

## **Title 5. Criminal Offenses**

### **Chapter I. Division of Arkansas State Police, Department of Public Safety**

#### **Subchapter A. Generally**

##### **Part 1. Arkansas Concealed Handgun Carry License**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"CHAPTER 1. TITLE; AUTHORITY; SCOPE

###### Rule 1.0 Title

These Rules shall be known as the Arkansas Concealed Handgun Carry License Rules ("Rules").

###### Rule 1.1 Authority; Purpose; Scope

(a) These Rules are issued pursuant to the Director's authority under ACA § 5-73-317, ACA §§ 12-8-104 et seq., and the Arkansas Administrative Procedure Act at ACA §§ 25-15-201 et seq. The purpose of these Rules is to establish the process and procedures, in conformity with Arkansas laws, for the licensing and governance of concealed handgun carry license holders; to provide standards and guidelines to instructors who train concealed handgun carry license applicants; and to outline the process and procedures for the establishment of firearm sensitive areas.

(b) These Rules do not address federal law concerning active and retired law enforcement concealed handgun carry authorization under 18 USC § 921 and § 922.

(c) These Rules do not address certified law enforcement officers' or retired law enforcement officers' concealed handgun carry authorization under the provisions of ACA § 12-15-201 and § 12-15-202."

"CHAPTER 18. Effective Date of these Rules

###### Rule 18.0 Effective date

These Rules shall be effective on and after Thursday, January 1, 2009. (Certain revisions were effective January 27, 2020.)"

## **Subpart 1. Generally**

### **5 CAR § 1-101. Definitions.**

Definitions are adopted as follows:

(1)(A) "Active duty military" means any person serving full time in the active military service of the United States of America, including members of reserve components, under published orders for active duty or full-time training.

(B) "Active duty military" does not include a member who is performing active duty under a call or order for a specified period of less than thirty-one (31) calendar days;

(2) "Administrator" means the designee of the Director of the Division of Arkansas State Police;

(3) "Applicant" means any person who has submitted an application to the division for a concealed handgun carry license and paid the statutory fees;

(4) "Application" means a form of such size and design that contains the required information and documentation enabling a person to apply for:

(A) A license to carry a concealed handgun;

(B) An enhanced or enhancement to a concealed handgun carry license;

(C) Renewal of a concealed handgun carry license; or

(D) Transfer of a concealed handgun carry license;

(5) "Application packet" means the documentation as outlined in 5 CAR § 1-202(c);

(6) "Committed" means an overnight stay in a medical or other treatment facility, whether voluntary or involuntary;

(7)(A) "Convicted" means a person was found guilty of or pled guilty or nolo contendere to a criminal offense.

(B) Unless otherwise specifically stated, a "conviction" includes offenses that have been sealed or expunged;

(8)(A) "Crime of violence" means any offense involving the threat of physical contact or actual physical contact or any offense involving an act or omission resulting in bodily injury.

(B) A "crime of violence" can include, but is not limited to:

- (i) Murder;
- (ii) Rape;
- (iii) Sexual assault;
- (iv) Robbery;
- (v) Terroristic threatening;
- (vi) Disorderly conduct;
- (vii) Resisting arrest;
- (viii) Battery; or
- (ix) Assault;

(9) "Director" means the Director of the Division of Arkansas State Police;

(10) "Division" means the Division of Arkansas State Police;

(11)(A) "Documentation" means information that may be required to determine the applicant's eligibility.

(B) "Documentation" includes written materials that are able to be independently verified as true and correct by the Division of Arkansas State Police.

(C) For example, the most reliable "documentation" of a disposition from a court is a copy of the final disposition certified by the court clerk or the keeper of the record.

(D) Convictions that have been sealed or expunged may still disqualify an applicant from receiving a concealed handgun carry license under certain circumstances;

(12) "Duplicate license" means a license to carry a concealed handgun that is issued to a licensee to replace a previously issued license;

(13) "Enhanced license" means the status of a concealed handgun carry license when a licensee or applicant has completed enhanced training and received an endorsement to his or her license pursuant to Arkansas Code § 5-73-322(g)(3);

(14) "Enhanced training" means the training requirements set forth in 5 CAR § 1-301(d) for an applicant or a licensee to qualify for an enhanced concealed handgun carry license;

(15) "Firearms safety training instructor" or "instructor" means any person who is registered by the Director of the Division of Arkansas State Police to conduct the necessary training for a licensee to carry a concealed handgun;

(16) "Hearing officer" means the Director of the Division of Arkansas State Police or his or her designated representative acting in issues of adjudication as outlined in the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(17) "Live fire" means training involving the use of live ammunition, as opposed to the use of blanks or simunition;

(18)(A) "Passenger terminal of an airport" means the ticketing area, lobby, and baggage claim of an airport.

(B) The "passenger terminal of an airport" does not include any sterile area of an airport, the passenger security screening checkpoint, and all areas beyond the security checkpoint;

(19)(A) "Possession" means, for the purposes of Arkansas Code § 5-73-301 et seq., and this part, actual or constructive possession:

(i) On or about the person;

(ii) In a vehicle occupied by the licensee (including, but not limited to, areas within the passenger compartment of any vehicle, such as glove boxes or containers); or

(iii) Otherwise readily available for use.

(B) "Possession" also includes "carrying a handgun" as stated in Arkansas Code § 5-73-312(c).

(C) "Possession" does not include:

(i) For a passenger car, where the handgun is unloaded and locked in the trunk;

(ii) For any vehicle, where the handgun is unloaded and located in a space outside the passenger compartment;

(iii) For a vehicle in which a space outside the passenger compartment or a trunk does not exist, where the handgun is unloaded and in a locked container and the ammunition is physically separated from the handgun, so that both are not readily accessible to any occupant of the vehicle while the vehicle is in motion; and

(iv) Placement or storage of the handgun unattended in any location, not including a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law, if the licensee is not in the same room and immediate vicinity (within arm's reach) of the handgun;

(20) "Registration" means a certificate granted to an instructor permitting him or her to instruct the firearms safety training provisions outlined in this part;

(21)(A) "Resident" means any person who possesses a valid Arkansas driver's license or identification card and who has established domicile as evidenced by the intent to make Arkansas his or her fixed and permanent home.

(B) It is presumed for the purposes of this definition that, when a person transfers his or her Arkansas driver's license or identification card to another state for a period of thirty (30) days or longer, the person is no longer an Arkansas resident;

(22)(A) "Storage" means, for the purposes of Arkansas Code § 5-73-301 et seq., and this part, storage of a handgun in a university or college-operated student dormitory or residence hall, which is prohibited under Arkansas Code § 5-73-119(c).

(B) "Storage" means to leave a handgun unattended in any location, not including a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law, for any period of time, where the licensee is not in the same room and immediate vicinity (within arm's reach) of the handgun; and

(23) "Training" means the training requirements set forth in 5 CAR § 1-301(a) and (b) for licensure to carry a concealed handgun.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-102. Authority to issue license.**

The Director of the Division of Arkansas State Police may issue a license to carry a concealed handgun to any person who meets the requirements set forth in this part and other applicable laws.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-103. Term of the license.**

The term of the license to carry a concealed handgun is five (5) years from the date of issuance, unless the license is suspended or revoked under this part.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-104. Exemptions — Authorized under other laws.**

A person who is exempt from licensing requirements under Arkansas Code § 5-73-304 is not bound by this part.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-105. Penalty for false response or document.**

Submitting a false answer or false documentation with an application or in other communications with the Division of Arkansas State Police shall subject the applicant to the following:

(1) **Criminal penalty.** A person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, upon conviction is guilty of a Class B misdemeanor; and/or

(2) **Noncriminal penalty.** A person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, is precluded from receiving a license and is subject to immediate revocation of his or her license if it has already been issued.

