

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 1837

By: Representative Brown

For An Act To Be Entitled

AN ACT CONCERNING POSSESSION OF A CONCEALED HANDGUN
BY A CONCEALED HANDGUN LICENSEE; PERMITTING THE
CONCEALED CARRY OF A HANDGUN BY A CONCEALED CARRY
LICENSEE INTO A PUBLICALLY OWNED BUILDING OR
FACILITY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING POSSESSION OF A CONCEALED
HANDGUN BY A CONCEALED HANDGUN LICENSEE;
PERMITTING THE CONCEALED CARRY OF A
HANDGUN BY A CONCEALED CARRY LICENSEE
INTO A PUBLICALLY OWNED BUILDING OR
FACILITY.

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), 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~~ possess or carry a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds unless the person is:

(A) A law enforcement officer;



(B) A security guard in the employ of the state, a state agency, or a city or county of the state; or

(C) State or federal military personnel.

(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 or carry a firearm, whether loaded or unloaded, in the State Capitol Building or the Arkansas Justice Building in Little Rock unless the person is:

(A) A law enforcement officer;

(B) A security guard in the employ of the state, a state agency, or a city or county of the state; or

(C) State or federal military personnel.

(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.~~

~~(4)(b)~~ 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

that is not owned, operated, or used by a school, school district, or institution of higher education.

~~(b)(1)(c)(1)~~ ~~Any~~ A 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.

(2) Otherwise, any person violating a provision of this section is guilty of a Class A misdemeanor.

SECTION 2. Arkansas Code § 5-73-306 is amended to read as follows:

5-73-306. Prohibited places.

~~No license to carry a concealed handgun issued pursuant to this subchapter authorizes any person~~ A license to carry a concealed handgun issued under this subchapter does not permit a licensee 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 this subchapter does not preclude~~ a judge from carrying a concealed weapon or determining who ~~will~~ may carry a concealed weapon into his or her courtroom;

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

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

~~(9) Any state office;~~

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

~~(11)~~(9) Any portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises;

~~(12)~~(10) Any 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)~~(11)(A) A school, college, community college, or university campus building or event.

(B) However, subdivision ~~(13)(A)~~(11)(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~~

(12) The passenger terminal of ~~any~~ an airport, except that ~~no~~ person a person is not prohibited from carrying any 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~~

(13)(A) 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~~

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

~~(17)~~(15) Any 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~~

(16)(A)(i) 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)~~ (16)(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)~~ (16)(A)(i) of this section is not required for a private home.

(iv) ~~Any~~ A licensee entering a private home shall notify the occupant that the licensee is carrying a concealed handgun.

(B) Subdivision ~~(18)(A)~~ (16)(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) As used in this subdivision (16), "a person or entity exercising control over the physical location of the place" does not include a state agency.