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2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1249

4

5 By: Representatives Collins, Drown, Ballinger, Bentley, Davis, Gonzales, Lowery, Lundstrum, Maddox,

6 Pilkington, Rye, B. Smith, Sullivan, Vaught, Wardlaw, Watson, Womack

7 By: Senators T. Garner, *Collins-Smith*

8

9

For An Act To Be Entitled

10 AN ACT CONCERNING THE POSSESSION OF A CONCEALED
11 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR
12 COMMUNITY COLLEGE *BUILDING; CONCERNING OTHER*
13 *PRIVILEGES ASSOCIATED WITH AN ENHANCED LICENSE TO*
14 *CARRY A CONCEALED HANDGUN; AND FOR OTHER PURPOSES.*

15

16

17

Subtitle

18 *CONCERNING THE POSSESSION OF A CONCEALED*
19 *HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC*
20 *COLLEGE, OR COMMUNITY COLLEGE BUILDING*
21 *AND CONCERNING PRIVILEGES ASSOCIATED WITH*
22 *AN ENHANCED LICENSE TO CARRY A CONCEALED*
23 *HANDGUN.*

24

25

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

27

28 *SECTION 1. Arkansas Code § 5-73-122 is amended to read as follows:*

29 *5-73-122. Carrying a firearm in publicly owned buildings or*
30 *facilities.*

31 *(a)(1) Except as provided in § 5-73-322 and § ~~5-73-306(5)~~ 5-73-306, it*
32 *is unlawful for any person other than a law enforcement officer or a security*
33 *guard in the employ of the state or an agency of the state, or any city or*
34 *county, or any state or federal military personnel, to knowingly carry or*
35 *possess a loaded firearm or other deadly weapon in any publicly owned*
36 *building or facility or on the State Capitol grounds.*



1 (2) *It is unlawful for any person other than a law enforcement*
2 *officer or a security guard in the employ of the state or an agency of the*
3 *state, or any city or county, or any state or federal military personnel, to*
4 *knowingly carry or possess a firearm, whether loaded or unloaded, in the*
5 *State Capitol Building or the Justice Building in Little Rock.*

6 (3) *However, this subsection does not apply to a person carrying*
7 *or possessing a firearm or other deadly weapon in a publicly owned building*
8 *or facility or on the State Capitol grounds:*

9 (A) *For the purpose of participating in a shooting match*
10 *or target practice under the auspices of the agency responsible for the*
11 *publicly owned building or facility or State Capitol grounds;*

12 (B) *If necessary to participate in a trade show, exhibit,*
13 *or educational course conducted in the publicly owned building or facility or*
14 *on the State Capitol grounds; ~~or~~*

15 (C)(i) *If the person has a license to carry a concealed*
16 *handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his*
17 *or her motor vehicle or has left the concealed handgun in his or her locked*
18 *and unattended motor vehicle in a publicly owned and maintained parking lot.*

19 (ii)(a) *As used in this subdivision (a)(3)(C),*
20 *“parking lot” means a designated area or structure or part of a structure*
21 *intended for the parking of motor vehicles or a designated drop-off zone for*
22 *children at school.*

23 (b) *“Parking lot” does not include a parking*
24 *lot owned, maintained, or otherwise controlled by the Department of*
25 *Correction or Department of Community Correction;*

26 (D) *If the person has completed the required training and*
27 *received a concealed carry endorsement under § 5-73-322(g) and the place is*
28 *not a:*

29 *(i) Courtroom or the location of an administrative*
30 *hearing conducted by a state agency, except as permitted by § 5-73-306(5) or*
31 *(6);*

32 *(ii) Public school kindergarten through grade twelve*
33 *(K-12) or a public prekindergarten, except as permitted under subdivision*
34 *(a)(3)(C) of this section; or*

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

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

5 (4) As used in this section, "facility" means a municipally
 6 owned or maintained park, football field, baseball field, soccer field, or
 7 another similar municipally owned or maintained recreational structure or
 8 property.

9 (b)(1) Any person other than a law enforcement officer, officer of the
 10 court, or bailiff, acting in the line of duty, or any other person authorized
 11 by the court, who possesses a handgun in the courtroom of any court of this
 12 state is guilty of a Class D felony, except as permitted under § 5-73-306(5),
 13 § 5-73-306(6), or this section.

14 (2) Otherwise, any person violating a provision of this section
 15 is guilty of a Class A misdemeanor.