**Authority.** Arkansas Code § 5-73-317.

### **5 CAR § 1-106. Exemptions — Military and spouse.**

#### **(a) Active duty member.**

(1) An active duty member of the United States Armed Forces is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the active duty member submits documentation of his or her active duty status.

(2) The active duty member must complete the classroom portion of the concealed handgun carry training.

(3) The active duty member, or a former member who has recently received an honorable discharge, may substitute a form and a letter from his or her commanding officer, as outlined in 5 CAR § 1-301(c), for the live-fire requirement or he or she may complete the entire concealed handgun carry training course with live-fire under the Division of Arkansas State Police-registered concealed handgun carry license instructor.

(4) The active duty member shall submit with his or her initial application, and any renewal, a recent passport-style photograph in appropriate electronic format.

#### **(b) Spouse of active duty member.**

(1) Any spouse of an active duty military member is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the spouse of the active duty member submits documentation of his or her spouse's active duty status.

(2) Any spouse of an active duty military member must meet the same training requirements as a regular concealed handgun carry license applicant.

(3) Any spouse of an active duty military member shall submit with his or her initial application, and any renewal, a recent passport-style photograph in appropriate electronic format.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-107. Application.**

**(a) Application design.**

(1) The initial application form shall be of such size and design so as to include relevant information required by current Arkansas laws.

(2) The Director of the Division of Arkansas State Police shall have the authority to design and amend the renewal, transfer, or replacement application form as he or she deems necessary.

**(b) Application availability.**

(1) Applicants may apply online or obtain application forms at the Division of Arkansas State Police website or a firearms safety training instructor registered with the division.

(2) Submitting an application online enables the applicant to easily check the status of his or her application and may result in faster processing.

**(c) Proper application packet.**

(1) The documentation received from an applicant shall be deemed proper and complete when it contains all the required items under Arkansas law and this part.

(2) In addition to the fully completed application form, the following is required:

(A) Nonrefundable license fee;

(B) A properly completed, legible, signed waiver authorizing the division access to the applicant's records;

(C) At least one (1) full set of the applicant's classifiable fingerprints;

(D) Proof of the applicant's timely, successful completion of an approved firearm safety training program; and

(E) Any other information the director may require from the applicant to determine the applicant's qualifications to hold a license under the provisions of Arkansas laws, federal laws, and this part.

(d) **Fees.**

(1) Certain fees will be necessary for the proper processing of concealed handgun carry licensing paperwork.

(2)(A) Those fees are set by Arkansas law or state and federal rules.

(B) An instruction sheet may be issued by the division, which outlines proper application procedures and current fees.

**Authority.** Arkansas Code § 5-73-317.

## **Subpart 2. Licensure**

### **5 CAR § 1-201. License possession requirements.**

(a) **License usage.** The concealed handgun carry license issued under this part shall be used solely by the licensee to whom it was issued.

(b) **Possession of license.** The licensee shall carry the concealed handgun carry license, or an electronic copy in acceptable electronic format, at all times while in possession of a handgun.

(c) **Contact with law enforcement.**

(1)(A) While in possession of a handgun, if a licensee is asked for identification (driver's license or personal information, such as name and date of birth) by any law enforcement officer, the licensee shall present the original license, or an electronic copy in an acceptable electronic format, for inspection, along with an official form of photo identification.

(B) The licensee shall also notify the officer that he or she holds a concealed handgun carry license and that he or she has a handgun in his or her possession.

(2) If the licensee is not in possession of a handgun, when a law enforcement officer asks the licensee for identification (driver's license or personal information, such as name and date of birth), the licensee is not required to present the concealed handgun carry license or notify the officer that he or she holds a concealed handgun carry license.

(3) Official forms of photo identification include, but are not limited to, any of the following:

- (A) Current and valid Arkansas driver's license;
- (B) Current and valid military identification card; or
- (C) Current and valid United States passport.

(4) Reproduced copies of the official form of photo identification shall not be accepted.

(5) Acceptable electronic format for an electronic copy of the concealed handgun carry license constitutes an electronic image produced on the person's own cellular phone or other such portable electronic device that displays all the information on a concealed handgun license as clearly as an original concealed handgun license.

(d) **Current license validity.** Any law enforcement officer with access to the Arkansas Crime Information Center database may query the Arkansas driver's license of the licensee for the current validity status of the concealed handgun carry license.

**Authority.** Arkansas Code § 5-73-317.

### **5 CAR § 1-202. Requirements for licensure.**

(a) **License – Requirements.** The Director of the Division of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant meets the eligibility criteria set forth in Arkansas Code §§ 5-73-308 and 5-73-309.

(b) **Application form.** The application form for a license to carry a concealed handgun shall include:

- (1) The name, address, place and date of birth, race, and sex of the applicant;
- (2) The driver's license number and Social Security number of the applicant;

(3) Any previous address of the applicant for the two (2) years preceding the date of the application;

(4) Questions related to the applicant's fitness for issuance of a concealed handgun carry license;

(5) A statement whether or not the applicant has been found guilty of a crime of violence or domestic abuse;

(6) A statement that the applicant has been furnished a copy of and has reviewed the Arkansas law relevant to concealed handgun carry licensing;

(7) A warning that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects him or her to criminal prosecution and/or precludes the applicant from receiving or retaining a license; and

(8) A statement as to whether the applicant is applying for:

(A) A restricted license, which allows the person to carry any handgun other than a semiautomatic handgun;

(B) An unrestricted license, which allows the person to carry any handgun; and/or

(C) An enhanced license, which expands the areas where a concealed handgun may be carried.

**(c) Initial application packet and procedure.**

(1) The applicant for a license to carry a concealed handgun shall submit the following items as an application packet to the Division of Arkansas State Police:

(A) A properly completed application form, as described herein;

(B) A nonrefundable license fee as prescribed by law;

(C) The applicable fee or fees for state and national background checks as prescribed by law;

(D) A full set of classifiable fingerprints of the applicant;

(E) A properly completed certification of training; and

(F) A signed waiver authorizing the division access to any medical, criminal, military, or other records concerning the applicant.

(2)(A) An applicant who fails to submit any of the required items listed herein will be notified of the missing items.

(B) He or she will then have thirty (30) days to submit the missing items or the application will be denied.

(d) **Application packet processing by the division.** Upon receipt of the properly completed application packet as described herein, the division shall:

(1) Forward the full set of classifiable fingerprints of the applicant to the appropriate agencies for state and national processing;

(2)(A) Forward notice of the person's application to the sheriff of the applicant's county of residence, and, if applicable, to the police chief of the applicant's municipality of residence, who may participate, at his or her discretion, in the process by submitting a voluntary report to the division containing any information that he or she feels may be pertinent to the licensing of any applicant.

(B) The reporting shall be made within thirty (30) days after the date the notice was sent; and

(3)(A) Notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history.

(B) An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of the request by the division or the application will be denied.

(e) **Fingerprinting for initial application.**

(1)(A) In the event a legible and classifiable set of fingerprints, as determined by the division or the Federal Bureau of Investigation, cannot be obtained, the applicant shall be contacted and shall be required to be fingerprinted again.

(B) This determination may be made prior to the submission of a fingerprint card to the Federal Bureau of Investigation or after one (1) rejection of the fingerprint card.

