

## **Arkansas Concealed Handgun Carry Licensing Law**

### **§5-73-301. Definitions.**

As used in this subchapter:

- (1)** "Acceptable electronic format" means an electronic image produced on the person's own cellular phone or other type of portable electronic device that displays all of the information on a concealed handgun license as clearly as an original concealed handgun license;
- (2)** "Concealed" means to cover from observation so as to prevent public view;
- (3)** "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense;
- (4)** "Handgun" means any firearm, other than a fully automatic firearm, with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand;
- (5)** "Licensee" means a person granted a valid license to carry a concealed handgun pursuant to this subchapter;
- (6)** "Parking lot" means an area, structure, or part of a structure designated for the parking of motor vehicles or a designated drop-off zone for children at a school;
- (7)** "Private university or private college" means an institution of higher education that is not a public university, public college, or community college as defined in § 5-73-322; and
- (8)** "Retired law enforcement officer" means a person who retired as a certified law enforcement officer from a local or state law enforcement agency with at least ten (10) years of experience as a law enforcement officer.

**History** Acts 1995, No. 411, § 1; 1995, No. 419, § 1; 1997, No. 1239, § 1; 2007, No. 664, § 1; 2007, No. 827, §§ 98, 99; 2013, No. 419, § 1; 2015, No. 1078, § 3; 2017, No. 859, § 3; 2017, No. 957, § 1.

### **§5-73-302. Authority to issue license.**

- (a)** The Director of the Division of Arkansas State Police may issue a license to carry a concealed handgun to a person qualified as provided in this subchapter.
- (b)** (1) For new licenses issued after July 31, 2007, the license to carry a concealed handgun is valid throughout the state for a period of five (5) years from the date of issuance.
  - (2) After July 31, 2007, upon renewal, an existing valid license to carry a concealed handgun shall be issued for a period of five (5) years.
- (c)** (1) (A) After July 31, 2007, a license or renewal of a license issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of five (5) years.
  - (B) The license issued to a former elected or appointed sheriff is revocable on the same grounds as other licenses.
    - (2) (A) The former elected or appointed sheriff shall meet the same qualifications as all other applicants.

(B) However, the former elected or appointed sheriff is exempt from the fee prescribed by § 5-73-311(a)(2) and from the training requirements of § 5-73-309(13) for issuance.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 389, § 1; 2007, No. 1014, §§ 1, 3; 2019, No. 910, § 5736.

### **§5-73-303. Immunity from civil damages.**

The state, a county or city, or any employee of the state, county, or city is not liable for any civil damages resulting from the issuance of a license pursuant to a provision of this subchapter.

**History Acts** 1995, No. 411, § 3; 1995, No. 419, § 3.

### **§5-73-304. Exemptions.**

**(a)** (1) (A) A current or former certified law enforcement officer, chief of police, court bailiff, county sheriff, or retired law enforcement officer is exempt from the licensing requirements of this subchapter if otherwise authorized to carry a concealed handgun.

(B) A former certified law enforcement officer whose employment was terminated by a law enforcement agency due to disciplinary reasons or because he or she committed a disqualifying criminal offense is not exempt from the licensing requirements of this subchapter.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

**(b)** An employee of a local detention facility is exempt from the licensing requirements of this subchapter if the employee of a local detention facility is authorized in writing as exempt from the licensing requirements of this subchapter by the chief of police or county sheriff that employs the employee of a local detention facility.

**(c)** The authorization prescribed in subsection (b) of this section shall be carried on the person of the employee of a local detention facility and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § 5-73-306.

**(d)** A retired law enforcement officer is exempt from the licensing requirements of this subchapter if the retired law enforcement officer is permitted to carry a concealed handgun under § 12-15-202(b).

**(e)** As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

- (A) Securing a local detention facility;
- (B) Monitoring inmates in a local detention facility; and
- (C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 696, § 1; 1997, No. 1239, § 8; 1999, No. 1508, §§ 1, 7; 2013, No. 415, § 1; 2013, No. 1220, § 1; 2017, No. 957, § 2.

