

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 1889

By: Representatives Ballinger, Gonzales

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF CARRYING A WEAPON IN
A PROHIBITED PLACE; CONCERNING THE POSSESSION OF A
HANDGUN; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE OFFENSE OF CARRYING A
WEAPON IN A PROHIBITED PLACE; AND
CONCERNING THE POSSESSION OF A HANDGUN.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to state that the availability of a license to carry a weapon under this section or under any other provision of law shall not be construed to prohibit the otherwise lawful carrying of a weapon openly or concealed on or about one's person or in a vehicle as permitted by § 5-73-120.

SECTION 2. Arkansas Code § 5-73-119(e)(12), concerning the possession of handgun in the parking lot of a school or institution of higher education, is amended to read as follows:

(12)(A) The person ~~has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed~~ possesses a 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 in a prohibited place.

~~(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; and

~~(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.

(b) A person commits the offense of carrying a weapon in a prohibited place if he or she possesses a handgun, knife, or club in the following places:

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

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

(3)(A) A building of the Arkansas State Highway and Transportation Department or onto grounds adjacent to a building of the

Arkansas State Highway and Transportation Department.

(B) However, subdivision (b)(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 person is carrying a weapon in his or her motor vehicle or has left the weapon 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) 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 person is either:

(i) Employed by the county; or

(ii) A countywide elected official;

(B) The person'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 a person to carry a weapon into the courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, as set out by the local security and emergency preparedness plan;

(6)(A) A courtroom.

(B) However, this section does not preclude a judge from carrying a weapon or determining who will carry a weapon into his or her courtroom;

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

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

(9) A state office;

(10) An athletic event not related to firearms;

(11) 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) 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 (b)(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 person to carry a weapon into the church or other place of worship under this section; and

(c) Allows the person to possess a weapon 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 a person may carry a weapon 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 weapon as authorized under § 5-73-322; or

(v) A publicly owned and maintained parking lot of a school, college, community college, or university if a person is carrying a weapon in his or her motor vehicle or has left the weapon in his or her locked and unattended motor vehicle;

(14) Inside the passenger terminal of an airport, except that a person is not prohibited from carrying 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) A church or other place of worship.

(B) However, this section does not preclude a church or other place of worship from determining who may carry a weapon into the church or other place of worship;

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

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

(18)(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 weapon 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 (b)(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 (b)(18)(A)(i) of this section is not required for a private home.

(B) Subdivision (b)(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 person is carrying a concealed handgun as provided under § 5-73-322; or

(ii) A publicly owned and maintained parking lot if the person is carrying a weapon in his or her motor vehicle or has left the weapon in his or her locked and unattended motor vehicle.

(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 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 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;

~~(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)~~(4) The person is a registered commissioned security guard acting in the course and scope of his or her duties;

~~(6)~~(5) 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)~~(6) The person is a certified law enforcement officer;

~~(8)~~(7) The person is in possession of a concealed handgun and has a valid license to carry a concealed 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)~~(8) The person is a prosecuting attorney or deputy prosecuting attorney carrying a firearm under § 16-21-147; or

~~(10)~~(9) The person is in possession of a handgun and is a retired law enforcement officer with a valid concealed carry authorization issued under federal or state law.

(d) Carrying a weapon in a prohibited place is a Class A C misdemeanor.

SECTION 4. Arkansas Code § 5-73-122(a)(3), concerning the possession of a firearm or other 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 handgun under § 5-73-301 et seq. and is carrying~~ possesses 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 § 5-73-308(a)(1)(A), concerning the issuance or denial of a license to carry a concealed handgun, is amended to read as follows:

(a)(1)(A) The Director of the Department of Arkansas State Police may deny a license if within the preceding five (5) years the applicant has been found guilty of one (1) or more crimes of violence constituting a misdemeanor or for the offense of carrying a weapon in a prohibited place, § 5-73-120.