(2) After two (2) unsuccessful fingerprint card submissions (rejections) are completed, the applicant may again pay the Federal Bureau of Investigation fingerprint background check fee and submit two (2) newly completed fingerprint cards.

(3) The director shall determine the applicant's eligibility for licensing after successful completion of the Federal Bureau of Investigation fingerprint-based check.

(4) Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the director is allowed.

**(f) Unresolved arrests.**

(1)(A) If a check of the applicant's criminal records uncovers any unresolved arrest or arrests that could lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge or charges.

(B) A license will not be issued until the division receives the final disposition or other requested information.

(2) If a check of the applicant's criminal records uncovers an unresolved felony arrest over ten (10) years old, then the applicant may obtain a letter of reference, from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides, which states that, to the best of his or her knowledge, the applicant is of good character and free of any felony convictions.

**(g) License — Issuance.**

(1)(A) The license shall be issued within one hundred twenty (120) days after the date of receipt of a properly completed application packet, including fingerprint cards and training certificates, as described herein.

(B) That period will be tolled pending the receipt of disposition and level or facts of any outstanding criminal charges or classifiable fingerprints for the state and national background check.

(2)(A) The director shall issue the license or deny the application based solely on the ground that the applicant fails to qualify under the criteria established in law and this part.

(B) Notice of denial shall be sent to the applicant according to this part.

**(h) License denial — Initial application.**

(1) If the director denies the application, he or she shall notify the applicant in writing, stating the grounds for denial and appeal procedures under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) The letter shall be sent via certified mail, return receipt requested.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-203. Renewal of license.**

**(a) Process for renewal of license.**

(1) The licensee may renew his or her license no more than ninety (90) days prior to its expiration date by submitting the following renewal packet to the Division of Arkansas State Police:

(A) A completed renewal form prescribed by the division, including a verified statement that the licensee remains qualified pursuant to the criteria specified in Arkansas Code § 5-73-308(a) and § 5-73-309;

(B) The applicable fee or fees for state and national background checks, as prescribed by law;

(C) A nonrefundable renewal fee in the amount prescribed by law;

(D) A certification of training form properly completed by the licensee's firearms safety training instructor and reflecting that the licensee has successfully completed the renewal training course, including live-fire, within the last six (6) months as required by the division; and

(E) A digital photograph of the licensee, if the Arkansas driver's license photo is not available, within division standardized requirement or a release authorization to allow the division to obtain a qualifying digital photograph of the licensee from another source.

(2) The license shall be processed for renewal upon receipt of the items listed herein, subject to a background investigation conducted pursuant to law that does not reveal any disqualifying factor or offense or unresolved arrest which could disqualify a licensee under state or federal law.

(3)(A) The division will notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history.

(B) An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of request by the division or the application will be denied.

**(b) Renewal application — Late fee.**

(1)(A) A licensee who fails to properly submit a renewal application packet on or before its expiration date, but before six (6) months after the license has expired, may renew his or her license by paying a late fee as prescribed by law.

(B) Receipt of the renewal packet is determined by the receipt date of the division.

(2) **Exemption from late fee.** An active duty member of the United States Armed Forces, a member of the National Guard, or a member of a reserve component of the United States Armed Forces who is on active duty outside Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following properly completed renewal packet to the division:

(A) A completed renewal application form prescribed by the division;

(B) A verified statement that the licensee remains qualified pursuant to the criteria specified in Arkansas Code § 5-73-308(a) and § 5-73-309;

(C) A nonrefundable renewal fee as prescribed by Arkansas law;

(D) The applicable fee or fees for state and national background checks, as prescribed by law;

(E) A certification or training form properly completed by the licensee's firearms safety training instructor or as allowed under 5 CAR § 1-301(c), reflecting that the licensee's training was properly and successfully conducted;

(F) If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; and

(G) Proof of active duty military assignment outside Arkansas on the expiration date of the license.

**(c) License expired over six (6) months.**

(1)(A) A license that has been expired six (6) months or more shall be deemed inactive.

(B) A licensee whose license has become inactive may reapply for licensure as an initial applicant.

(C) The fees and requirements shall be the same as for an initial application.

(2) **Exemption from inactive status.** An active duty member of the United States Armed Forces, a member of the National Guard, or a member of a reserve component of the United States Armed Forces who is on active duty outside Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following renewal packet to the division:

(A) A completed renewal application form prescribed by the division;

(B) A verified statement that the licensee remains qualified pursuant to the criteria specified in Arkansas Code § 5-73-308(a) and § 5-73-309;

(C) A nonrefundable renewal fee as prescribed by Arkansas law;

(D) The applicable fee or fees for state and national background checks, as prescribed by law;

(E) A certification or training form properly completed by the licensee's firearms safety training instructor, or as allowed under 5 CAR § 1-301(c), reflecting that the licensee's training was properly and successfully conducted;

(F) If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; and

(G) Proof of active duty military assignment outside Arkansas on the expiration date of the license.

(d) **Renewal application denial.**

(1) The Director of the Division of Arkansas State Police may deny a renewal of a license upon the same grounds as for denial of an initial application for license, or for any ground for revocation listed in Arkansas law or this part.

(2)(A) If the director denies the renewal application, he or she shall notify the applicant in writing, stating the grounds for denial and appeal procedures under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(B) The letter shall be sent via certified mail, return receipt requested.

(e) **Renewal of enhanced license.** An enhanced concealed handgun carry license is required to be renewed under the terms outlined in this section.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-204. Other changes to license.**

(a) **Replacement license.** A licensee may obtain a replacement license upon submission of a properly completed replacement form and payment to the Division of Arkansas State Police of a fee of:

(1) Fifteen dollars (\$15.00) if the licensee is sixty-four (64) years of age or younger; or

(2) Seven dollars and fifty cents (\$7.50) if the licensee is sixty-five (65) years of age or older.

(b) **Change of address of the licensee.**

(1)(A) Within thirty (30) days after changing his or her mailing and/or permanent address, an applicant for a license or a current licensee shall notify the Director of the Division of Arkansas State Police in writing of the change.

(B) Both the old and new address shall be furnished.

(C) A division form shall be provided for that purpose.

(2) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under subsection (a) of this section and destroy the old license upon receipt of the replacement license.

(c) **Change of name of the licensee.**

(1)(A) Within thirty (30) days after changing his or her legal name, an applicant for a license or a current licensee shall notify the director in writing of the change and provide documentation that officially created the change.

(B) A division form shall be provided for that purpose.

(2) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under subsection (a) of this section and destroy the old license upon receipt of the replacement license.

(d) **Death of licensee.**

(1) Upon death of a licensee, the license shall be canceled from the date of death.

(2) Written notice of the death of a licensee should be provided to the division as soon as possible after the death.

(e) **Voluntary surrender of a license.** If a licensee voluntarily surrenders his or her license to the division in the absence of suspension or revocation proceedings, the division will accept the license and cancel it.

(f) **Upgrade to enhanced license.**

(1) A licensee may upgrade his or her basic concealed handgun carry license to an enhanced license by:

(A) Completion of the training described in 5 CAR § 1-301(d);

(B) Submission of a properly completed enhanced training form; and

(C) Payment of the replacement fees described in subsection (a) of this section to the division.

(2) A division form shall be provided for that purpose.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-205. License restrictions.**

(a) **Failure to comply with concealed handgun carry license restrictions.**

Failure to comply with the provisions of Arkansas Code § 5-73-301 et seq., or this part is a ground or grounds for suspension and/or revocation of an Arkansas concealed handgun carry license.