### **§5-73-305. Criminal penalty.**

Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this subchapter, or who knowingly submits a false document when applying for a license issued pursuant to this subchapter upon conviction is guilty of a Class B misdemeanor.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2.

### **§5-73-306. Prohibited places.**

Except as permitted under § 5-73-322(g), a license to carry a concealed handgun issued under this subchapter does not authorize a person to carry a concealed handgun into:

**(1)** Any 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, 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:

(A) The Division of Correction;

(B) The Division of Community Correction; or

(C) A residential treatment facility owned or operated by the Division of Youth Services of the Department of Human Services;

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

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

**(9)** Any state office;

**(10)** Any 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) 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) 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

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

**(17)** Any 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 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;

(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.

**History** Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 2; 2003, No. 1110, § 1; 2007, No. 664, § 2; 2009, No. 294, § 28; 2011, No. 758, § 1; 2013, No. 67, § 1; 2013, No. 226, §§ 3, 4; 2013, No. 1390, § 2; 2015, No. 933, § 2; 2015, No. 1078, §§ 4-7; 2015, No. 1175, § 1; 2015, No. 1259, § 2; 2017, No. 562, §§ 2-5; 2017, No. 707, § 5; 2017, No. 859, §§ 4-6; 2017, No. 1071, § 2; 2017, No. 1090, § 1; 2019, No. 910, § 683; 2019, No. 431, § 2.

### **§5-73-307. List of license holders.**

**(a)** The Department of Arkansas State Police shall maintain an automated listing of license holders, and this information shall be available online, upon

request, at any time, to any law enforcement agency through the Arkansas Crime Information Center.

**(b)** Nothing in this subchapter shall be construed to require or allow the registration, documentation, or providing of a serial number with regard to any firearm.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 3; 2007, No. 827, § 100.

**§5-73-308. License -- Issuance or denial.**

**(a)** (1) (A) The Director of the Division of Arkansas State Police may deny a license if within the preceding five (5) years the applicant has been found guilty of one (1) or more crimes of violence constituting a misdemeanor or for the offense of carrying a weapon.

(B) The director may revoke a license if the licensee has been found guilty of one (1) or more crimes of violence within the preceding three (3) years.

(2) Subdivision (a)(1) of this section does not apply to a misdemeanor that has been expunged or for which the imposition of sentence was suspended.

(3) Upon notification by any law enforcement agency or a court and subsequent written verification, the director shall suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify the licensee or applicant from having a license under this subchapter until final disposition of the case.

**(b)** (1) The director may deny a license to carry a concealed handgun if the county sheriff or chief of police, if applicable, of the applicant's place of residence or the director or the director's designee submits 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 or participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation at the time of applying for a license to carry a concealed handgun.

(2) Within one hundred twenty (120) days after the date of receipt of the items listed in § 5-73-311(a), the director shall:

(A) Issue the license; or

(B) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in this subchapter.

(3)(A) If the director denies the application, the director shall notify the applicant in writing, stating the grounds for denial.

(B) The decision of the director is subject to appeal under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 4; 2011, No. 758, § 2; 2013, No. 1328, § 1; 2019, No. 910, § 5737.

**§5-73-309. License -- Requirements.**

The Director of the Division of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant:

**(1)** Is a citizen of the United States or a permanent legal resident;

**(2)** (A) Is a resident of the state and has been a resident continuously for ninety (90) days or longer immediately preceding the filing of the application.

