

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

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A Bill

HOUSE BILL 1077

By: Representatives Collins, Ballinger, Bentley, Brown, Dotson, C. Douglas, Drown, C. Fite, Gates, Gonzales, M. Gray, Harris, Henderson, House, Lemons, Lowery, Payton, Petty, Pitsch, Richmond, Rushing, B. Smith, Sullivan, Tosh, Wallace, Wardlaw, Womack
By: Senators Hester, Collins-Smith

For An Act To Be Entitled

AN ACT CONCERNING THE POSSESSION OF A CONCEALED
HANDGUN IN A UNIVERSITY, COLLEGE, OR COMMUNITY
COLLEGE BUILDING; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE POSSESSION OF A CONCEALED
HANDGUN IN A UNIVERSITY, COLLEGE, OR
COMMUNITY COLLEGE BUILDING.

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

SECTION 1. Arkansas Code § 5-73-322 is amended to read as follows:

5-73-322. Concealed handguns in a university, college, or community college building.

(a) As used in this section:

(1) "Hospital" means the facilities of an institution licensed, certified, or approved by the Division of Health Facilities Services of the Department of Health as a hospital which is primarily engaged in providing to patients diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, by or under the supervision of a physician or other medical professional;

~~(1)(A)~~(2)(A) "Public university, public college, or community college" means an institution that:

(i) Regularly receives budgetary support from the



state government;

(ii) Is part of the University of Arkansas or Arkansas State University systems; or

(iii) Is required to report to the Arkansas Higher Education Coordinating Board.

(B) "Public university, public college, or community college" does not include a private university or private college solely because:

(i) Students attending the private university or private college receive state-supported scholarships; or

(ii) The private university or private college voluntarily reports to the Arkansas Higher Education Coordinating Board; and

~~(2)~~ (3)(A) "Staff member" means a person who is not enrolled as a full-time student at the university, college, or community college and is either employed by the university, college, or community college:

(1) full Full time; or is on

(2) On a nine-month or twelve-month appointment at the university, college, or community college as a faculty member; or

(3) As a part-time faculty member at the university, college, or community college.

(B) "Staff member" does not include a graduate assistant.

(b) A licensee may possess a concealed handgun in the buildings and on the grounds, whether owned or leased by the public university, public college, or public community college, of the public university, public college, or public community college where he or she is employed unless otherwise prohibited by this section or § 5-73-306 if+ he or she is a staff member.

~~(1) He or she is a staff member; and~~

~~(2)(A) The governing board of the public university, public college, or public community college does not adopt a policy expressly disallowing the carrying of a concealed handgun by staff members in the buildings or on the grounds of the public university, public college, or public community college and posts notices as described in § 5-73-306(19).~~

~~(B) A governing board of the public university, public college, or public community college may adopt differing policies for the carrying of a concealed handgun by staff members for different campuses,~~

~~areas of a campus, or individual buildings of the public university, public college, or public community college for which the governing board is responsible.~~

~~(C) A policy disallowing the carrying of a concealed handgun by staff members into the public university, public college, or public community college expires one (1) year after the date of adoption and must be readopted each year by the governing board of the public university, public college, or public community college to remain in effect.~~

(c) A licensee may possess a concealed handgun in the buildings and on the grounds of the private university or private college where he or she is employed unless otherwise prohibited by this section or § 5-73-306 if:

(1) He or she is a staff member; and

(2) The private university or private college does not adopt a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college and ~~posts~~ does not post notices as described in § 5-73-306(19).

(d) The storage of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(c).

(e)(1) The governing board of a public university, public college, or public community college that operates a public medical school may adopt a policy expressly disallowing the carrying of a concealed handgun by a staff member in the buildings or on the grounds of the public medical school that are adjacent to or are up to within a radius of one-half (1/2) of a mile of an associated public hospital.

(2) This subsection does not limit the governing board of a public university, public college, or public community college from tailoring its policy to permit the carrying of a concealed handgun into certain public hospital or public medical school facilities within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(19) are posted in and around the parts of the public medical school and associated public hospital that are subject to the policy.

