

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1938

By: Representative D. Garner

For An Act To Be Entitled

AN ACT GRANTING A PUBLIC COLLEGE OR UNIVERSITY THE ABILITY TO DETERMINE IF POSSESSION OF A CONCEALED HANDGUN ON THE CAMPUS OF THE PUBLIC COLLEGE OR UNIVERSITY BY A PERSON IS PERMITTED; TO MAKE ORGANIZATIONAL AND TECHNICAL AMENDMENTS; AND FOR OTHER PURPOSES.

Subtitle

GRANTING A PUBLIC COLLEGE OR UNIVERSITY THE ABILITY TO DETERMINE IF POSSESSION OF A CONCEALED HANDGUN ON THE CAMPUS OF THE PUBLIC COLLEGE OR UNIVERSITY BY A PERSON IS PERMITTED; AND TO MAKE ORGANIZATIONAL AND TECHNICAL AMENDMENTS.

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, § 5-73-306(5), § 5-73-327, § 16-21-147, and this section, 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 a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.

(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 a firearm, whether loaded or unloaded, in the State Capitol Building or the Arkansas Justice Building in Little Rock.

(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;

(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 the Department of Community Correction;

(D) If the person ~~has completed the required training and received a concealed carry endorsement under § 5-73-322(g)~~ possesses an enhanced license to carry a concealed handgun under § 5-73-327 and the place is not:

(i) A courtroom or the location of an administrative hearing conducted by a state agency, except as permitted by § 5-73-306(5) or § 5-73-306(6);

(ii) A public school kindergarten through grade twelve (K-12), a public prekindergarten, or a public daycare facility, except as permitted under subdivision (a)(3)(C) of this section;

(iii) A facility operated by the Department of Correction or the Department of Community Correction; or

(iv) A posted firearm-sensitive area, as approved by the Department of Arkansas State Police under § 5-73-325, located at:

- (a) The Arkansas State Hospital;
- (b) The University of Arkansas for Medical

Sciences; or

- (c) A collegiate athletic event; or

(E) If the person has a license to carry a concealed handgun under § 5-73-301 et seq., is a justice of the Supreme Court or a judge on the Court of Appeals, and is carrying a concealed handgun in the Arkansas Justice Building.

(4) 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.

(b) However, a law enforcement officer, officer of the court, bailiff, or any other person authorized by the court is permitted to possess a handgun in the courtroom of any court or a courthouse of this state.

(c) A person violating this section upon conviction is guilty of a Class C misdemeanor.

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

Except as permitted under § 5-73-322~~(g)~~ or § 5-73-327, a license to carry a concealed handgun issued 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) An Arkansas Highway Police Division of the Arkansas Department of Transportation facility;

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

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

(i) A rest area or weigh station of the Arkansas Department of Transportation; 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:

(i) Employed by the county;

(ii) A countywide elected official;

(iii) A justice of the peace; or

(iv)(a) Employed by a governmental entity other than the county with an office or place of employment inside 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.

(b) A licensee is limited to carrying a concealed handgun under subdivision (5)(A)(iv)(a) of this section into the courthouse, courthouse annex, or other building owned, leased, or regularly used by the county for conducting court proceedings or housing a county office where the office or place of employment of the governmental entity that employs him or her is located;

(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, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings as set out by the local security and emergency preparedness plan;

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

(B) However, nothing in this subchapter precludes a judge

from carrying a concealed weapon or determining who will carry a concealed weapon 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)(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises.

(B) A person ~~with a concealed carry endorsement under § 5-73-322(g)~~ who possesses an enhanced license to carry a concealed handgun under § 5-73-327 and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(12)(A) A portion of an establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises.

(B) A person ~~with a concealed carry endorsement under § 5-73-322(g)~~ who possesses an enhanced license to carry a concealed handgun under § 5-73-327 and who is carrying a concealed handgun may not enter an establishment under this section if the establishment either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(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 § 5-73-327; or

(v) A publicly owned and maintained parking lot of a 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 person is~~ 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~~ 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.

(C) A person ~~with a concealed carry endorsement under § 5-73-322(g)~~ who possesses an enhanced license to carry a concealed handgun under § 5-73-327 and who is carrying a concealed handgun may not enter a church or other place of worship under this section if the church or other place of worship either places a written notice as permitted under subdivision (18) of this section or provides notice under subdivision (19) of this section prohibiting a person with a license to possess a concealed handgun at the physical location;

(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;

(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 handgun.