16
 17 SECTION 2. The introductory language of Arkansas Code § 5-73-306,
 18 concerning the places a person who possesses a license to carry a concealed
 19 handgun is prohibited from carrying a prohibited handgun, is amended to read
 20 as follows:

21 ~~No~~ Except as permitted under § 5-73-322(g), a license to carry a
 22 concealed handgun issued pursuant to under this subchapter authorizes any
 23 does not authorize a person to carry a concealed handgun into:

24
 25 SECTION 3. Arkansas Code § 5-73-306(11) and (12), concerning certain
 26 establishments that sell alcohol and are places that may prohibit the
 27 possession of a concealed handgun, is amended to read as follows:

28 (11)(A) ~~Any~~ A portion of an establishment, except a restaurant
 29 as defined in § 3-5-1202, licensed to dispense alcoholic beverages for
 30 consumption on the premises~~†.~~

31 (B) A person with a concealed carry endorsement under § 5-
 32 73-322(g) and who is carrying a concealed handgun may not enter an
 33 establishment under this section if the establishment places a written notice
 34 as permitted under subdivision (18) of this section prohibiting a person with
 35 a license to possess a concealed handgun at the physical location;

36 (12)(A) ~~Any~~ A portion of an establishment, except a restaurant

1 as defined in § 3-5-1202, where beer or light wine is consumed on the
2 premises.

3 (B) A person with a concealed carry endorsement under § 5-
4 73-322(g) and who is carrying a concealed handgun may not enter an
5 establishment under this section if the establishment places a written notice
6 as permitted under subdivision (18) of this section prohibiting a person with
7 a license to possess a concealed handgun at the physical location;

8
9 SECTION 4. Arkansas Code § 5-73-306(15), concerning certain churches
10 or other places of worship that may prohibit the possession of a concealed
11 handgun, is amended to read as follows:

12 (15)(A) Any church or other place of worship.

13 (B) However, this subchapter does not preclude a church or
14 other place of worship from determining who may carry a concealed handgun
15 into the church or other place of worship.

16 (C) A person with a concealed carry endorsement under § 5-
17 73-322(g) may not enter a church or other place of worship under this section
18 if the church or other place of worship places a written notice as permitted
19 under subdivision (18) of this section prohibiting a person with a license to
20 possess a concealed handgun at the physical location;

21
22 SECTION 5. Arkansas Code § 5-73-306(18), concerning a place at the
23 discretion of the person or entity exercising control over the physical
24 location of the place that may prohibit the possession of a concealed handgun
25 by a licensee, is amended to read as follows:

26 (18)(A)(i) Any place at the discretion of the person or entity
27 exercising control over the physical location of the place by placing at each
28 entrance to the place a written notice clearly readable at a distance of not
29 less than ten feet (10') that "carrying a handgun is prohibited".

30 (ii)(a) If the place does not have a roadway
31 entrance, there shall be a written notice placed anywhere upon the premises
32 of the place.

33 (b) In addition to the requirement of
34 subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1)
35 written notice posted within every three (3) acres of a place with no roadway
36 entrance.

1 (iii) A written notice as described in subdivision
2 (18)(A)(i) of this section is not required for a private home.

3 (iv) Any licensee entering a private home shall
4 notify the occupant that the licensee is carrying a concealed handgun.

5 (B) Subdivision (18)(A) of this section does not apply if
6 the physical location is:

7 (i) A public university, public college, or
8 community college, as defined in § 5-73-322, and the licensee is carrying a
9 concealed handgun as provided under § 5-73-322; or

10 (ii) A publicly owned and maintained parking lot if
11 the licensee is carrying a concealed handgun in his or her motor vehicle or
12 has left the concealed handgun in his or her locked and unattended motor
13 vehicle.

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

20
21 SECTION 6. Arkansas Code § 5-73-322 is amended to read as follows:

22 5-73-322. Concealed handguns in a university, college, or community
23 college building.

24 (a)(1) As used in this section~~+~~,

25 ~~(1)(A)~~ ~~“Public~~ “public university, public college, or community
26 college” means an institution that:

27 ~~(i)(A)~~ Regularly receives budgetary support from the state
28 government;

29 ~~(ii)(B)~~ Is part of the University of Arkansas or Arkansas
30 State University systems; or

31 ~~(iii)(C)~~ Is required to report to the Arkansas Higher
32 Education Coordinating Board.

33 (2) “Public university, public college, or community college”
34 includes without limitation a public technical institute.

