

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H2/2/17 S3/16/17
A Bill

HOUSE BILL 1367

By: Representatives Watson, Holcomb

By: Senator Teague

For An Act To Be Entitled

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

Subtitle

CONCERNING AN AUXILIARY LAW ENFORCEMENT OR A RETIRED LAW ENFORCEMENT OFFICER CARRYING A CONCEALED HANDGUN; AND CONCERNING RETIRED LAW ENFORCEMENT OFFICERS.

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

SECTION 1. Arkansas Code § 5-73-301, concerning definitions used in the concealed handguns subchapter, is amended to add an additional definition to read as follows:

(7) "Retired law enforcement officer" means a person who retired as a certified law enforcement officer from a local or state law enforcement agency with at least ten (10) years of experience as a law enforcement officer.

SECTION 2. 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~~, or retired law enforcement officer 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) 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) A retired law enforcement officer is exempt from the licensing requirements of this subchapter if the retired law enforcement officer is permitted to carry a concealed handgun under § 12-15-202(b).

~~(d)~~(e) 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 3. 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 4. 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;~~

SECTION 5. Arkansas Code § 12-15-202(b), concerning the ability of a retired law enforcement officer to carry a concealed handgun, is amended to read as follows:

(b)(1) A concealed 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 or consuming 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 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 handgun in the state and shall revoke any authorization for good cause shown.

/s/Watson