

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 1265

By: Representative Richey

For An Act To Be Entitled

AN ACT CONCERNING THE POSSESSION AND CARRYING OF A CONCEALED OR UNCONCEALED HANDGUN; TO ESTABLISH A LICENSE TO CARRY AN UNCONCEALED HANDGUN; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE POSSESSION AND CARRYING OF A CONCEALED OR UNCONCEALED HANDGUN; TO ESTABLISH A LICENSE TO CARRY AN UNCONCEALED HANDGUN; AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 3-4-403(21), concerning what are considered Class A violations by the Alcoholic Beverage Control Division, is amended to read as follows:

(21)(A) Possession of a weapon on the permitted premises by a person without a possessory or proprietary interest in the permitted premises.

(B) When the permitted premises is a retail liquor store that sells alcoholic beverages for off-premises consumption, an employee of the retail liquor store that is licensed to carry a concealed or unconcealed handgun ~~by the state~~ under § 5-73-301 et seq. may possess a handgun on the permitted premises if the possession of the handgun is permitted under state law.



SECTION 2. Arkansas Code § 5-73-119(e)(11) and (12), concerning when it is permissible to carry a concealed handgun on the developed property of a kindergarten through grade twelve private school operated by a church or other place of worship or a publicly owned and maintained parking lot, is amended to read as follows:

(11) The person has a license to carry a concealed or unconcealed handgun under § 5-73-301 et seq. and is carrying a ~~concealed~~ handgun on the developed property of:

(A) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:

(i) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;

(ii) Allows the person to carry a ~~concealed~~ handgun into the church or other place of worship under § 5-73-306; and

(iii) Allows the person to possess a ~~concealed~~ handgun on the developed property of the kindergarten through grade twelve (K-12) private school; or

(B) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed or unconcealed handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school; or

(12)(A) The person has a license to carry a concealed or unconcealed 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.

(B)(i) As used in this subdivision (e)(12), "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 a school.

(ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction.

SECTION 3. Arkansas Code § 5-73-120 is amended to read as follows:

5-73-120. Carrying a weapon.

(a) A person commits the offense of carrying a weapon if he or she possesses a handgun, knife, or club on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use, with a purpose to ~~attempt to unlawfully~~ employ the handgun, knife, or club as a weapon against a person.

(b) As used in this section:

(1) "Club" means any instrument that is specially designed, made, or adapted for the purpose of inflicting serious physical injury or death by striking, including a blackjack, billie, and sap;

(2) "Handgun" means any firearm with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand;

(3) "Journey" means travel beyond the county in which a person lives; and

(4) "Knife" means any bladed hand instrument three inches (3") or longer that is capable of inflicting serious physical injury or death by cutting or stabbing, including a dirk, a sword or spear in a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly knife.

(c) It is permissible to carry a weapon under this section if at the time of the act of carrying the weapon:

(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest;

(2) The person is a law enforcement officer, correctional officer, or member of the ~~armed forces~~ United States Armed Forces acting in the course and scope of his or her official duties;

(3) The person is assisting a law enforcement officer, correctional officer, or member of the ~~armed forces~~ United States Armed Forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the ~~armed forces~~ United States Armed Forces;

(4) The person is carrying a weapon when upon a journey, unless the journey is through a commercial airport when presenting at the security checkpoint in the airport or is in the person's checked baggage and is not a lawfully declared weapon;

(5) The person is a registered commissioned security guard acting in the course and scope of his or her duties;

(6) The person is hunting game with a handgun that may be hunted with a handgun under rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun;

(7) The person is a certified law enforcement officer;

(8) The person is in possession of a ~~concealed~~ handgun and has a valid license to carry a concealed or unconcealed handgun under § 5-73-301 et seq., or recognized under § 5-73-321 and is not in a prohibited place as defined by § 5-73-306;

(9) The person is a prosecuting attorney or deputy prosecuting attorney carrying a firearm under § 16-21-147; or

(10) The person is in possession of a handgun and is a retired law enforcement officer with a valid concealed or unconcealed carry authorization issued under federal or state law.