35 ~~(B)(3)~~ “Public university, public college, or community college”
36 does not include a private university or private college solely because:

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

3 ~~(ii)(B)~~ The private university or private college
4 voluntarily reports to the Arkansas Higher Education Coordinating Board; and

5 ~~(2)~~ "Staff member" means a person who is not enrolled as a full-
6 time student at the university, college, or community college and is either
7 employed by the university, college, or community college full time or is on
8 a nine-month or twelve-month appointment at the university, college, or
9 community college as a faculty member.

10 (b) A licensee who has completed the training required under
11 subsection (g) of this section may possess a concealed handgun in the
12 buildings and on the grounds of a public university, public college, or
13 community college, whether owned or leased by the public university, public
14 college, or community college, ~~of the public university, public college, or~~
15 ~~community college where he or she is employed~~ unless otherwise prohibited by
16 this section or § 5-73-306 if+.

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

18 ~~(2)(A) The governing board of the public university, public~~
19 ~~college, or community college does not adopt a policy expressly disallowing~~
20 ~~the carrying of a concealed handgun by staff members in the buildings or on~~
21 ~~the grounds of the public university, public college, or community college~~
22 ~~and posts notices as described in § 5-73-306(18).~~

23 ~~(B) A governing board of the public university, public~~
24 ~~college, or community college may adopt differing policies for the carrying~~
25 ~~of a concealed handgun by staff members for different campuses, areas of a~~
26 ~~campus, or individual buildings of the public university, public college, or~~
27 ~~community college for which the governing board is responsible.~~

28 ~~(C) A policy disallowing the carrying of a concealed~~
29 ~~handgun by staff members into the public university, public college, or~~
30 ~~community college expires one (1) year after the date of adoption and must be~~
31 ~~readopted each year by the governing board of the public university, public~~
32 ~~college, or community college to remain in effect.~~

33 (c)(1) A licensee may possess a concealed handgun in the buildings and
34 on the grounds of the private university or private college ~~where he or she~~
35 ~~is employed~~ unless otherwise prohibited by this section or § 5-73-306 if+

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

1 ~~(2) The the private university or private college does not adopt~~
2 ~~a policy expressly disallowing the carrying of a concealed handgun in the~~
3 ~~buildings and on the grounds of the private university or private college and~~
4 ~~posts notices as described in § 5-73-306(18).~~

5 (2)(A) A private university or private college that adopts a
6 policy expressly disallowing the carrying of a concealed handgun in the
7 buildings and on the grounds of the private university or private college
8 shall post notices as described in § 5-73-306(18).

9 (B) A private university or private college that adopts a
10 policy only allowing carrying of a concealed handgun under this section shall
11 post notices as described in § 5-73-306(18) and subdivision (c)(1)(C) of this
12 section.

13 (C) If a private university or private college permits
14 carrying a concealed handgun under this section, the private university or
15 private college may revise any sign or notice required to be posted under §
16 5-73-306(18) to indicate that carrying a concealed handgun under this section
17 is permitted.

18 (d) The storage of a handgun in a university or college-operated
19 student dormitory or residence hall is prohibited under § 5-73-119(c).

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

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

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

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

36 (2) A person who knowingly violates subdivision (e)(1) of this

1 section upon conviction is guilty of:

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

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

6 (f) This section does not affect a licensee's ability to store a
7 concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

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

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

13 (i) Not be required to be renewed;

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

15 (iii) Be offered by all training instructors and at
16 all concealed carry training courses; and

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

18 (B) The Director of the Department of Arkansas State
19 Police may waive up to four (4) hours of training required under this
20 subsection for a licensee based on the licensee's prior training attended
21 within ten (10) years of applying for the endorsement provided for under
22 subsection (g)(2) of this section on appropriate topics.

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

28 (h) A licensee who completes a training course and obtains an
29 endorsement under subsection (g) of this section is exempted from the
30 prohibitions and restrictions on:

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

33 (2) Carrying a concealed handgun in a prohibited place listed
34 under § 5-73-306(7)-(12), (14), (15), and (17).

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

1 section.

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

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

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

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

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

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

19 (3) A public university, public college, or community college is
20 immune from a claim for monetary damages arising from or related to a
21 licensee's use of, or failure to use, a concealed handgun, if the licensee is
22 employed by the public university, public college, or community college
23 against whom the claim is filed and the licensee elects to possess the
24 concealed handgun under this section.

25
26 SECTION 7. DO NOT CODIFY. Training program.

27 The Department of Arkansas State Police shall promulgate rules to
28 design a training program described under Section 1 of this act within one
29 hundred twenty (120) days of the effective date of this act.

30
31 SECTION 8. DO NOT CODIFY. Effective date.

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

33
34 /s/Collins

35 **APPROVED: 03/22/2017**