(f)(1) The governing board of a public university, public college, or public community college may adopt a policy expressly disallowing the carrying of a concealed handgun by a staff member in the buildings or on the grounds of the public university, public college, or public community college

which are adjacent to or are up to within a radius of one-half (1/2) of a mile of a federally owned and operated presidential library.

(2) This subsection does not limit the governing board of a public university, public college, or public community college from tailoring its policy to permit the carrying of a concealed handgun into certain facilities where carrying a concealed handgun is not otherwise prohibited by federal law within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(19) are posted in and around the parts of the public university, public college, or public community college that are adjacent to or up to within a radius of one-half (1/2) of a mile of a federally owned and operated presidential library that are subject to the policy.

(g) A policy disallowing the carrying of a concealed handgun under subsection (e) or subsection (f) of this section expires one (1) year after the date of adoption and shall be readopted each year by the governing board to remain in effect.

(h)(1) The governing board of a public university, public college, or public community college may require a licensee to complete an active shooter or related training program to be administered by the campus police department or another law enforcement agency having jurisdiction in the absence of a campus police department before a licensee who is a staff member is permitted to carry a concealed handgun on the campus of the public university, public college, or public community college.

(2)(A) A training program administered under this subsection shall consist of up to sixteen (16) hours for initial training with a subsequent annual requirement of up to eight (8) hours training.

(B) The costs of the training program under this subsection shall not exceed a nominal amount.

(C) The training program under this subsection is not required to be located on the campus of the public university, public college, or public community college but shall be reasonably accessible to a staff member who requests to attend the training program.

(D) A training program under this subsection shall be made available at least one (1) time every three (3) months and notice of the training program shall be given to staff members of the public university,

public college, or public community college at least one (1) month in advance.

(E) A campus police department or other law enforcement agency having jurisdiction shall maintain a list of licensees who have successfully completed a training program under this subsection.

(3) A staff member who attends a training program under this subsection:

(A) Shall be:

(i) Allowed time off from his or her regular job duties in order to attend the training program; or

(ii) Given compensatory time off for any time spent attending the training program; and

(B) May not be charged leave for attending the training program.

(4)(A) The training program under this subsection may be designed by the campus police department, or it may be designed in conjunction with the Arkansas Commission on Law Enforcement Standards and Training or another law enforcement agency, including the campus police department of another public university, public college, or public community college.

(B)(i) A training program under this subsection shall at a minimum have comparable standards to an active shooter or related training program administered by the commission.

(ii) The governing board of a public university, public college, or public community college may require higher standards for its training program under this subsection than an active shooter or related training program administered by the commission only if at least three (3) of the following persons attend and complete the training program under this subsection:

(a) A member of a governing board of the public university, public college, or public community college;

(b) The president of the public university, public college, or public community college or system;

(c) A chancellor of the public university, public college, or public community college or system;

(d) A provost of the public university, public

college, or public community college or system; or

(e) A dean of the public university, public college, or public community college.

(5) A governing board of a public university, public college, or public community college that adopts a policy requiring training under this subsection shall renew the policy every five (5) years in order for the policy to remain in force.

(6) Except for those persons enumerated under subdivision (h)(4)(B)(ii) of this section, the names of licensees who complete a training program under this subsection are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(i)(1) A staff member who is a licensee and who may carry a concealed handgun on the campus of a public university, public college, or public community college under this section may not carry a concealed handgun into a daycare or childcare facility that is located on the campus of the public university, public college, or public community college.

(2) A person who knowingly violates subdivision (i)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(j) The governing board of a public university, public college, or public community college may prohibit a person possessing an out-of-state concealed handgun license that otherwise is valid in this state from carrying a concealed handgun on the property or in a building of a public university, public college, or public community college under this section.

(k) A public university, public college, or public community college that permits a staff member who is a licensee to carry a concealed handgun under this section shall submit to any local law enforcement agency having jurisdiction a list of all staff members permitted to carry a concealed handgun under this section upon request of the law enforcement agency having jurisdiction.

/s/Collins