

State of Arkansas
93rd General Assembly
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As Engrossed: S3/15/21

A Bill

SENATE BILL 467

By: Senator T. Garner

For An Act To Be Entitled

AN ACT PERMITTING AN EMERGENCY MEDICAL TECHNICIAN TO POSSESS AND CARRY A CONCEALED HANDGUN WITHOUT A LICENSE TO CARRY A CONCEALED HANDGUN; AND FOR OTHER PURPOSES.

Subtitle

PERMITTING AN EMERGENCY MEDICAL TECHNICIAN TO POSSESS AND CARRY A CONCEALED HANDGUN WITHOUT A LICENSE TO CARRY A CONCEALED HANDGUN.

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

SECTION 1. Arkansas Code § 12-15-202 is amended to read as follows:
12-15-202. Eligibility to carry concealed handgun.

(a) ~~Any~~ A certified law enforcement officer, auxiliary law enforcement officer, employee of a local detention facility, prosecuting attorney, ~~or 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, auxiliary law enforcement officer, employee of a local detention facility, prosecuting attorney, ~~or deputy prosecuting attorney designated by the prosecuting attorney,~~ or emergency medical technician:

(1) Is presently ~~in the employ of a:~~

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

~~(4)~~(3) Is carrying a badge ~~and~~ 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, auxiliary law enforcement officer, employee of a local detention facility, prosecuting attorney, ~~or deputy prosecuting attorney designated by the prosecuting attorney, or emergency medical technician;~~

~~(5)~~(4) Is not otherwise prohibited under federal law;

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

~~(7)~~(6) Has fingerprint impressions on file with the Division of Arkansas State Police ~~Automated Fingerprint Identification System~~ 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 system together with written authorization for state and national level criminal history record screening;

(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 or consuming 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 Division of Arkansas State Police shall keep a record of all retired Department of Arkansas State Police or Division of Arkansas State Police officers authorized to carry a concealed handgun in the state and shall revoke any authorization for good cause shown.

(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) ~~Any certified law enforcement officer~~ A certified or retired law enforcement officer, active or retired auxiliary law enforcement officer, active or retired prosecuting attorney, active or retired deputy prosecuting attorney, or emergency medical technician carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

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

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

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

SECTION 2. Arkansas Code Title 16, Chapter 120, Subchapter 8, is amended to add an additional section to read as follows:

16-120-804. Possession of concealed handgun by emergency medical technician.

(a) A business entity, owner or legal possessor of property, or private employer is not liable in a civil action for damages, injuries, or death resulting from or arising out of an employee's actions involving a handgun lawfully possessed by an emergency medical technician under § 12-15-202, when the employee is the emergency medical technician, including without limitation the theft of a handgun from an employee's private motor vehicle, unless the business entity, owner or legal possessor of property, or private employer intentionally solicited or procured the other person's actions.

(b) A concealed handgun lawfully possessed by an emergency medical technician does not solely constitute a failure on the part of a private employer to provide a safe workplace.

(c) A private employer may terminate an emergency medical technician for flagrantly or unreasonably displaying a handgun in plain sight of others at the private employer's place of business or in plain sight in an employee's motor vehicle.

/s/T. Garner

APPROVED: 4/27/21