(b) **Restrictions as to type of handgun.**

(1) A restricted license allows the licensee to carry concealed any legal handgun other than a semiautomatic handgun.

(2) An unrestricted license allows the licensee to carry concealed any legal handgun.

(c) **General prohibited places.** A licensee with a nonenhanced license is barred from carrying a concealed handgun in the following places:

(1) The developed property of a public or private school, kindergarten through grade twelve (K-12), in or upon any school bus, or at a designated school bus stop, except as permitted in Arkansas Code § 5-73-119(e) (see Arkansas Code § 5-73-119(b));

(2) The property of any private institution of higher education or a publicly supported institution of higher education, except as permitted in Arkansas Code § 5-73-322 and § 5-73-119(e) (see Arkansas Code § 5-73-119(c));

(3) Any publicly owned building or facility or on the State Capitol grounds, except as permitted in Arkansas Code § 5-73-122(a)(3) (see Arkansas Code § 5-73-122(a)(1));

(4) The State Capitol Building or the Justice Building in Little Rock, except as permitted in Arkansas Code § 5-73-122(a)(3) (see Arkansas Code § 5-73-122(a)(2));

(5) On the grounds of a private university or private college, if the university or college adopts a policy expressly disallowing the carrying of a concealed handgun (see Arkansas Code § 5-73-322(c));

(6) Any police station, sheriff's station, or Division of Arkansas State Police station (see Arkansas Code § 5-73-306(1));

(7) Any Arkansas Highway Police Division of the Arkansas Department of Transportation facility (see Arkansas Code § 5-73-306(2));

(8) Any building of the Arkansas Department of Transportation or onto grounds adjacent to any building of the Arkansas Department of Transportation, except as permitted in Arkansas Code § 5-73-306(3)(B) [repealed] (see Arkansas Code § 5-73-306(3) [repealed]);

(9) Any part of a detention facility, prison, jail, or residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services, including without limitation a parking lot owned, maintained, or otherwise controlled by the Division of Correction, the Division of Community Correction, or a

residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services (see Arkansas Code § 5-73-306(4));

(10) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, except as permitted in Arkansas Code § 5-73-306(5)(A) – (C) (see Arkansas Code § 5-73-306(5));

(11) Any courtroom, except as permitted in Arkansas Code § 5-73-306(6)(B) (see Arkansas Code § 5-73-306(6));

(12) Any meeting place of the governing body of any governmental entity (see Arkansas Code § 5-73-306(7));

(13) Any meeting of the General Assembly or a committee of the General Assembly (see Arkansas Code § 5-73-306(8));

(14) Any state office (see Arkansas Code § 5-73-306(9));

(15) Any athletic event not related to firearms (see Arkansas Code § 5-73-309(10));

(16) Any portion of an establishment, except a restaurant as defined in Arkansas Code § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises (see Arkansas Code § 5-73-306(11));

(17) A portion of an establishment, except a restaurant as defined in Arkansas Code § 3-5-1202, where beer or light wine is consumed on the premises (see Arkansas Code § 5-73-306(12));

(18) A school, college, community college, or university campus building or event, except as permitted in Arkansas Code § 5-73-306(13)(B) (see Arkansas Code § 5-73-306(13));

(19) Inside the passenger terminal of any airport (see Arkansas Code § 5-73-306(14));

(20) Any church or other place of worship, except as permitted in Arkansas Code § 5-73-306(15)(B) (see Arkansas Code § 5-73-306(15));

(21) Any place where the carrying of a firearm is prohibited by federal law (see Arkansas Code § 5-73-306(16));

(22) Any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration (see Arkansas Code § 5-73-306(17));

(23) Any place at the discretion of the person or entity exercising control over the physical location, if the location posts written notice under Arkansas Code § 5-73-306(18) (see Arkansas Code § 5-73-306(18));

(24) A place owned or operated by a private entity that prohibits the carrying of a concealed handgun, if the licensee receives written or verbal notice under Arkansas Code § 5-73-306(19) (see Arkansas Code § 5-73-306(19)); or

(25) A posted firearm-sensitive area under Arkansas Code § 5-73-325, located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event (see Arkansas Code § 5-73-306(20)).

**(d) Enhanced license.**

(1) An enhanced license expands the areas where a licensee may carry a concealed handgun.

(2) A current licensee or new applicant who obtains an enhanced license is exempt from the prohibitions and restrictions on carrying a concealed handgun in a publicly owned building or facility under Arkansas Code § 5-73-122 and in a prohibited place listed under Arkansas Code § 5-73-306(7) – (12), (14), (15), and (17).

(3) Those locations are listed as follows:

(A) Publicly owned buildings and facilities;

(B) State Capitol grounds and the State Capitol Building;

(C) Any meeting place of the governing body of any governmental entity;

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

(E) Any state office;

(F) Athletic events;

(G) A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises;

(H) A portion of an establishment where beer or light wine is consumed on the premises;

(I) Inside the passenger terminal of an airport;

(J) Any church or other place of worship;

(K) Any place where a parade or demonstration requiring a permit is being held, even when the licensee is a participant in the parade or demonstration; and

(L) The buildings and grounds of a public university, college, or community college.

(4) Carrying a concealed firearm in the listed locations may be restricted or prohibited by other applicable law.

(e) **Enhanced prohibited places.** A licensee with an enhanced license remains subject to other criminal prohibitions and restrictions and is barred from carrying a concealed handgun in the following places:

(1) The developed property of a public or private school, kindergarten through grade twelve (K-12), in or upon any school bus, or at a designated school bus stop, except as permitted in Arkansas Code § 5-73-119(e) (see Arkansas Code § 5-73-119(b));

(2) The property of any private institution of higher education or a publicly supported institution of higher education, except as permitted in Arkansas Code § 5-73-322 and § 5-73-119(e) (see Arkansas Code § 5-73-119(c));

(3) Any courtroom or the location of an administrative hearing conducted by a state agency, except as permitted in Arkansas Code § 5-73-306(5) or (6) (see Arkansas Code § 5-73-122(a)(3)(D)(i));

(4) Public school kindergarten through grade twelve (K-12), a public prekindergarten, or a public daycare facility, except as permitted in Arkansas Code § 5-73-122(a)(3)(C) (see Arkansas Code § 5-73-122(a)(3)(D)(ii));

(5) A facility operated by the Division of Correction or the Division of Community Correction (see Arkansas Code § 5-73-122(a)(3)(D)(iii));

(6) Any police station, sheriff's station, or Division of Arkansas State Police station (see Arkansas Code § 5-73-306(1));

(7) Any Arkansas Highway Police Division of the Arkansas Department of Transportation facility (see Arkansas Code § 5-73-306(2));

(8) Any building of the Arkansas Department of Transportation or onto grounds adjacent to any building of the Arkansas Department of Transportation, except as permitted in Arkansas Code § 5-73-306(3)(B) [repealed] (see Arkansas Code § 5-73-306(3) [repealed]);

(9) Any part of a detention facility, prison, jail, or residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services, including without limitation a parking lot owned, maintained, or otherwise controlled by the Division of Correction, the Division of Community Correction, or a residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services (see Arkansas Code § 5-73-306(4));

(10) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, except as permitted in Arkansas Code § 5-73-306(5)(A) – (C) (see Arkansas Code § 5-73-306(5));

(11) Any courtroom, except as permitted in Arkansas Code § 5-73-306(6)(B) (see Arkansas Code § 5-73-306(6));