- (B) However, subdivision (2)(A) of this section does not apply to any:
- (i) Active duty member of the United States Armed Forces who submits documentation of his or her active duty status; or
  - (ii) Spouse of an active duty member of the United States Armed Forces who submits documentation of his or her spouse's active duty status;
- (3)** Is at least:
- (A) Twenty-one (21) years of age; or
  - (B) Eighteen (18) years of age and is:
    - (i) Currently a federally recognized commissioned or noncommissioned officer or an enlisted member on active duty in the United States Armed Forces;
    - (ii) In the National Guard or a reserve component of the United States Armed Forces; or
    - (iii) A former member of the United States Armed Forces who has been honorably discharged;
- (4)** Does not suffer from a mental or physical infirmity that prevents the safe handling of a handgun and has not threatened or attempted suicide;
- (5)** Has not been convicted of a felony in a court of this state, of any other state, or of the United States unless:
- (A) The applicant is subsequently granted a pardon by the Governor or the President of the United States explicitly restoring his or her ability to possess a firearm;
  - (B) The applicant was sentenced prior to March 13, 1995, and the record of conviction has been sealed or expunged under Arkansas law; or
  - (C) The applicant's offense was dismissed and sealed or expunged under § 16-93-301 et seq. or § 16-98-303(g).
- (6)** Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background check successfully completed through the Division of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System;
- (7)** (A) Does not chronically or habitually abuse a controlled substance to the extent that his or her normal faculties are impaired.
- (B) It is presumed that an applicant chronically and habitually uses a controlled substance to the extent that his or her faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or has been found guilty of a crime under the provisions of the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other state or the United States relating to a controlled substance within the three-year period immediately preceding the date on which the application is submitted;
- (8)** (A) Does not chronically or habitually use an alcoholic beverage to the extent that his or her normal faculties are impaired.
- (B) It is presumed that an applicant chronically and habitually uses an alcoholic beverage to the extent that his or her normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to



the use of alcohol under a law of this state or similar law of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

**(9)** Desires a legal means to carry a concealed handgun to defend himself or herself;

**(10)** Has not been adjudicated mentally incompetent;

**(11)** (A) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility.

(B) An applicant who is a veteran who voluntarily sought mental health treatment at a mental health institution or mental health treatment facility may obtain a license under this subchapter if a circuit court grants his or her petition under § 5-73-327;

**(12)** Is not a fugitive from justice or does not have an active warrant for his or her arrest;

**(13)** Has satisfactorily completed a training course as prescribed and approved by the director; and

**(14)** Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution.

**History** Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 368, § 1; 1997, No. 1239, § 10; 1999, No. 51, § 1; 2003, No. 545, §§ 1, 5; 2007, No. 198, § 1; 2007, No. 664, § 3; 2013, No. 989, § 1; 2015, No. 105, § 1; 2015, No. 649, § 1; 2019, No. 910, §§ 5738, 5739; 2019, No. 917, § 1; 2019, No. 1038, § 1.

### **5-73-310. Application form.**

The application for a license to carry a concealed handgun shall be completed, under oath, on a form promulgated by the Director of the Division of Arkansas State Police and shall include only:

**(1)** The name, address, place and date of birth, race, and sex of the applicant;

**(2)** The driver's license number or 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)** A statement that the applicant is in compliance with criteria contained within §§ 5-73-308(a) and 5-73-309;

**(5)** A statement that the applicant has been furnished a copy of this subchapter and is acquainted with the truth and understanding of this subchapter;

**(6)** A conspicuous warning that the application is executed under oath, and that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects the applicant to:

(A) Criminal prosecution and precludes any future license's being issued to the applicant; and

(B) Immediate revocation if the license has already been issued;

**(7)** A statement that the applicant desires a legal means to carry a concealed handgun to defend himself or herself;

**(8)** (A) A statement of whether the applicant is applying for:

(i) An unrestricted license, that allows the person to carry any handgun; or

(ii) A restricted license, that allows the person to carry any handgun other than a semiautomatic handgun.

(B) (i) An applicant requesting an unrestricted license shall establish proficiency in the use of a semiautomatic handgun.

(ii) An applicant requesting a restricted license shall establish proficiency in the use of a handgun and may use any kind of handgun when establishing proficiency; and

**(9)** A statement of whether or not the applicant has been found guilty of a crime of violence or domestic abuse.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 5; 1999, No. 786, § 1; 2019, No. 910, § 5740.

