

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1152

By: Representative Watson

For An Act To Be Entitled

AN ACT CONCERNING THE ABILITY OF AN AUXILIARY LAW ENFORCEMENT OFFICER TO CARRY A CONCEALED HANDGUN AND TO BE EXEMPTED FROM THE LICENSING REQUIREMENTS TO CARRY A CONCEALED HANDGUN; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ABILITY OF AN AUXILIARY LAW ENFORCEMENT OFFICER TO CARRY A CONCEALED HANDGUN AND TO BE EXEMPTED FROM THE LICENSING REQUIREMENTS TO CARRY A CONCEALED HANDGUN.

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)(1) 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) ~~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~~ An employee of a local detention facility is exempt from the licensing requirements of this subchapter if the employee of a local detention facility is authorized in writing as exempt from the licensing requirements of this subchapter by the 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 § 12-9-304(f), concerning law enforcement training requirements for an auxiliary law enforcement officer, is amended to read as follows:

(f)(1) It shall be the responsibility of the appointing law enforcement agency to provide or have provided not less than one hundred

(100) hours of commission-approved law enforcement training, which will include a firearms qualification course equivalent to the firearms qualification requirements for a full-time law enforcement officer, and no auxiliary law enforcement officer shall bear arms until having successfully completed the training.

(2) An auxiliary law enforcement officer is not required to requalify for firearms qualification beyond what a full-time law enforcement officer is required to complete for requalification for the purposes of carrying a concealed handgun while the auxiliary law enforcement officer remains appointed as an auxiliary law enforcement officer.

SECTION 3. Arkansas Code § 12-15-201(1), concerning the definition of "auxiliary law enforcement officer" as used in concealed handgun licensing, is amended to read as follows:

(1) "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~~ 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;~~