(B) Subdivision (18)(A) of this section does not apply if the place 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 § 5-73-327;

(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; or

(iii) A parking lot of a private employer and the licensee is carrying a concealed handgun as provided under § 5-73-326.

(C) The person or entity exercising control over the physical location of a place that does not use his, her, or its authority under this subdivision (18) to prohibit a person from possessing a concealed handgun is immune from a claim for monetary damages arising from or related to the decision not to place at each entrance to the place a written notice under this subdivision (18);

(19)(A)(i) A place owned or operated by a private entity that

prohibits the carrying of a concealed handgun that posts a written notice as described under subdivision (18)(A) of this section.

(ii)(a) A place owned or operated by a private entity that chooses not to post a written notice as described under subdivision (18)(A) of this section may provide written or verbal notification to a licensee who is carrying a concealed handgun at the place owned or operated by a private entity that carrying of a concealed handgun is prohibited.

(b) A licensee who receives written or verbal notification under subdivision (19)(A)(ii)(a) of this section is deemed to have violated this subdivision (19) if the licensee while carrying a concealed handgun either remains at or returns to the place owned or operated by the private entity.

(B) A place owned or operated by a private entity under this subdivision (19) includes without limitation:

(i) A private university or private college;
(ii) A church or other place of worship;
(iii) An establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises; and

(iv) An establishment, except a restaurant as defined in § 3-5-1202, where beer or light wine is consumed on the premises;
or

(20) A posted firearm-sensitive area, as approved by the Department of Arkansas State Police under § 5-73-325, located at:

- (A) The Arkansas State Hospital;
- (B) The University of Arkansas for Medical Sciences; or
- (C) A collegiate athletic event.

SECTION 3. 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)(1) As used in this section, "public university, public college, or community college" means an institution that:

(A) Regularly receives budgetary support from the state government;

(B) Is part of the University of Arkansas or Arkansas State University systems; or

(C) Is required to report to the Arkansas Higher Education Coordinating Board.

(2) "Public university, public college, or community college" includes without limitation a public technical institute.

(3) "Public university, public college, or community college" does not include a private university or private college solely because:

(A) Students attending the private university or private college receive state-supported scholarships; or

(B) The private university or private college voluntarily reports to the Arkansas Higher Education Coordinating Board.

(b) ~~A The governing body of a public university, public college, or community college may choose to allow a licensee who has completed the training required under subsection (g) of this section may § 5-73-327 to possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college, whether owned or leased by the public university, public college, or community college, ~~unless otherwise prohibited by this section, or § 5-73-306.~~~~

~~(c)(1) A private university or private college may choose to permit a licensee may who has completed the training required under § 5-73-327 to possess a concealed handgun in the buildings and on the grounds of a the private university or private college ~~unless otherwise prohibited by this section, or § 5-73-306 if 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.~~~~

~~(2)(A) 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).~~

~~(B) 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 subdivision (c)(2)(C) of this section.~~

~~(C) 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.~~

(d) The storage or possession of a handgun in a university or college-operated student dormitory, student housing, or residence hall is prohibited under ~~§ 5-73-119(e)~~ at all times.

~~(c)(1) A licensee who may carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college under this section may not carry a concealed handgun into a location in which an official meeting lasting no more than nine (9) hours is being conducted in accordance with documented grievance and disciplinary procedures as established by the public university, public college, or community college if:~~

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

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

~~(C) The area of a building prohibited under this subdivision (c)(1) is no larger than necessary to complete the grievance or disciplinary meeting.~~

~~(2) A person who knowingly violates subdivision (c)(1) of this section upon conviction is guilty of:~~

~~(A) A violation for a first offense and subject to a fine not exceeding one hundred dollars (\$100); and~~

~~(B) A Class C misdemeanor for a second or subsequent offense.~~

~~(f) 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).~~

~~(g)(1) A licensee who intends to carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college is required to complete a training course approved by the Director of the Department of Arkansas State Police.~~

~~(2)(A) Training required under this subsection shall:~~

~~(i) Not be required to be renewed;~~
~~(ii) Consist of a course of up to eight (8) hours;~~
~~(iii) Be offered by all training instructors and at all concealed carry training courses; and~~

~~(iv) Cost no more than a nominal amount.~~

~~(B) The Director of the Department of Arkansas State Police may waive up to four (4) hours of training required under this subsection for a licensee based on the licensee's prior training attended within ten (10) years of applying for the endorsement provided for under subdivision (g)(3) of this section on appropriate topics.~~