### **§5-73-311. Application procedure.**

**(a)** The applicant for a license to carry a concealed handgun shall submit the following to the Division of Arkansas State Police:

(1) A completed application, as described in § 5-73-310;

(2) A nonrefundable license fee of fifty dollars (\$50.00), except that the nonrefundable license fee is twenty-five dollars (\$25.00) if the applicant is sixty-five (65) years of age or older;

(3)(A) A full set of fingerprints of the applicant.

(B) In the event a legible set of fingerprints, as determined by the division and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Director of the Division of Arkansas State Police shall determine eligibility in accordance with criteria that the division shall establish by promulgating rules.

(C) Costs for processing the set of fingerprints as required in subdivision (a)(3)(A) of this section shall be borne by the applicant;

(4) (A) A waiver authorizing the division access to any medical, criminal, or other records concerning the applicant and permitting access to all of the applicant's criminal records.

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

(C) The division shall maintain the confidentiality of the medical, criminal, or other records; and

(5) A digital photograph of the applicant or a release authorization to obtain a digital photograph of the applicant from another source.

**(b)** (1) Upon receipt of the items listed in subsection (a) of this section, the department shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(2) (A) The division shall forward a notice of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence.

(B) (i) The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may participate, at his or her discretion, in the process by submitting a voluntary report to the

division containing any readily discoverable information that he or she feels may be pertinent to the licensing of any applicant.

(ii) The reporting under subdivision (b)(2)(B)(i) of this section shall be made within thirty (30) days after the date the notice of the application was sent by the division.

**(c)** A concealed handgun license issued, renewed, or obtained under § 5-73-314 or § 5-73-319 after December 31, 2007, shall bear a digital photograph of the licensee.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 9; 1997, No. 1251, § 1; 1999, No. 487, § 1; 2007, No. 664, § 4; 2009, No. 748, § 42; 2013, No. 1271, § 1; 2019, No. 910, §§ 5741 to 5745; 2019, No. 61, § 1; 2019, No. 188, § 1.

### **§5-73-312. Revocation.**

**(a)** (1) A license to carry a concealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § 5-73-308(a) or § 5-73-309.

(2) (A) Any law enforcement officer making an arrest of a licensee for a violation of this subchapter or any other statutory violation that requires revocation of a license to carry a concealed handgun shall confiscate the license and forward it to the Director of the Division of Arkansas State Police.

(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.

**(b)** When the Division of Arkansas State Police receives notification from any law enforcement agency or court that a licensee has been found guilty or has pleaded guilty or nolo contendere to any crime involving the use of a weapon, the license issued under this subchapter is immediately revoked.

**(c)** The director shall revoke the license of any licensee who has pleaded guilty or nolo contendere to or been found guilty of an alcohol-related offense committed while carrying a handgun.

**History Acts** 1995, No. 411, §§ 2, 4, 5; 1995, No. 419, §§ 2, 4, 5; 1997, No. 1239, § 11; 2003, No. 545, § 4; 2007, No. 827, § 101; 2019, No. 910, §§ 5746, 5747.

### **§5-73-313. Expiration and renewal.**

**(a)** Except as provided in subdivision (f)(1) of this section, the licensee may renew his or her license no more than ninety (90) days prior to the expiration date by submitting to the Department of Arkansas State Police:

- (1) A renewal form prescribed by the department;
- (2) A verified statement that the licensee remains qualified pursuant to the criteria specified in §§ 5-73-308(a) and 5-73-309;
- (3) A renewal fee of twenty-five dollars (\$25.00);
- (4) A certification or training form properly completed by the licensee's training instructor reflecting that the licensee's training was conducted; and
- (5) A digital photograph of the licensee or a release authorization to obtain a digital photograph of the licensee from another source.

**(b)** The license shall be renewed upon receipt of the completed renewal application, a digital photograph of the licensee, and appropriate payment of fees subject to a background investigation conducted pursuant to this

subchapter that did not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under this subchapter.