(d) Carrying a weapon is a Class A misdemeanor.

SECTION 4. Arkansas Code § 5-73-122(a)(3), concerning the exceptions to the prohibition against carrying a firearm or deadly weapon in a publicly owned building or facility or on the State Capitol grounds, is amended to read as follows:

(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 or unconcealed 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.

SECTION 5. Arkansas Code § 5-73-127(d)(3), concerning the offense of possession of loaded center-fire weapons in certain areas, is amended to read as follows:

(3) Person possessing a valid concealed or unconcealed handgun license under § 5-73-301 et seq.

SECTION 6. The title of Title 5, Chapter 73, Subchapter 3, is amended to read as follows:

Subchapter 3

- ~~Concealed Handguns~~ License to Carry a Handgun Concealed or Unconcealed

SECTION 7. Arkansas Code § 5-73-301, concerning definitions pertaining to concealed handgun licenses, is amended to add an additional definition to read as follows:

(7) "Unconcealed" means to carry a handgun openly.

SECTION 8. Arkansas Code § 5-73-302 is amended to read as follows:

5-73-302. Authority to issue license.

(a) The Director of the Department of Arkansas State Police may issue a license to carry a concealed or unconcealed handgun to a person qualified as provided in this subchapter.

(b)(1) ~~For new licenses issued after July 31, 2007, the~~ The license to carry a concealed or unconcealed handgun is valid throughout the state for a period of five (5) years from the date of issuance.

(2) ~~After July 31, 2007, upon~~ Upon renewal, an existing valid license to carry a concealed or unconcealed handgun shall be issued for a period of five (5) years.

(c)(1)(A) ~~After July 31, 2007, a~~ A license or renewal of a license

issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of five (5) years.

(B) The license issued to a former elected or appointed sheriff is revocable on the same grounds as other licenses.

(2)(A) The former elected or appointed sheriff shall meet the same qualifications as all other applicants.

(B) However, the former elected or appointed sheriff is exempt from the fee prescribed by § 5-73-311(a)(2) and from the training requirements of § 5-73-309(13) for issuance.

SECTION 9. Arkansas Code § 5-73-304(a), concerning exemptions from the concealed handgun licensing requirements, is amended to read as follows:

(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 or unconcealed 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.

SECTION 10. Arkansas Code § 5-73-306 is amended to read as follows:
5-73-306. Prohibited places.

~~No~~ A license to carry a concealed or unconcealed handgun issued pursuant to this subchapter ~~authorizes any~~ under this subchapter does not authorize a person to carry a ~~concealed~~ handgun into:

(1) ~~Any~~ A police station, sheriff's station, or Department of Arkansas State Police station;

(2) ~~Any~~ An Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department facility;

(3)(A) ~~Any~~ A building of the Arkansas State Highway and

Transportation Department or onto grounds adjacent to any building of the Arkansas State Highway and Transportation Department.

(B) However, subdivision (3)(A) of this section does not apply to:

(i) A rest area or weigh station of the Arkansas State Highway and Transportation Department; or

(ii) A publicly owned and maintained parking lot that is a publicly accessible 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 in the publicly owned and maintained parking lot;

(4) Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained, or otherwise controlled by the Department of Correction or Department of Community Correction;

(5) ~~Any~~ A courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office unless:

(A) The licensee is either:

(i) Employed by the county; or

(ii) A countywide elected official;

(B) The licensee's principal place of employment is within the courthouse, the courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office; and

(C) The quorum court by ordinance approves a plan that allows licensees permitted under this subdivision (5) to carry a ~~concealed~~ handgun into the courthouse, the courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office as set out by the local security and emergency preparedness plan;

(6)(A) ~~Any~~ A courtroom.