(12) Any portion of an establishment, except a restaurant as defined in Arkansas Code § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises, if the establishment posts written notice under Arkansas Code § 5-73-306(18) or the licensee receives written or verbal notice under Arkansas Code § 5-73-306(19) (see Arkansas Code § 5-73-306(11));

(13) A portion of an establishment, except a restaurant as defined in Arkansas Code § 3-5-1202, where beer or light wine is consumed on the premises, if the establishment posts written notice under Arkansas Code § 5-73-306(18) or the licensee receives written or verbal notice under Arkansas Code § 5-73-306(19) (see Arkansas Code § 5-73-306(12));

(14) A school, college, community college, or university campus building or event, except as permitted in Arkansas Code § 5-73-306(13)(B) or § 5-73-322 (see Arkansas Code § 5-73-306(13));

(15) Any church or other place of worship, if the location posts written notice under Arkansas Code § 5-73-306(18) or the licensee receives written or verbal notice under Arkansas Code § 5-73-306(19) (see Arkansas Code § 5-73-306(15));

(16) Any place where the carrying of a firearm is prohibited by federal law (see Arkansas Code § 5-73-306(16));

(17) Any place at the discretion of the person or entity exercising control over the physical location, if the location posts written notice under Arkansas Code § 5-73-306(18) (see Arkansas Code § 5-73-306(18));

(18) A place owned or operated by a private entity that prohibits the carrying of a concealed handgun, if the licensee receives written or verbal notice under Arkansas Code § 5-73-306(19) (see Arkansas Code § 5-73-306(19));

(19) A posted firearm-sensitive area under Arkansas Code § 5-73-325, located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event (see Arkansas Code § 5-73-306(20));

(20) On the grounds of a private university or private college, if the university or college adopts a policy expressly disallowing the carrying of a concealed handgun (see Arkansas Code § 5-73-322(c)); or

(21) Any location where an official meeting is being conducted in accordance with documented grievance and disciplinary procedures on the grounds of a public university, public college, or community college and is in compliance with the requirements of Arkansas Code § 5-73-322(e) (see Arkansas Code § 5-73-322(e)).

**(f) Terms of enhanced license.**

(1) Once an applicant or licensee obtains the enhancement to his or her concealed handgun carry license, the enhancement will remain on his or her license until the license is revoked or becomes inactive (expiration beyond six (6) months).

(2) The enhanced license is subject to denial, suspension, and revocation on the same terms as a nonenhanced concealed handgun carry license.

(3)(A) A licensee who completes the enhanced training course and obtains the enhanced license shall not be required to complete renewal enhanced training when he or she renews his or her license.

(B) However, if the license is ever revoked, surrendered, or becomes inactive (expiration beyond six (6) months), the former licensee will be required to complete the standard concealed handgun carry license training course and the enhanced training course to be eligible to obtain a new enhanced license.

(4)(A) A licensee must obtain an Arkansas concealed handgun carry license to receive an enhanced license.

(B) The Division of Arkansas State Police will not extend an enhanced certification to a weapons permit issued by another state, nor will enhanced or advanced weapons permits issued by other states entitle the holder to the benefits of the Arkansas enhanced license.

**(g) Enhanced license — Restrictions.**

(1)(A) An enhanced license authorizes the licensee to carry or possess a concealed handgun in the buildings and on the grounds of certain locations.

(B) Possession is limited to carrying of the handgun:

- (i) On or about the licensee's person;
- (ii) In a vehicle occupied by licensee; or
- (iii) Otherwise readily available for use.

(C)(i) At all times, the licensee must retain the firearm in his or her immediate vicinity (within arm's reach).

(ii) A licensee is not authorized to leave the handgun unattended in a separate location for safekeeping or future use, except when the handgun is placed in a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law.

(2)(A) When carrying a handgun in a location authorized by the enhanced license, the handgun must be concealed from observation so as to prevent public view.

(B) Inadvertent exposure of a handgun does not constitute a violation of this subsection unless the licensee repeatedly engages in careless behavior that results in exposure.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-206. Suspension of license.**

**(a) License suspension.**

(1) If the licensee is arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the licensee shall immediately notify the Division of Arkansas State Police to the attention of the Concealed Handgun Carry Licensing Section of the Division of Arkansas State Police.

(2) Any time the Division of Arkansas State Police discovers that a licensee has been arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the Director of the Division of Arkansas State Police may suspend a license until final disposition of the case.

(3) Notice of license suspension shall be sent to the licensee via certified mail, return receipt requested.

(4) The licensee shall be required to send the license to the Division of Arkansas State Police as soon as possible after the arrest, unless the officer or officers confiscated the license at the time of arrest.

(5) The licensee shall be required to notify the Division of Arkansas State Police of final disposition of the charge or charges within ten (10) days of same.

(6)(A) If the charges are dismissed or nol prossed, or the licensee is found not guilty, then the license will be returned to the licensee, if it has not expired.

(B) If the license has expired for a period of less than six (6) months, then the licensee may apply for renewal of the license under this part.

(7)(A) Suspension of a license is subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(B) The suspended license holder, upon his or her timely request in writing, shall be afforded an administrative hearing.

(8)(A) The Division of Arkansas State Police is required by Arkansas law to suspend the license of any licensee if so ordered by the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration.

(B) The licensee will be sent notice of the suspension.

(C) The license may be reinstated (if it is still within its valid issuance period):

(i) Upon full payment of the amount due to the Office of Child Support Enforcement; and

(ii) Once the Division of Arkansas State Police receives official notice from the Office of Child Support Enforcement to release the suspension.

(9)(A) A licensee may apply for renewal of his or her license during a period of suspension to prevent the license from expiring or becoming inactive.

(B) However, the suspension will remain in effect until the outstanding matter is otherwise resolved.

**(b) Arrest of licensee.**

(1) A law enforcement officer making an arrest of a licensee for a violation of Arkansas law and/or this part, or any other statutory violation that could lead to revocation of a license to carry a concealed handgun, shall confiscate the license and forward it immediately to the director.

(2) The license shall be held by the Division of Arkansas State Police until a determination of the charge or violation is finalized, with the appropriate disposition of the license after the determination.

(3) If the licensee is not in possession of his or her concealed handgun carry license at the time of the arrest, the officer is not required to take possession of the license, but must forward the supporting paperwork to the Concealed Handgun Carry Licensing Section of the Division of Arkansas State Police for further Division of Arkansas State Police action on the license and retention in Division of Arkansas State Police records.

(4) Any non-Arkansas concealed handgun carry license may be confiscated in a similar manner and be immediately forwarded to the Concealed Handgun Carry Licensing Section of the Division of Arkansas State Police, along with any supporting paperwork, for proper action and disposition by Division of Arkansas State Police personnel.

(c) **Order of summary suspension.**

(1) The director may issue a written order of summary suspension of a license if it is determined that the public health, safety, or welfare requires emergency action.

(2) The suspended license holder, upon timely request in writing, shall be afforded an administrative hearing.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-207. Revocation of license.**

(a) **Revocation.**

(1) The Director of the Division of Arkansas State Police shall revoke a concealed handgun carry license if:

(A) The licensee, at any time during the license period, becomes ineligible under the criteria set forth in state or federal law or this part;

(B) The Division of Arkansas State Police receives notification from any law enforcement agency, court, or the licensee that a licensee has been found guilty or has pled guilty or nolo contendere to any crime involving the use of a weapon; or

(C) The division receives notification from any law enforcement agency, court, or the licensee that a licensee has been found guilty or has pled guilty or nolo contendere to an alcohol-related offense committed while carrying a handgun.