**(c)** Additionally, a licensee who fails to file a renewal application on or before the expiration date shall renew his or her license by paying a late fee of fifteen dollars (\$15.00).

**(d)** (1) No license shall be renewed six (6) months or more after its expiration date, and the license is deemed to be permanently expired.

(2) (A) A person whose license has been permanently expired may reapply for licensure.

(B) An application for licensure and fees pursuant to §§ 5-73-308(a), 5-73-309, and 5-73-311(a) shall be submitted, and a new background investigation shall be conducted.

**(e)** A new criminal background investigation shall be conducted when an applicant applies for renewal of a license. Costs for processing a new background check shall be paid by the applicant.

**(f)** (1) 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 this state may renew his or her license within thirty (30) days after the person returns to this state by submitting to the department:

(A) Proof of assignment outside of this state on the expiration date of the license; and

(B) The items listed in subdivisions (a)(1)-(5) of this section.

(2) Subsections (c) and (d) of this section shall not apply to a person who renews his or her license under subdivision (f)(1) of this section.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, §§ 6, 12; 1999, No. 487, § 2; 2003, No. 545, § 2; 2005, No. 881, § 1; 2007, No. 664, § 5; 2019, No. 61, § 2; 2019, No. 188, § 2.

#### **§5-73-314. Lost, destroyed, or duplicate license -- Change of address.**

**(a)** Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license to carry a concealed handgun lost, the licensee shall notify the Director of the Division of Arkansas State Police in writing of the change or loss.

**(b)** If a license to carry a concealed handgun is lost or destroyed, or a duplicate is requested, the person to whom the license to carry a concealed handgun was issued shall comply with the provisions of subsection (a) of this section and may obtain a duplicate license or replacement license upon:

(1) Paying the Division of Arkansas State Police a fee established by the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(2) Furnishing a notarized statement to the division that the license to carry a concealed handgun has been lost or destroyed or that a duplicate is requested.

**(c)** The fee described in subdivision (b)(1) of this section shall be reduced by fifty percent (50%) if a person sixty-five (65) years of age or older is requesting a replacement or duplicate license under this section.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 2011, No. 758, § 3; 2013, No. 1271, § 2; 2015, No. 1155, § 15; 2019, No. 910, §§ 5748, 5749.

**§5-73-315. Authority to carry concealed handgun -- Identification of licensee.**

(a) Any licensee possessing a valid license issued pursuant to this subchapter may carry a concealed handgun.

(b) The licensee shall:

(1) Carry the license, or an electronic copy of the license in an acceptable electronic format, together with valid identification, at any time when the licensee is carrying a concealed handgun; and

(2) Display both the license, or an electronic copy of the license in an acceptable electronic format, and proper identification upon demand by a law enforcement officer.

(c) The presentment of proof of a license to carry a concealed handgun in electronic form does not:

(1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(2) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2; 2007, No. 827, § 102; 2013, No. 419, § 2.

**§5-73-316. Fees.**

Any fee collected by the Department of Arkansas State Police pursuant to this subchapter shall be deposited into the Department of Arkansas State Police Fund.

**History Acts** 1995, No. 411, § 2; 1995, No. 419, § 2.

**§5-73-317. Rules.**

The Director of the Division of Arkansas State Police may promulgate rules to permit the efficient administration of this subchapter.

**History Acts** 1995, No. 411, § 8; 1995, No. 419, § 8; 2019, No. 910, § 5750; 2019, No. 315, § 172

**§5-73-318. Instructor review of applications.**

(a) An instructor authorized to conduct a training course required by this subchapter shall check the application of a student for completeness, accuracy, and legibility.

(b) An instructor who repeatedly fails to comply with subsection (a) of this section may have his or her license to conduct a training course revoked.

