

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

State of Arkansas      *As Engrossed: S2/6/19 S2/7/19 S2/14/19*  
92nd General Assembly      **A Bill**  
Regular Session, 2019

SENATE BILL 197

By: Senator B. Ballinger  
*By: Representative Breaux*

### **For An Act To Be Entitled**

AN ACT TO CLARIFY THE SCOPE IN WHICH A LAW  
ENFORCEMENT OFFICER MAY CARRY AN OPEN OR CONCEALED  
HANDGUN BOTH WHILE ON DUTY AND OFF *DUTY*; *TO DECLARE*  
*AN EMERGENCY*; AND FOR OTHER PURPOSES.

### **Subtitle**

*TO CLARIFY THE SCOPE IN WHICH A LAW  
ENFORCEMENT OFFICER MAY CARRY AN OPEN OR  
CONCEALED HANDGUN BOTH WHILE ON DUTY AND  
OFF DUTY; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 5-73-119(e)(6), concerning the permissibility of a certified law enforcement officer to carry a handgun or firearm on school property, is amended to read as follows:

(6)(A) The person is a certified law enforcement officer, either on-duty or off-duty.

(B) If the person is an off-duty law enforcement officer, he or she may be required by a public school or publicly supported institution of higher education to be in physical possession of a valid identification identifying the person as a law enforcement officer;

SECTION 2. Arkansas Code § 5-73-120(c)(7), concerning the permissibility of a certified law enforcement officer to carry a weapon, is amended to read as follows:



(7)(A) The person is a certified law enforcement officer, either on-duty or off-duty.

(B) If the person is an off-duty law enforcement officer, he or she may be required by a public school or publicly supported institution of higher education to be in physical possession of a valid identification identifying the person as a law enforcement officer;

SECTION 3. Arkansas Code § 5-73-122(a)(1) and (2), concerning the permissibility of a certified law enforcement officer to carry a firearm in a publicly owned building or facility, are amended to read as follows:

(a)(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147, and this section, it is unlawful for ~~any a~~ person other than a law enforcement officer, either on-duty or off-duty, ~~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, either on-duty or off-duty, ~~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.

SECTION 4. Arkansas Code § 5-73-122(b), concerning the permissibility of a certified law enforcement officer to carry a handgun in a courtroom, is amended to read as follows:

(b) However, a law enforcement officer, either on-duty or off-duty, 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.

SECTION 5. Arkansas Code § 5-73-122, concerning carrying a firearm in a publicly owned building or facility, is amended to add additional subsections to read as follows:

(d) An off-duty law enforcement officer carrying a firearm in a

publicly owned building or facility may be required to be in physical possession of a valid identification identifying the person as a law enforcement officer.

(e) An off-duty law enforcement officer may not carry a firearm into a courtroom if the off-duty law enforcement officer is a party to or a witness in a civil or criminal matter unless the law provides otherwise.

SECTION 6. DO NOT CODIFY. Policy required.

(a) A state institution shall develop a policy consistent with this act concerning the lawful open or concealed carry of a handgun by an off-duty law enforcement officer at a state institution affected by this act.

(b) The promulgation of a policy under this section is exempt from the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that public safety is increased when trained law enforcement officers are able to carry their handguns in public even when they are off-duty and that this act is immediately necessary because increasing public safety is one of the most important responsibilities of the General Assembly. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/B. Ballinger