(2) The director may revoke a concealed handgun carry license if he or she, the director's designee, or the county sheriff or chief of police of the applicant's place of residence executes an affidavit that the applicant has been, or is reasonably likely to be, a danger to himself or herself or others or to the community at large, as demonstrated

by past patterns of behavior, participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation.

(b) **Notice.**

(1) Notice of the revocation of a concealed handgun carry license shall be sent to the licensee via certified mail, return receipt requested, to the last address provided by the licensee in the division's records.

(2) An appeal from the decision to revoke a concealed handgun carry license shall be made in accordance with the appeal procedure established by the division and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-208. Administrative hearings.**

(a) **Appeal hearings.**

(1) In any hearing held for the purpose of affording a person the opportunity to demonstrate his or her qualifications after the denial of a license, the burden of proof shall be on the applicant.

(2) In any hearing held for the purpose of affording a person the opportunity to demonstrate his or her qualifications after a suspension or revocation of a license, the burden of proof shall be on the Division of Arkansas State Police.

(3) The hearing shall be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(b) **Possession of license pending appeal.**

(1) Upon notification of suspension or revocation, the concealed handgun carry licensee shall return the concealed handgun carry license to the Director of the Division of Arkansas State Police.

(2) Any concealed handgun carry license under suspension or revocation is subject to seizure at any time by any law enforcement officer.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-209. Reapplication after license revocation — Reapplication procedures.**

(a)(1) Once a concealed handgun carry license is revoked by the Director of the Division of Arkansas State Police, the former licensee shall not be eligible to apply for a concealed handgun carry license for a period of at least twenty-four (24) months from the date of revocation or other exclusion period stated in the law.

(2) After that time period expires, the applicant may reapply as a new applicant.

(b) The reapplication shall be treated as an initial application by the Division of Arkansas State Police.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-210. Honoring other states' license to carry a concealed handgun.**

**(a) Effect.**

(1) Any person in possession of a valid license to carry a concealed handgun issued by another state shall be entitled to the privileges and subject to the restrictions prescribed by Arkansas concealed handgun carry laws, federal laws, and this part in order to carry a concealed handgun in the State of Arkansas.

(2) Any Arkansas licensee who is present in another state has the responsibility to determine:

(A) If the Arkansas concealed handgun carry license is honored in that state; and

(B) Any requirements that may be imposed by that state.

**(b) Procedure for transfer of a license issued by another state to Arkansas.**

(1) Any person who becomes a resident of Arkansas and who has a valid license to carry a concealed handgun issued by another state may apply to transfer his

or her license to Arkansas by submitting the following packet to the Division of Arkansas State Police:

- (A) A properly completed division transfer application form;
- (B) The person's current, original out-of-state license (if the concealed handgun carry license is contained on the driver's license of that state, then other suitable documentation as outlined by the division will be required);
- (C) Two (2) properly completed, classifiable, and legible fingerprint cards;
- (D) A nonrefundable license transfer fee as set by law; and
- (E) Any fee charged by a state or federal agency for a criminal history check.

(2) The license is valid for a period of five (5) years from the date of issuance and binds the holder to compliance with all Arkansas laws and rules regarding the carrying of the concealed handgun.

(3) The minimum Arkansas residency requirement of ninety (90) days does not apply to applicants for a transfer of a license to carry a concealed handgun from another state.

**Authority.** Arkansas Code § 5-73-317.

### **Subpart 3. Training**

#### **5 CAR § 1-301. Training requirement for concealed handgun carry license.**

##### **(a) Training requirements upon initial application.**

(1)(A) A person shall, prior to submitting an initial application for a concealed handgun carry license, successfully complete a Division of Arkansas State Police-approved firearm safety training program.

(B) The training must be conducted and attested to by a registered firearms safety instructor as defined in this part.

(C) The program shall consist of a minimum of five (5) hours of instruction on the following topics:

- (i) Administrative matters, including the application process and explanation of criteria for passing the course;
- (ii) Avoiding victimization;
- (iii) Laws regarding use of a handgun;
- (iv) Arkansas concealed handgun carry licensing laws and rules;
- (v) Encounters with law enforcement;
- (vi) Inspection of the handgun;
- (vii) Types of handguns;
- (viii) Ammunition;
- (ix) Cleaning and storage of a handgun;
- (x) Carrying concealed; and
- (xi) Classroom preparation for range instruction.

(2) The required training for an initial license may be completed at any time within six (6) months prior to the division's receipt of a properly completed application packet.

(3) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by live fire.

(4) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license initial application.

(5) A valid, current firearm safety training instructor registration issued by the division may be substituted as the training requirement for an initial concealed handgun carry license.

**(b) Training requirements upon renewal of license.**

(1)(A) The required training as established by the division for renewal shall be completed at any time within six (6) months prior to the expiration of the license until six (6) months after expiration.

(B) Timely renewal is determined by the division's receipt date of the completed renewal application packet.

(2)(A) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by live fire.

(B) Renewal training may also address updates and changes in the concealed handgun carry licensing laws and rules.

(3) An applicant who desires to obtain an enhanced license upon renewal may substitute an enhanced training certificate for the renewal training requirement.

(4)(A) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license renewal application.

(B) However, the instructor may substitute his or her valid, current firearms safety training instruction registration issued by the division for the renewal training requirement.

(c) **Substitution of live fire training.** An active duty member of, or person who has recently been honorably discharged from, the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces may substitute the following documentation, in a properly completed application packet, in place of the live fire training requirement:

(1) A letter dated and personally signed by a commanding officer or his or her designee stating that the applicant is of good character and sound judgment;

(2) A form, as designated by the division, showing that the applicant has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date;

(3) A copy of the face or photograph side of a current uniformed services of the United States military identification card, if the applicant is a member of the United States Armed Forces; and

(4) A copy of the active duty orders, if the applicant is on active duty.

(d) **Training requirements for enhanced license.**

(1)(A) The program shall consist of approximately eight (8) hours instruction:

(i) Five (5) to six (6) hours in class; and

(ii) A maximum two (2) hours of range qualification.

(B) The division may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction.

(C) The following topics must be covered in detail as part of the in-class instruction for enhanced training:

(i) Arkansas Code §§ 5-73-101 – 5-73-325 and all significant changes to these chapters as they occur;

(ii) The terms of an enhanced license, including the rights and responsibilities of an enhanced license holder and all locations where the carry of concealed firearms remains prohibited;

(iii) Self-defense under Arkansas law, the use of deadly physical force, the subchapter of Arkansas Code on justification (Arkansas Code § 5-2-601 et seq.), and the potential criminal penalties that may be imposed when the use of deadly physical force is not justified;

(iv) Techniques for weapon retention;

(v) General civil liability for personal injury or property damage resulting from use of a firearm;

(vi) Emergent situations in public locations, including the proper response to law enforcement and the duty to avoid injury to innocent bystanders;

(vii) Issues related to campus carry, to include, but not be limited to:

(a) Responsibility of the licensee to know and obey the campus's weapons policies;

(b) Distinction between possession of a firearm, which is permissible, and storage, which is not permissible; and

(c) Requirement to carry concealed and potential penalties for violation;

(viii) Other considerations for expanded carry, to include, but not be limited to:

(a) Dangers of carrying or deploying a firearm in proximity to hazardous materials;

(b) Possible ramifications of alcohol use while in possession of a firearm; and

(c) Identification as an enhanced license holder in contact with law enforcement.

(D) The division may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction.

(2)(A) A new applicant for a concealed handgun carry license or a current licensee may apply to the division to receive an enhanced license.