**History Acts** 1997, No. 1239, § 7.

**§5-73-319. Transfer of a license to Arkansas.**

(a) Any person who becomes a resident of Arkansas who has a valid license to carry a concealed handgun issued by a reciprocal state may apply to transfer his or her license to Arkansas by submitting the following to the Department of Arkansas State Police:

- (1) The person's current reciprocal state license;
- (2) Two (2) properly completed fingerprint cards;
- (3) A nonrefundable license fee of thirty-five dollars (\$35.00);

(4) Any fee charged by a state or federal agency for a criminal history check; and

(5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.

**(b)** After July 31, 2007, the newly transferred license is valid for a period of five (5) years from the date of issuance and binds the holder to all Arkansas laws and rules regarding the carrying of the concealed handgun.

**History Acts** 2003, No. 545, § 3; 2007, No. 664, § 26; 2007, No. 1014, § 2, 2019, No. 315, § 173.

**§5-73-320. License for certain members of the Arkansas National Guard or a reserve component or active duty military personnel.**

**(a)** The Division of Arkansas State Police may issue a license under this subchapter to a person who:

(1) Is currently serving as an active duty member of, or has recently been honorably discharged from, the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces;

(2) Submits the following documents:

(A) A completed concealed handgun license application as prescribed by the division;

(B) A form specified by the Director of the Division of Arkansas State Police reflecting the fingerprints of the applicant;

(C) A properly completed and dated certificate from a concealed handgun carry training instructor who is registered with the division;

(D) 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;

(E) 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;

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

(G) An electronic passport-style photo of the applicant, if the applicant does not hold an Arkansas driver's license or identification card; and

(3) Submits any required fees.

**(b)** Except as otherwise specifically stated in this section, the license issued under this section is subject to the provisions of this subchapter and any rules promulgated under § 5-73-317.

**History Acts** 2005, No. 1868, § 1; 2007, No. 664, § 7; 2007, No. 1014, § 3; 2013, No. 989, § 2; 2017, No. 1017, § 1; 2019, No. 910, § 5751.

**§5-73-321. Recognition of other states' licenses.**

A person in possession of a valid license to carry a concealed handgun issued to the person by another state is entitled to the privileges and subject to the restrictions prescribed by this subchapter.

**History Acts** 2009, No. 748, § 43; 2013, No. 1089, § 1.

**§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 licensee who has completed the training required under subsection (g) of this section may 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 licensee may possess a concealed handgun in the buildings and on the grounds of a 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 of a handgun in a university or college-operated student dormitory or residence hall is prohibited under § 5-73-119(c).

**(e)** (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 (e)(1) is no larger than necessary to complete the grievance or disciplinary meeting.

(2) A person who knowingly violates subdivision (e)(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 Division 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 at the training instructor's option at concealed carry training courses; and

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

**(B)** The director may waive up to four (4) hours of the 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 Division of Arkansas State Police on his or her license to carry a concealed handgun indicating 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 division 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.

**History** Acts 2013, No. 226, § 5; 2015, No. 1155, § 16; 2017, No. 562, § 6; 2017, No. 859, §§ 7, 8; 2019, No. 910, §§ 5752 to 5755.

#### **§5-73-323. Parole board exemptions.**

A member of the Parole Board, a board investigator, or a parole revocation judge who has been issued a license to carry a concealed handgun by the Department of Arkansas State Police under this subchapter may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or parole revocation judge is on official business of the board.

**History** Acts 2013, No. 320, § 2.

#### **§5-73-324. Firearm rights shall not be infringed.**

(a) A license to carry a concealed handgun issued under this subchapter shall not be denied, suspended, or revoked because a person was lawfully exercising his or her rights to carry a firearm under the United States Constitution, Amendment 2, the Arkansas Constitution, Article 2, § 5, or the Arkansas Code.

(b) The Department of Arkansas State Police shall not promulgate any rule and shall amend any existing rule that would result in a licensee having his or her license to carry a concealed handgun suspended or revoked solely because he or she possessed a handgun and the possession was not in violation of any criminal offense or § 5-73-306.

