

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

State of Arkansas
91st General Assembly
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A Bill

HOUSE BILL 2168

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 CONCEALED HANDGUNS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE POSSESSION OF A CONCEALED HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR COMMUNITY COLLEGE BUILDING; AND CONCERNING CONCEALED HANDGUNS.

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

SECTION 1. 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) As used in this section:

(1) "Hospital" means the facilities of an institution licensed, certified, or approved by the Division of Health Facilities Services of the Department of Health as a hospital that is primarily engaged in providing to patients diagnostic and therapeutic services for medical diagnosis, treatment, and care of persons with an injury, disability, or illness, by or under the supervision of a physician or other medical professional;

~~(1)(A)(2)(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" includes without limitation a public technical institute in a county with a population of at least two hundred thousand (200,000) according to the last federal decennial census and that borders another state.

~~(B)(C)~~ "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)(3)(A)~~ "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:

(i) full Full time; or is on

(ii) On a nine-month or twelve-month appointment at the university, college, or community college as a faculty member; or

(iii) As a part-time faculty member at the university, college, or community college.

(B) "Staff member" does not include a graduate assistant.

(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 this section or § 5-73-306 if he or she is a staff member.⁺

~~(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 this section or § 5-73-306 if:

(1) He or she is a staff member; and

(2)(A) 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).

(B) 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).

(C) 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 subsection (k) of this section.

(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) The governing board of a public university, public college, or public community college that operates a public medical school may adopt a policy expressly disallowing the carrying of a concealed handgun by a staff member in the buildings or on the grounds of the public medical school that are adjacent to or are up to within a radius of one-half (1/2) mile of an associated public hospital.

(2) This subsection does not limit the governing board of a

public university, public college, or public community college from tailoring its policy to permit the carrying of a concealed handgun into certain public hospital or public medical school facilities within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(18) are posted in and around the premises of the public medical school and associated public hospital that are subject to the policy.

(f)(1) The governing board of a public university, public college, or public community college may adopt a policy expressly disallowing the carrying of a concealed handgun by a staff member in the buildings or on the grounds of the public university, public college, or public community college that are adjacent to or are up to within a radius of one-half (1/2) mile of a federally owned and operated presidential library.

(2) This subsection does not limit the governing board of a public university, public college, or public community college from tailoring its policy to permit the carrying of a concealed handgun into certain facilities where carrying a concealed handgun is not otherwise prohibited by federal law within the one-half-mile radius.

(3) A policy adopted under this subsection is invalid until public notices as described under § 5-73-306(18) are posted in and around the premises of the public university, public college, or public community college that are adjacent to or up to within a radius of one-half (1/2) mile of a federally owned and operated presidential library that are subject to the policy.

(g) A policy disallowing the carrying of a concealed handgun under subsection (e) or subsection (f) of this section expires one (1) year after the date of adoption and shall be readopted each year by the governing board to remain in effect.

(h)(1) A staff member who is a licensee and who may carry a concealed handgun on the campus of a public university, public college, or public community college under this section may not carry a concealed handgun:

(A) Into a licensed daycare or childcare facility that is located on the campus of the public university, public college, or public community college;

(B) Into a location during which an official meeting lasting no more than (9) hours is being conducted in accordance with

documented grievance and disciplinary procedures as established by the public university, public college, or public community college if:

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

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

(C) Into a location during which a special function, special event, or special meeting lasting no more than seventy-two (72) consecutive hours of a public university, public college, or community college is being conducted if:

(i) The governing body of the public university, public college, or community college has authorized by a majority vote the prohibition against a staff member carrying a concealed handgun into the location during which a special function, special event, or special meeting is being held;

(ii) There is a law enforcement presence equal to or greater than the larger of:

(a) One (1) law enforcement officer per one hundred (100) people attending, or, if over ten thousand (10,000) people attending, one (1) law enforcement officer per five hundred (500) people attending, the official function, special event, or special meeting; or

(b) One (1) law enforcement officer per seven thousand five hundred square feet (7,500 sq. ft.) of building or event area;

(iii) At least twenty-four (24) hours' notice is given to participants of the official function, special event, or special meeting; and

(iv) Temporary notice is posted on the door or entryway into the location in which the official function, special event, or special meeting is held that possession of a concealed handgun by a licensee under this section is prohibited during the official function, special event, or special meeting.

(2) As used in this subsection, "special function, special event, or special meeting" does not include a regularly scheduled or ongoing event, such as a class at a public university, public college, or public

community college.

(3) A person who knowingly violates subdivision (h)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(i) The governing board of a public university, public college, or public community college may prohibit a person possessing an out-of-state concealed handgun license that otherwise is valid in this state from carrying a concealed handgun on the property or in a building of a public university, public college, or public community college under this section.

(j) 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).

(k)(1) 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.

(2) If a public university, public college, or community college permits the carrying of a concealed handgun under this section, the public university, public college, or community college shall place at each roadway entrance to the public university, public college, or community college a written notice clearly readable at a distance of not less than ten feet (10') that "carrying a concealed handgun in the buildings of this campus other than by licensed employees is prohibited".

SECTION 2. DO NOT CODIFY. Effective date.

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