits;
- (C) Number of on-site private security personnel;
- (D) Number of on-site law enforcement officers;
- (E) Number of on-site first responders;
- (F) Location of parking areas and number of motor vehicles projected to use the parking areas;
- (G) Routes for emergency vehicles;
- (H) Locations of all restrooms, stairs, and elevators;
- (I) Evacuation procedures;
- (J) Security communication protocol;
- (K) Location of emergency vehicles;
- (L) Public communication protocol; and
- (M) Bomb threat and active shooter procedures.

(b) Security measures under this section shall include without limitation:

- (1) Security personnel or law enforcement officers on-site;
- (2) Use of a magnetometer or other metal-detecting device designed to detect a weapon;
- (3) Barricades; or
- (4) Other measures or devices designed to protect the public from a security threat.

(c)(1) An entity shall submit a security plan to the department under this section annually or no later than five (5) days before a scheduled collegiate athletic event.

(2) The department shall approve or disapprove a security plan for a scheduled collegiate athletic event within seventy-two (72) hours of the receipt of the security plan.

(3) Otherwise the department shall approve or disapprove a security plan within ten (10) business days.

(d) Upon approval of a security plan, an entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

(e) A security plan submitted under this section is exempt from public

disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 10. DO NOT CODIFY. Effective date.

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

/s/J. Dismang

APPROVED: 04/03/2017