**History** Acts 2017, No. 486, § 1.

#### **§5-73-325. Firearm-sensitive areas -- Security plan approval.**

(a) (1) The following entities may submit a security plan to the Department of Arkansas State Police for approval that designates certain areas as a firearm-

sensitive area where possession of a concealed handgun by a licensee under this subchapter is prohibited:

- (A) The Arkansas State Hospital;
- (B) The University of Arkansas for Medical Sciences; and
- (C) (i) An institution of higher education that hosts or sponsors a collegiate athletic event.

(ii) A firearm-sensitive area under subdivision (a)(1)(C)(i) of this section is limited to an area where a collegiate athletic event is held.

(2) A security plan submitted under this section shall include the following information and corresponding security measures:

- (A) Total projected attendance;
- (B) Number of entrances and exits;
- (C) Number of on-site private security personnel;
- (D) Number of on-site law enforcement officers;
- (E) Number of on-site first responders;
- (F) Location of parking areas and number of motor vehicles projected to use the parking areas;
- (G) Routes for emergency vehicles;
- (H) Locations of all restrooms, stairs, and elevators;
- (I) Evacuation procedures;
- (J) Security communication protocol;
- (K) Location of emergency vehicles;
- (L) Public communication protocol; and
- (M) Bomb threat and active shooter procedures.

**(b)** Security measures under this section shall include without limitation:

- (1) Security personnel or law enforcement officers on-site;
- (2) Use of a magnetometer or other metal-detecting device designed to detect a weapon;
- (3) Barricades; or
- (4) Other measures or devices designed to protect the public from a security threat.

**(c)** (1) An entity shall submit a security plan to the department under this section annually or no later than five (5) days before a scheduled collegiate athletic event.

(2) The department shall approve or disapprove a security plan for a scheduled collegiate athletic event within seventy-two (72) hours of the receipt of the security plan.

(3) Otherwise the department shall approve or disapprove a security plan within ten (10) business days.

**(d)** Upon approval of a security plan, an entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

**(e)** A security plan submitted under this section is exempt from public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

**History** Acts 2017, No. 859, § 9.

**§5-73-326. Licensee rights -- Private employer parking lot.**

**(a)** A private employer shall not prohibit an employee who is a licensee from transporting or storing a legally owned handgun in the employee's private motor vehicle in the private employer's parking lot when:

- (1) The handgun:
  - (A) Is lawfully possessed;
  - (B) Is stored out of sight inside a locked private motor vehicle in the private employer's parking lot; and
  - (C) (i) Is stored inside a locked personal handgun storage container that is designed for the safe storage of a handgun.
    - (ii) An employee is not required to store the handgun in the personal handgun storage container as required in subdivision (a)(1)(C)(i) of this section until he or she is exiting his or her private motor vehicle; and

(2) The employee has in his or her possession the key to the personal handgun storage container as required by subdivision (a)(1)(C)(i) of this section.

**(b)** A private employer shall not prohibit or attempt to prevent an employee who is a licensee from entering the parking lot of the private employer's place of business because the employee's private motor vehicle contains a handgun if:

- (1) The handgun is kept for lawful purposes;
- (2) The handgun is concealed within the employee's private motor vehicle; and

(3) The employee stores the handgun in his or her motor vehicle in accordance with subdivisions (a)(1)(A)-(C) of this section.

**(c)** An employer has the right to:

- (1) Prohibit a person who is not an employee from storing a handgun in the employee's motor vehicle in the private employer's parking lot; and
- (2) Prohibit a licensee's entry onto the private employer's place of business or parking lot because the person's private motor vehicle contains a handgun in the following circumstances:
  - (A) The parking lot is a prohibited place specifically listed in § 5-73-306;
  - (B) The parking lot is on the grounds of an owner-occupied single-family detached residence or a tenant-occupied single-family detached residence and the single-family detached residence or tenant-occupied single-family detached residence is being used as a residence;
  - (C) The private employer reasonably believes that the employee is in illegal possession of the handgun;
  - (D) The employee is operating a private employer-owned motor vehicle during and in the course of the employee's duties on behalf of the private employer, except when the employee is required to transport or store a firearm as part of the employee's duties;
  - (E) The private motor vehicle is not permitted in the parking lot for reasons unrelated to the employee's transportation, storage, or possession of a handgun;
  - (F) The employee is the subject of an active or pending employment disciplinary proceeding; or

(G) The employee, at any time after being issued a license to carry a concealed handgun, has been adjudicated mentally incompetent or not guilty in a legal proceeding by reason of mental disease or defect.