~~(3) A licensee who completes a training course under this subsection shall be given a concealed carry endorsement by the Department of Arkansas State Police on his or her license to carry a concealed handgun that the person is permitted to possess and carry a concealed handgun in the buildings and on the grounds of a public university, public college, or community college.~~

~~(h) A licensee who completes a training course and obtains a concealed carry endorsement under subsection (g) of this section is exempted from the prohibitions and restrictions on:~~

~~(1) Carrying a firearm in a publicly owned building or facility under § 5-73-122, if the firearm is a concealed handgun; and~~

~~(2) Carrying a concealed handgun in a prohibited place listed under § 5-73-306(7)-(12), (14), (15), and (17), unless otherwise prohibited under § 5-73-306(19) or § 5-73-306(20).~~

~~(i) The department shall maintain a list of licensees who have successfully completed a training course under subsection (g) of this section.~~

~~(j)(1) Unless possession of a concealed handgun is a requirement of a licensee's job description, the possession of a concealed handgun under this section is a personal choice made by the licensee and not a requirement of the employing public university, public college, or community college.~~

~~(2) A licensee who possesses a concealed handgun in the buildings and on the grounds of a public university, public college, or community college at which the licensee is employed is not:~~

~~(A) Acting in the course of or scope of his or her employment when possessing or using a concealed handgun;~~

~~(B) Entitled to worker's compensation benefits for injuries arising from his or her own negligent acts in possessing or using a concealed handgun;~~

~~(C) Immune from personal liability with respect to possession or use of a concealed handgun; or~~

~~(D) Permitted to carry a concealed handgun openly or in any other manner in which the concealed handgun is visible to ordinary observation.~~

~~(3) A public university, public college, or community college is immune from a claim for monetary damages arising from or related to a licensee's use of, or failure to use, a concealed handgun if the licensee elects to possess a concealed handgun under this section.~~

SECTION 4. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended to add an additional section to read as follows:

5-73-327. Enhanced license to carry a concealed handgun.

(a) The Director of the Department of Arkansas State Police shall grant an enhanced license to carry a concealed handgun to a licensee who successfully completes training required under this section.

(b)(1) Training required under this section shall:

(A) Not be required to be renewed;

(B) Consist of a course of up to eight (8) hours;

(C) Be offered by all training instructors and at all concealed carry training courses; and

(D) Cost no more than a nominal amount.

(2) The director may waive up to four (4) hours of training on appropriate topics required under this section based on the licensee's prior training attended within ten (10) years of applying for the enhanced license to carry a concealed handgun.

(c) An enhanced license to carry a concealed handgun exempts the licensee from the prohibitions and restrictions on:

(1) Carrying a firearm in a publicly owned building or facility under § 5-73-122, unless otherwise prohibited, if the firearm is a concealed handgun; and

(2) Carrying a concealed handgun in the following otherwise prohibited places:

(A) A meeting place of the governing body of any governmental entity, unless otherwise prohibited under § 5-73-122;

(B) A meeting of the General Assembly or a committee of the General Assembly, unless otherwise prohibited under § 5-73-122;

(C) A state office, unless otherwise prohibited under § 5-73-122;

(D) An athletic event not related to firearms, unless otherwise prohibited under § 5-73-122, or if the athletic event is sponsored by a school, kindergarten through grade twelve (K-12) school, or a public college, public university, or community college;

(E) A portion of an establishment, except a restaurant as defined in § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises or where beer or light wine is consumed on the premises, except that a licensee who possesses an enhanced license to carry a concealed handgun under this section and who is carrying a concealed handgun may not enter an establishment under this subdivision (c)(2) if the establishment either places a written notice as permitted under § 5-73-306(18) or provides notice under § 5-73-306(19) prohibiting a licensee to possess a concealed handgun at the physical location;

(F) Inside the passenger terminal of an airport, except that 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;

(G) A church or other place of worship, except that a licensee who possesses an enhanced license to carry a concealed handgun and who is carrying a concealed handgun may not enter a church or other place of worship without the express permission of the church or other place of worship if the church or other place of worship either places a written notice as permitted under § 5-73-306(18) or provides notice under § 5-73-306(19) prohibiting a licensee to possess a concealed handgun at the physical location; or

(H) A place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration.

(d) The Department of Arkansas State Police shall maintain a list of licensees who have successfully completed the training required under this

section.