(B) The enhanced training must be conducted and attested to by a registered firearms safety training instructor as defined in this part.

(C) To qualify for the enhanced license:

(i) A new applicant must successfully complete the division-approved initial training requirements for licensure in subsection (a) of this section and the division-approved enhanced firearm safety training program; and

(ii) A current licensee must successfully complete the division-approved enhanced firearm safety training program.

(3) The required training for an enhanced license may be completed at any time within six (6) months prior to the division's receipt of an application for an enhanced license, but such enhanced training is not required to be renewed.

(4)(A) The applicant must complete a live-fire proficiency qualification and obtain a score of thirty-five (35) out of fifty (50) or seventy percent (70%) overall.

(B) The instructor may permit the applicant to fire the course three (3) times.

(C) If the applicant fails to obtain the required score after three (3) attempts at shooting the course, the instructor must wait ninety (90) days prior to allowing the applicant to attempt completion of the live fire proficiency qualification again.

(D) The fundamentals of the live fire course are as follows:

(i) **Stage 1.** Three-yard line, twenty (20) rounds:

(a) Five (5) shots fired in a one-shot exercise, two (2) seconds allowed for each shot;

(b) Ten (10) shots fired in a two-shot exercise, three (3) seconds allowed for each two-shot sequence; and

(c) Five (5) shots fired in ten (10) seconds;

(ii) **Stage 2.** Seven-yard line, twenty (20) rounds:

(a) Five (5) shots fired in ten (10) seconds;

(b) Five (5) shots fired in two (2) stages:

(1) Two (2) shots fired in four (4) seconds; and

(2) Three (3) shots fired in six (6) seconds;

(c) Five (5) shots fired in a one-shot exercise, three (3) seconds allowed for each shot; and

(d) Five (5) shots fired in fifteen (15) seconds;

(iii) **Stage 3.** Fifteen-yard line, ten (10) rounds:

(a) Five (5) shots fired in two (2) stages:

(1) Two (2) shots fired in six (6) seconds; and

(2) Three (3) shots fired in nine (9) seconds; and

(b) Five (5) shots fired in fifteen (15) seconds;

(iv) All shooting is from the ready position; and

(v)(a) The target used will be a B-27 target.

(b) The shooter will be scored "hit" or "miss".

(c) A successful hit will be scored if the round fired cuts the line of the seven (7) ring or is within the seven (7) ring of the B-27 target.

(5)(A) An instructor may not provide his or her own training certification for his or her own enhanced license.

(B) However, the instructor may substitute his or her valid, current enhanced training registration issued by the division for the enhanced training requirement.

(e) **Waiver.**

(1)(A) A current licensee or new applicant may qualify for a waiver of a portion of the approximately eight-hour enhanced training course based on completion of the Arkansas basic concealed handgun carry training within the ten (10) years prior to application for an enhanced license.

(B) Documentation demonstrating the completion of the prior training must be submitted to the division.

(2) The waiver may be applied in one (1) of the following ways:

(A)(i) A current licensee must complete an abbreviated course of enhanced training instruction of approximately four (4) hours of instruction and complete the live-fire proficiency qualification in subdivision (d)(4) of this section.

(ii) All topics set forth in subdivision (d)(1) of this section must be covered in the abbreviated course for the licensee to qualify for an enhanced license; or

(B)(i) A new applicant must complete a combined basic firearm safety training program and enhanced training of approximately eight (8) hours of instruction and complete the live fire proficiency qualification in subdivision (d)(4) of this section.

(ii) All topics set forth in both subdivision (a)(1) of this section and subdivision (d)(1) of this section must be covered in the combined course for the new applicant to qualify for an enhanced license.

**Authority.** Arkansas Code § 5-73-317.

### **5 CAR § 1-302. Firearms safety training instructor.**

#### **(a) Purpose.**

(1) One (1) of the main purposes of the firearms safety training instructor is to train and evaluate the level of competence of a prospective applicant or licensee to ensure that the person meets a basic level of knowledge, understanding, and practical operation for safe handling of a handgun.

(2) Instructors shall not certify the successful completion of the training requirements of a prospective applicant or licensee unless the person successfully meets the required standards of training.

(3) The instructor may, at the instructor's discretion, refuse to instruct or refuse to provide firearms course completion certification for any person if, in the opinion of the instructor, that person is incapable of successfully completing the required standards of training or enhanced training.

(4)(A) Training must be conducted in person.

(B) Online training is not allowed and will not be accepted.

**(b) Maintenance of records.**

(1) Instructors shall maintain all training records of every person they have instructed for the purpose of obtaining an Arkansas concealed handgun carry license for a period of not less than five (5) years from the date of training.

(2) The Division of Arkansas State Police shall have audit privileges of the training records of all firearms safety training instructors.

(3) A registered firearms safety training instructor shall be present in the instruction area during any guest instructor's period to verify that the subject matter was properly covered.

**(c) Application for approval of registration.**

(1)(A) The burden shall be on the firearms safety training instructor applicant for registration to bring himself or herself within the division's requirements as set out below.

(B) The applicant for registration is required to:

(i) Continuously meet the qualification requirements set forth in Arkansas law for a person to be licensed to carry a concealed handgun;

(ii)(a) Within six (6) months of application, successfully complete the examination administered by the division.

(b) The examination shall consist of:

(1) The provisions of Arkansas Code § 5-73-101 et seq.;

(2) Federal firearms laws;

(3) Enhanced training topics; and

(4) This part;

(iii) Hold a firearms instructor training certificate from a division-recognized instruction course;

(iv) Offer enhanced training; and

(v) Submit:

(a) A properly completed registration application;

(b) The background check fees required for state and national background checks; and

(c)(1) One (1) set of legible, classifiable fingerprints.

(2) However, the requirement for fingerprints is waived if the applicant holds a current and valid Arkansas concealed handgun carry license.

(2) Division-recognized firearms instructor training certificates include:

(A) Firearms instructor's certificate issued by the Arkansas Commission on Law Enforcement Standards and Training;

(B) Completion of a certified pistol instructor course that is recognized by the division and completion of a range officer safety course that is recognized by the division; or

(C) Firearms instructor's certification issued by a federal law enforcement or military agency.

(3)(A) The Director of the Division of Arkansas State Police shall require applicants for registration as instructors to demonstrate their qualifications by examination.

(B) The examinations are given in Little Rock at the Division of Arkansas State Police Headquarters and only with prior approval.

(4)(A) The director may, at his or her discretion, approve an application for registration for a person who fails to meet the qualifications as outlined in this section, if it is determined that the applicant is qualified by experience, education, etc.

(B) The registration applicant will still be required to successfully complete the examination administered by the division.

(5) Instructors are not required to obtain an Arkansas concealed handgun carry license, although it is recommended.

(6) In the event the applicant is denied, the director shall promptly notify the applicant of his or her decision in writing, via certified mail, return receipt requested, stating the reason for the denial.

**(d) Approval to teach enhanced training.**

(1)(A) Arkansas Code § 5-73-322(g)(2)(A)(iii) requires that enhanced training be offered by all training instructors and at all concealed carry training courses.

(B) Enhanced training is a separate class from the class required to obtain an initial, nonenhanced concealed handgun carry license.

(C) Instructors are only required to teach enhanced training to students who desire an enhanced license.

(D) However, all instructors and entities that offer concealed carry training classes must also offer enhanced training classes.

(2)(A) All instructors who have a current registration as of January 1, 2018, must successfully complete an exam administered by the Division of Arkansas State Police covering the updated provisions of Arkansas Code § 5-73-101 et seq., federal firearms laws, the enhanced training topics, and this part to be approved to offer enhanced training.