(B) However, ~~nothing in~~ this subchapter ~~precludes~~ does not preclude a judge from carrying a ~~concealed weapon~~ handgun or determining who will carry a ~~concealed weapon~~ handgun into his or her courtroom;

(7) ~~Any~~ A meeting place of the governing body of any governmental entity;

(8) ~~Any~~ A meeting of the General Assembly or a committee of the General Assembly;

(9) ~~Any~~ A state office;

(10) ~~Any~~ An athletic event not related to firearms;

(11) ~~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;

(12) ~~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;

(13)(A) A school, college, community college, or university campus building or event.

(B) However, subdivision (13)(A) of this section does not apply to:

(i) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:

(a) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;

(b) Allows the licensee to carry a ~~concealed~~ handgun into the church or other place of worship under this section; and

(c) Allows the licensee to possess a ~~concealed~~ handgun on the developed property of the kindergarten through grade twelve (K-12) private school under § 5-73-119(e);

(ii) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a ~~concealed~~ handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school;

(iii) Participation in an authorized firearms-related activity;

(iv) Carrying a ~~concealed~~ handgun as authorized under § 5-73-322; or

(v) A publicly owned and maintained parking lot of a school, college, community college, or university 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;

(14) Inside the passenger terminal of any airport, except that ~~no~~ a person is not prohibited from carrying ~~any~~ a legal firearm into the passenger terminal if the firearm is encased for shipment for purposes of checking the firearm as baggage to be lawfully transported on any aircraft;

(15)(A) ~~Any~~ A 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;

(16) ~~Any~~ A place where the carrying of a firearm is prohibited by federal law;

(17) ~~Any~~ A place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration; or

(18)(A)(i) ~~Any~~ A 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 or unconcealed 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.

SECTION 11. The lead-in language to Arkansas Code § 5-73-309, regarding licensing requirements for a license to carry a concealed handgun, is amended to read as follows:

The Director of the Department of Arkansas State Police shall issue a license to carry a concealed or unconcealed handgun if the applicant:

SECTION 12. Arkansas Code § 5-73-309(9), concerning the licensing requirements for a license to carry a concealed handgun, is amended to read as follows:

(9) Desires a legal means to carry a concealed or unconcealed handgun to defend himself or herself;

SECTION 13. The lead-in language to Arkansas Code § 5-73-310, concerning the application form for a license to carry a concealed handgun, is amended to read as follows:

The application for a license to carry a concealed or unconcealed handgun shall be completed, under oath, on a form promulgated by the Director of the Department of Arkansas State Police and shall include only:

SECTION 14. Arkansas Code § 5-73-310(7), concerning the application form for a license to carry a concealed handgun, is amended to read as follows:

(7) A statement that the applicant desires a legal means to carry a concealed or unconcealed handgun to defend himself or herself;

SECTION 15. Arkansas Code § 5-73-311(a), concerning the application procedure for obtaining a license to carry a concealed handgun, is amended to read as follows:

(a) The applicant for a license to carry a concealed or unconcealed handgun shall submit the following to the Department of Arkansas State Police:

- (1) A completed application, as described in § 5-73-310;
- (2) A nonrefundable license fee of one hundred dollars (\$100),

except that the nonrefundable license fee is fifty dollars (\$50.00) if the applicant is sixty-five (65) years of age or older;

(3)(A) A full set of fingerprints of the applicant.

(B) In the event a legible set of fingerprints, as determined by the department and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Director of the Department of Arkansas State Police shall determine eligibility in accordance with criteria that the department shall establish by promulgating rules.

(C) Costs for processing the set of fingerprints as required in subdivision (a)(3)(A) of this section shall be borne by the applicant;

(4)(A) A waiver authorizing the department access to any medical, criminal, or other records concerning the applicant and permitting access to all of the applicant's criminal records.

(B) If a check of the applicant's criminal records uncovers any unresolved felony arrests over ten (10) years old, then the applicant shall obtain a letter of reference from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides that states that to the best of the county sheriff's, prosecuting attorney's, or circuit judge's knowledge that the applicant is of good character and free of any felony convictions.

