

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

State of Arkansas *As Engrossed: S2/16/17 S2/22/17 S2/22/17 S3/9/17*

91st General Assembly

A Bill

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HOUSE BILL 1249

By: Representatives Collins, Drown, Ballinger, Bentley, Davis, Gonzales, Lowery, Lundstrum, Maddox, Pilkington, Rye, B. Smith, Sullivan, Vaught, Wardlaw, Watson, Womack

By: Senators T. Garner, *Collins-Smith*

For An Act To Be Entitled

AN ACT CONCERNING THE POSSESSION OF A CONCEALED HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR COMMUNITY COLLEGE *BUILDING; CONCERNING OTHER PRIVILEGES ASSOCIATED WITH AN ENHANCED LICENSE TO CARRY A CONCEALED HANDGUN;* AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE POSSESSION OF A CONCEALED HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR COMMUNITY COLLEGE BUILDING AND CONCERNING PRIVILEGES ASSOCIATED WITH AN ENHANCED LICENSE TO CARRY A CONCEALED HANDGUN.

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

SECTION 1. Arkansas Code § 5-73-122 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(5)~~ 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 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; ~~or~~*

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

(ii) Public school kindergarten through grade twelve (K-12) or a public prekindergarten, 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

(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 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 2. The introductory language of Arkansas Code § 5-73-306, concerning the places a person who possesses a license to carry a concealed handgun is prohibited from carrying a prohibited handgun, is amended to read as follows:

~~No~~ Except as permitted under § 5-73-322(g), a license to carry a concealed handgun issued pursuant to under this subchapter authorizes any does not authorize a person to carry a concealed handgun into:

SECTION 3. 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, is amended to read as follows:

(11)(A) ~~Any~~ 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 places a written notice as permitted under subdivision (18) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(12)(A) ~~Any~~ 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 places a written notice as permitted under subdivision (18) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

SECTION 4. Arkansas Code § 5-73-306(15), concerning certain churches or other places of worship that may prohibit the possession of a concealed handgun, 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) may not enter a church or other place of worship under this section if the church or other place of worship places a written notice as permitted under subdivision (18) 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(18), concerning a place at the discretion of the person or entity exercising control over the physical location of the place that may prohibit the possession of a concealed handgun by a licensee, is amended to read as follows:

(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, 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).

SECTION 6. 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)(1) As used in this section,

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

~~(i)(A)~~ Regularly receives budgetary support from the state government;

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

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

(2) “Public university, public college, or community college” includes without limitation a public technical institute.

~~(B)(3)~~ “Public university, public college, or community college” does not include a private university or private college solely because:

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

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

~~(2) "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 full time or is on a nine-month or twelve-month appointment at the university, college, or community college as a faculty member.~~

(b) A licensee who has completed the training required under subsection (g) of this section may possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college, whether owned or leased by the public university, public college, or community college, of the public university, public college, or community 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)(A) The governing board of the public university, public college, or 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 community college and posts notices as described in § 5-73-306(18).~~

~~(B) A governing board of the public university, public college, or 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 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 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 community college to remain in effect.~~

(c)(1) 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 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 notices as described in § 5-73-306(18).~~

(2)(A) A private university or private college that adopts a policy expressly disallowing the carrying of a concealed handgun in the buildings and on the grounds of the private university or private college shall post notices as described in § 5-73-306(18).

(B) A private university or private college that adopts a policy only allowing carrying of a concealed handgun under this section shall post notices as described in § 5-73-306(18) and subdivision (c)(1)(C) of this section.

(C) If a private university or private college permits carrying a concealed handgun under this section, the private university or private college may revise any sign or notice required to be posted under § 5-73-306(18) to indicate that carrying a concealed handgun under this section is permitted.

(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) A licensee who may carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college under this section may not carry a concealed handgun into a location during which an official meeting lasting no more than nine (9) hours is being conducted in accordance with documented grievance and disciplinary procedures as established by the public university, public college, or community college if:

(A) At least twenty-four (24) hours' notice is given to participants of the official meeting;

(B) Notice is posted on the door of or each entryway into the location in which the official meeting is being conducted that possession of a concealed handgun by a licensee under this section is prohibited during the official meeting; and

(C) The area of a building prohibited under this subdivision (e)(1) is no larger than necessary to complete the grievance or disciplinary meeting.

(2) A person who knowingly violates subdivision (e)(1) of this

section upon conviction is guilty of:

(A) A violation for a first offense and subject to a fine not exceeding one hundred dollars (\$100); and

(B) A Class C misdemeanor for a second or subsequent offense.

(f) This section does not affect a licensee's ability to store a concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

(g)(1) A licensee who intends to carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college is required to complete a training course approved by the Director of the Department of Arkansas State Police.

(2)(A) Training required under this subsection shall:

(i) Not be required to be renewed;

(ii) Consist of a course of up to eight (8) hours;

(iii) Be offered by all training instructors and at all concealed carry training courses; and

(iv) Cost no more than a nominal amount.

(B) The Director of the Department of Arkansas State Police may waive up to four (4) hours of training required under this subsection for a licensee based on the licensee's prior training attended within ten (10) years of applying for the endorsement provided for under subsection (g)(2) of this section on appropriate topics.

(3) A licensee who completes a training course under this subsection shall be given a concealed carry endorsement by the department on his or her license to carry a concealed handgun that the person is permitted to possess and carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college.

(h) A licensee who completes a training course and obtains an 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).

(i) The department shall maintain a list of licensees who have successfully completed a training course under subsection (g) of this

section.

(j)(1) Unless possession of a concealed handgun is a requirement of a licensee's job description, the possession of a concealed handgun under this section is a personal choice made by the licensee and not a requirement of the employing public university, public college, or community college.

(2) A licensee who possesses a concealed handgun in the buildings and on the grounds of a public university, public college, or community college at which the licensee is employed is not:

(A) Acting in the course of or scope of his or her employment when possessing or using a concealed handgun;

(B) Entitled to worker's compensation benefits for injuries arising from his or her own negligent acts in possessing or using a concealed handgun;

(C) Immune from personal liability with respect to possession or use of a concealed handgun; or

(D) Permitted to carry a concealed handgun openly or in any other manner in which the concealed handgun is visible to ordinary observation.

(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 the licensee elects to possess the concealed handgun under this section.

SECTION 7. DO NOT CODIFY. Training program.

The Department of Arkansas State Police shall promulgate rules to design a training program described under Section 1 of this act within one hundred twenty (120) days of the effective date of this act.

SECTION 8. DO NOT CODIFY. Effective date.

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

/s/Collins