(B) If an instructor fails to successfully complete the exam by January 1, 2020, his or her registration will be revoked.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-303. Firearms safety training instructor requirements.**

**(a) Training of applicants.**

(1) The required minimum standards for the firearms safety training course for an initial concealed handgun carry license, renewal license, or enhanced license shall be a course of instruction developed, prescribed, and acceptable to the Director of the Division of Arkansas State Police and shall include using live ammunition and firing.

(2) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range.

(3) The director shall not accept the training certificate of an applicant if the instructor did not hold a valid instructor registration with the Division of Arkansas State Police at the time the training took place.

**(b) Administration of firearms safety training instruction.**

(1) An instructor shall at all times legally operate in accordance with all federal, state, county, and city laws and ordinances.

(2) If the instructor ceases to be an instructor for any reason whatsoever, the director shall be notified, in writing, of the cessation within five (5) calendar days and, if requested, provide all records to the director.

(3)(A) An instructor authorized to conduct a training course required by this part shall check the application of a student for:

- (i) Completeness;
- (ii) Accuracy; and
- (iii) Legibility.

(B) This requirement does not apply if the student has submitted or will submit an electronic application to the division.

**(c) Instructor change of address.** An instructor or applicant for instructor registration shall notify the division in writing within thirty (30) calendar days of any change in his or her:

- (1) Name;
- (2) Address;
- (3) Electronic mail address (if any); or
- (4) Telephone number.

**(d) Instructor — Other requirements.**

(1)(A) An instructor must include the registration number assigned to him or her by the director on all matters of advertising for teaching Arkansas concealed handgun carry license classes or offering services as a firearms safety training instructor registered with the division.

(B) Advertising includes print, electronic, or social media, such as Facebook, Twitter, LinkedIn, etc.

(C) The instructor is not required to include the registration number on each posting from a social media account, so long as the posting is linked to account of the instructor with the registration number.

(2) An instructor may not use the Division of Arkansas State Police star or indicate any other association with the division other than they are registered with the division as an Arkansas concealed handgun carry license firearms safety training instructor.

(3) An instructor may not conduct any business as a registered Arkansas concealed handgun carry license firearms safety training instructor under a name other than what is shown on his or her current registration on file with the division.

**(e) Death of a registered instructor.**

(1) Upon the death of a registered instructor, the registration shall be canceled from the date of death.

(2) Written notice of the death of a registered instructor should be provided to the division as soon as possible.

(f) **Voluntary surrender of a registration.** If a registrant voluntarily surrenders his or her registration in writing to the division in the absence of suspension or revocation proceedings, the division will accept the registration and cancel it.

(g) **Notification to division of arrest of a registrant.** If a registrant is arrested, issued a citation, or formally charged with a crime or violation of Arkansas law and/or this part that could lead to revocation of a license to carry a concealed handgun, the registrant shall promptly notify the division in writing.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-304. Denial, suspension, or revocation of a firearms safety training instructor registration.**

(a) **Grounds for denial, suspension, or revocation of a firearms safety training instructor registration.** The Director of the Division of Arkansas State Police has the authority to:

(1) Deny the application for registration under provisions of state or federal law and this part; or

(2) Suspend or revoke the firearms safety training instructor registration of any instructor who has qualified under the provisions of Arkansas law and this part if it is determined that the applicant or instructor has:

(A) Practiced:

(i) Fraud;

(ii) Deceit; or

(iii) Misrepresentation;

(B) Made a material misstatement in the application for registration as a firearms safety training instructor;

(C) Demonstrated incompetence or untrustworthiness in his or her actions;

(D) Failed to comply with the provisions of Arkansas law and/or this part;

(E) Committed any act which, if committed by a licensee, would subject the concealed handgun carry licensee to:

(i) Denial;

(ii) Suspension; or

(iii) Revocation;

(F) Repeatedly failed to check the nonelectronic applications of trainees for:

(i) Completeness;

(ii) Accuracy; and

(iii) Legibility;

(G) Not at all times legally operated in accordance with:

(i) This part; and

(ii) All federal, state, county, and city laws and ordinances;

(H) Not at all times maintained a current and valid firearms safety training instructor registration on file with the Division of Arkansas State Police as required in this part;

(I) Been the subject of a request on file with the Division of Arkansas State Police from the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration to suspend the registration; or

(J) Otherwise becomes ineligible to hold a concealed handgun carry license.

**(b) Appeal of the denial, suspension, or revocation of a firearms safety training instructor registration.**

(1)(A) Upon the denial, suspension, or revocation of registration of a firearms safety training instructor, the instructor shall be afforded the opportunity for an administrative hearing.

(B) The instructor shall be:

- (i) Sent notice via certified mail, return receipt requested; and
- (ii) Advised in writing of his or her appeal rights.

(2) For denial of a firearms safety training instructor registration, the burden of proof in administrative proceedings shall be on the applicant for registration.

(3) For suspension or revocation of an existing firearms safety training instructor registration, the burden of proof in administrative proceedings shall be on the Division of Arkansas State Police.

**Authority.** Arkansas Code § 5-73-317.

**5 CAR § 1-305. Firearm-sensitive areas.**

(a) **Posted firearm-sensitive areas — Restriction.** All concealed handgun carry licensees, including those with an enhanced license, are barred from carrying a concealed handgun into Division of Arkansas State Police-approved, posted firearm-sensitive areas located at:

- (1) The Arkansas State Hospital;
- (2) The University of Arkansas for Medical Sciences; or
- (3) A collegiate athletic event.

(b) **Establishment of a firearm-sensitive area — Security plan.**

(1) The Arkansas State Hospital, the University of Arkansas for Medical Sciences, or any institution of higher education that hosts or sponsors a collegiate athletic event may designate certain areas as firearm-sensitive, where possession of a concealed handgun by a licensee is prohibited.

(2) To obtain approval for the designation of a firearm-sensitive area the entity must:

(A) Submit a security plan to the Regulatory and Building Operations Division of the Division of Arkansas State Police, including the following information:

(i) Total projected attendance/capacity;  
(ii) Number of entrances and exits;  
(iii) Number of on-site private security personnel;  
(iv) Number of on-site law enforcement officers;  
(v) Number of on-site first responders;  
(vi) Location of parking areas and number of motor vehicles projected to use the parking areas;

(vii) Routes for emergency vehicles;

(viii) Locations of all:

(a) Restrooms;

(b) Stairs; and

(c) Elevators;

(ix) Evacuation procedures;

(x) Security communication protocol;

(xi) Location of emergency vehicles;

(xii) Public communication protocol;

(xiii) Bomb threat and active shooter procedures; and

(xiv) Corresponding security measures;

(B) Indicate the area or areas and/or event or events to be designated firearm-sensitive;

(C) State whether the area will be designated firearm-sensitive:

(i) At all times; or

(ii) If only on certain dates and times, list the dates, times, and purposes for which the area will be designated firearm-sensitive;

(D) List the name, title, telephone number, address, and email for the entity's preferred contact;

(E) The security plan may be submitted:

(i) Annually; or

(ii) No later than five (5) days before a scheduled collegiate athletic event;

(F) If the security plan is submitted for a scheduled collegiate athletic event, the Division of Arkansas State Police will approve or disapprove the plan within seventy-two (72) hours of receipt of the security plan;

(G) If the security plan is submitted annually, the division will approve or disapprove the plan within ten (10) business days; and

(H) Once the security plan has been approved, the entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

**Authority.** Arkansas Code § 5-73-317.