**(d)** This section does not prevent a private employer from prohibiting a person who is not licensed or who fails to transport or store the handgun in accordance with subdivisions (a)(1)(A)-(C) of this section from transporting or storing a handgun in the parking lot or from entering onto the private employer's place of business or the private employer's parking lot.

**(e)** A former employee who possesses a handgun in his or her private motor vehicle under this section is not criminally liable for possessing the handgun in his or her private motor vehicle in his or her former private employer's parking lot while the former employee is physically leaving the private employer's parking lot immediately following his or her termination or other reason for ceasing employment with the former private employer.

**History** Acts 2017, No. 1071, § 3.

### **§5-73-327. Discharged veterans.**

**(a)** As used in this section:

(1) "Mental health institution or mental health treatment facility" means a public or private facility where a person may voluntarily admit himself or herself for mental health treatment; and

(2) "Veteran" means a person who:

(A) Served on active duty in the United States Armed Forces for a period of more than one hundred eighty (180) days and was discharged or released from active duty with other than a dishonorable discharge;

(B) Was discharged or released from active duty in the United States Armed Forces because of a service-connected disability; or

(C) As a member of a reserve component of the United States Armed Forces under an order to active duty, not to include training, was discharged or released from duty with other than a dishonorable discharge.

**(b)** (1) A veteran who voluntarily seeks and completes mental health treatment in a mental health institution or mental health treatment facility may obtain a license to carry a concealed handgun under this subchapter by filing a petition in the circuit court where the veteran resides.

(2) However, the veteran may not obtain a license to carry a concealed handgun under this subchapter until at least two (2) years after he or she completed mental health treatment in a mental health institution or mental health treatment facility.

**(c)** (1) A petition under this section shall request a judicial determination that the petitioner is mentally fit and that his or her past voluntary commitment to a mental institution or mental health treatment facility would currently not have a negative impact on the petitioner's ability to responsibly possess a license to carry a concealed handgun.

(2) A petitioner shall also provide the circuit court with a limited medical waiver that would allow the circuit court and the prosecuting attorney access

to and the ability to request any medical record that concerns the petitioner's mental health treatment at issue.

**(d)** (1) A copy of a petition under this section shall be served on the prosecuting attorney within thirty (30) days of the filing of the petition.

(2) The prosecuting attorney may appear, support, object to, or present evidence relevant to the petition.

**(e)** The circuit court shall consider evidence in an open proceeding, including evidence offered by the petitioner concerning:

(1) The circumstances that led to the petitioner voluntarily seeking mental health treatment;

(2) The petitioner's certified mental health records;

(3) The petitioner's certified criminal history;

(4) The petitioner's reputation; and

(5) Changes in the petitioner's condition or circumstances relevant to the petition.

**(f)** The circuit court shall grant the petition if the circuit court finds by a preponderance of the evidence the following:

(1) The petitioner is not likely to act in a manner that is dangerous to public safety; and

(2) Granting the petition would not be contrary to the public interest.

**(g)** The petitioner may appeal a final order denying the petition and the review on appeal shall be de novo.

**(h)** A veteran may file a petition under this section no more than one (1) time every two (2) years.

**(i)** When the circuit court issues an order granting a petition under this section, as soon as practicable but no later than thirty (30) days after issuance of the order, the circuit clerk shall forward a copy of the order to the Department of Arkansas State Police.

**History** Acts 2019, No. 917, § 2.