

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/25/13

# A Bill

HOUSE BILL 2014

By: Representative Bell

## For An Act To Be Entitled

AN ACT TO PROVIDE THAT AN EMPLOYEE OF A DETENTION FACILITY MAY CARRY A FIREARM; TO REQUIRE FIREARM TRAINING; AND FOR OTHER PURPOSES.

### Subtitle

TO PROVIDE THAT AN EMPLOYEE OF A DETENTION FACILITY MAY CARRY A FIREARM; AND TO REQUIRE FIREARM TRAINING.

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

*SECTION 1. Arkansas Code § 5-73-304, as amended by Acts 2013, No. 415, 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 or employee of a local detention facility is exempt from the licensing requirements of this subchapter if the auxiliary law enforcement officer or employee of a local detention facility:

(1) Has If an 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

(2) 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 that has appointed the auxiliary law enforcement officer or employs the employee of a local detention facility.

(c) The authorization prescribed in subdivision (b)(2) of this section shall be carried on the person of the auxiliary law enforcement officer or employee of a local detention facility 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.

(d) As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(A) Securing a local detention facility;

(B) Monitoring inmates in a local detention facility; and

(C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position.

SECTION 2. Arkansas Code § 12-15-201, as amended by Acts 2013, No. 415, concerning definitions related to concealed handgun permits, is amended to add new definitions to read as follows:

(5) "Employee of a local detention facility" means a person who:

(A) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(i) Securing a local detention facility;

(ii) Monitoring inmates in a local detention facility; or

(iii) Administering the daily operation of the local detention facility;

(B) Has completed the minimum training requirements; and

(C) Has obtained authorization from the chief of police of the law enforcement agency or county sheriff and the authorization is:

(i) In writing;

(ii) In the possession of the employee of a local detention facility; 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

(6) "Local detention facility" means a jail or other facility that is operated by a municipal police force or a county sheriff for the purpose of housing persons charged with or convicted of a criminal offense.

SECTION 3. Arkansas Code § 12-15-202(a), as amended by Acts 2013, No. 415, concerning the eligibility to carry a concealed handgun for law enforcement officers, is amended to read as follows:

(a) Any certified law enforcement officer, ~~or~~ auxiliary law enforcement officer acting as an auxiliary law enforcement officer, or employee of a local detention facility may carry a concealed handgun if that officer or employee:

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

(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) Is not subject to any disciplinary action that suspends his or her authority as a law enforcement officer or employee of a local detention facility by the public law enforcement department, office, or agency;

(4) 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 or employee of a local detention facility;

(5) 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.*

*/s/Bell*