(C) The department shall maintain the confidentiality of the medical, criminal, or other records; and

(5) A digital photograph of the applicant or a release authorization to obtain a digital photograph of the applicant from another source.

SECTION 16. Arkansas Code § 5-73-312(a), concerning the revocation of a license to carry a concealed handgun, is amended to read as follows:

(a)(1) A license to carry a concealed or unconcealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § 5-73-308(a) or § 5-73-309.

(2)(A) Any law enforcement officer making an arrest of a licensee for a violation of this subchapter or any other statutory violation that requires revocation of a license to carry a concealed or unconcealed handgun shall confiscate the license and forward it to the Director of the

Department of Arkansas State Police.

(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.

SECTION 17. Arkansas Code § 5-73-314 is amended to read as follows:

5-73-314. Lost, destroyed, or duplicate license – Change of address.

(a) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having lost a license to carry a concealed or unconcealed handgun ~~lost~~, the licensee shall notify the Director of the Department of Arkansas State Police in writing of the change or loss.

(b) If a license to carry a concealed or unconcealed handgun is lost or destroyed, or a duplicate is requested, the person to whom the license to carry a concealed or unconcealed handgun was issued shall comply with the provisions of subsection (a) of this section and may obtain a duplicate license or replacement license upon:

(1) Paying the Department of Arkansas State Police a fee established by the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(2) Furnishing a notarized statement to the department that the license to carry a concealed or unconcealed handgun has been lost or destroyed or that a duplicate is requested.

(c) The fee described in subdivision (b)(1) of this section shall be reduced by fifty percent (50%) if a person sixty-five (65) years of age or older is requesting a replacement or duplicate license under this section.

SECTION 18. Arkansas Code § 5-73-315 is amended to read as follows:

5-73-315. Authority to carry ~~concealed~~ handgun – Identification of licensee.

(a) ~~Any~~ A licensee possessing a valid license issued ~~pursuant to~~ under this subchapter may carry a ~~concealed~~ handgun concealed or unconcealed.

(b) The licensee shall:

(1) Carry the license, or an electronic copy of the license in an acceptable electronic format, together with valid identification, at any time when the licensee is carrying a ~~concealed~~ handgun; and

(2) Display both the license, or an electronic copy of the

license in an acceptable electronic format, and proper identification upon demand by a law enforcement officer.

(c) The presentment of proof of a license to carry a concealed or unconcealed handgun in electronic form does not:

(1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(2) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

SECTION 19. Arkansas Code § 5-73-319 is amended to read as follows:

5-73-319. Transfer of a license to Arkansas.

(a) ~~Any~~ A person who becomes a resident of Arkansas who has a valid license to carry a concealed or unconcealed handgun issued by a reciprocal state may apply to transfer his or her license to Arkansas by submitting the following to the Department of Arkansas State Police:

(1) The person's current reciprocal state license;

(2) Two (2) properly completed fingerprint cards;

(3) A nonrefundable license fee of thirty-five dollars (\$35.00);

(4) Any fee charged by a state or federal agency for a criminal history check; and

(5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.

(b) ~~After July 31, 2007, the~~ A newly transferred license is valid for a period of five (5) years from the date of issuance and binds the holder to all Arkansas laws and regulations regarding the carrying of ~~the concealed~~ a handgun.

SECTION 20. Arkansas Code § 5-73-320(a)(2)(A), concerning concealed handgun licenses for certain members of the Arkansas National Guard or a reserve component or active duty military personnel, is amended to read as follows:

(A) A completed concealed or unconcealed handgun license application as prescribed by the department;

SECTION 21. Arkansas Code § 5-73-321 is amended to read as follows:

5-73-321. Recognition of other states' licenses.

A person in possession of a valid license to carry a concealed or unconcealed handgun issued to the person by another state is entitled to the privileges and subject to the restrictions prescribed by this subchapter.

SECTION 22. Arkansas Code § 5-73-322 is amended to read as follows:

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

(a) As used in this section:

(1)(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) "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 may possess a ~~concealed~~ handgun in the buildings and on the grounds, 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 § 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) 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 § 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 notices as described in § 5-73-306(18).

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

SECTION 23. Arkansas Code § 5-73-323 is amended to read as follows:

5-73-323. Parole ~~board~~ Board exemptions.

A member of the Parole Board, a board investigator, or a parole revocation judge who has been issued a license to carry a concealed or unconcealed handgun by the Department of Arkansas State Police under this subchapter may carry his or her ~~concealed~~ handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or parole revocation judge is on official business of the board.

SECTION 24. Arkansas Code § 7-1-101(31)(B), concerning the definition

of "proof of identity" under Title 7 of the Arkansas Code, is amended to read as follows:

(B) A proof of identity that complies with the requirements under subdivision (31)(A) of this section may include without limitation:

- (i) A driver's license;
- (ii) A photo identification card;
- (iii) A ~~concealed handgun carry~~ license to carry a concealed or unconcealed handgun under § 5-73-301 et seq.;
- (iv) A United States passport;
- (v) An employee badge or identification document;
- (vi) A United States military identification document;
- (vii) A student identification card issued by an accredited postsecondary educational institution in the State of Arkansas;
- (viii) A public assistance identification card; and
- (ix) A voter identification card under § 7-5-322;

SECTION 25. The title of Title 12, Chapter 15, Subchapter 2, is amended to read as follows:

Subchapter 2

- ~~Concealed Handgun Permits~~ License to Carry a Concealed or Unconcealed Handgun

SECTION 26. Arkansas Code § 12-15-202 is amended to read as follows:
 12-15-202. Eligibility to carry concealed or unconcealed 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 may carry a concealed or unconcealed handgun 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:

- (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 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;

(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, auxiliary law enforcement officer, employee of a local detention facility, prosecuting attorney, or deputy prosecuting attorney designated by the prosecuting attorney;

(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.

(b)(1) A concealed or unconcealed 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 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 or unconcealed handgun in his or her jurisdiction and shall revoke any authorization for good cause shown.

(B) The Director of the Department of Arkansas State Police shall keep a record of all retired department officers authorized to carry a concealed or unconcealed 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~~ A certified law enforcement officer or retired law enforcement officer carrying a concealed or unconcealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

(e)(1) ~~Any~~ A presently employed certified law enforcement officer

authorized by another state to carry a concealed or unconcealed 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 or unconcealed 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 or unconcealed handgun to presently employed Arkansas-certified law enforcement officers and shall then determine which states' officers' authority to carry concealed or unconcealed handguns will be recognized in Arkansas.

SECTION 27. Arkansas Code § 25-19-105(b)(19), concerning what is not deemed to be open to the public under the Freedom of Information Act of 1967, is amended to read as follows:

(19) Records pertaining to the issuance, renewal, expiration, suspension, or revocation of a license to carry a concealed or unconcealed handgun, or a present or past licensee under § 5-73-301 et seq., including without limitation all records provided to or obtained by a local, state, or federal government or their officials, agents, or employees in the investigation of an applicant, licensee, or past licensee, and all records pertaining to a criminal or health history check conducted on the applicant, licensee, or past licensee except that:

(A) Information or other records regarding an applicant, licensee, or past licensee may be released to a law enforcement agency to assist in a criminal investigation or prosecution or to determine the validity of or eligibility for a license; and

(B) The name of an applicant, licensee, or past licensee may be released as contained in investigative or arrest reports of law enforcement that are subject to release as public records;

SECTION 28. DO NOT CODIFY. Temporary legislation.

A license to carry a concealed handgun issued under § 5-73-301 et seq. before the effective date of this act shall immediately become a license to carry a concealed or unconcealed handgun under § 5-73-301 et seq. upon the effective date of this act.