

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1750

5 By: Representative Unger
6 By: Senator M. McKee
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CARRYING A WEAPON
10 AND CARRYING A CONCEALED WEAPON; TO ALLOW CERTAIN
11 PERSONS TO CARRY A WEAPON ON DEPARTMENT OF
12 CORRECTIONS PROPERTY IN CERTAIN CIRCUMSTANCES; TO
13 AUTHORIZE MEMBERS OF THE BOARD OF CORRECTIONS AND
14 CERTAIN DEPARTMENT OF CORRECTIONS APPOINTEES AND
15 EMPLOYEES TO CARRY A CONCEALED HANDGUN IN CERTAIN
16 CIRCUMSTANCES; TO DECLARE AN EMERGENCY; AND FOR OTHER
17 PURPOSES.
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Subtitle

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21 TO AUTHORIZE CERTAIN PERSONS TO CARRY A
22 WEAPON ON DEPARTMENT OF CORRECTIONS
23 PROPERTY; TO AUTHORIZE CERTAIN DEPARTMENT
24 OF CORRECTIONS OFFICIALS AND EMPLOYEES TO
25 CARRY A CONCEALED HANDGUN; AND TO DECLARE
26 AN EMERGENCY.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 5-73-120(c), concerning the times when it
32 is permissible to carry a weapon, is amended to read as follows:

33 (c) ~~It is permissible to carry a weapon~~ A person is presumed to be
34 carrying a weapon with a lawful purpose under this section if at the time of
35 the act of carrying the weapon:

36 (1) The person is in his or her own dwelling, in his or her



1 personal vehicle, in his or her place of business, or on property in which he
2 or she has a possessory or proprietary interest;

3 (2) The person is a law enforcement officer, correctional
4 officer, or member of the armed forces acting in the course and scope of his
5 or her official duties;

6 (3) The person is assisting a law enforcement officer,
7 correctional officer, or member of the armed forces acting in the course and
8 scope of his or her official duties pursuant to the direction or request of
9 the law enforcement officer, correctional officer, or member of the armed
10 forces;

11 (4) The person is carrying a weapon when upon a journey, unless
12 the journey is through a commercial airport when presenting at the security
13 checkpoint in the airport or is in the person's checked baggage and is not a
14 lawfully declared weapon;

15 (5) The person is a registered commissioned security guard
16 acting in the course and scope of his or her duties;

17 (6) The person is hunting game with a handgun that may be hunted
18 with a handgun under rules and regulations of the Arkansas State Game and
19 Fish Commission or is en route to or from a hunting area for the purpose of
20 hunting game with a handgun;

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

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

27 (8) The person is in possession of a concealed handgun and has a
28 valid license to carry a concealed handgun under § 5-73-301 et seq., or
29 recognized under § 5-73-321 and is not in a prohibited place as defined by §
30 5-73-306;

31 (9) The person is a prosecuting attorney or deputy prosecuting
32 attorney carrying a firearm under § 16-21-147;

33 (10) The person is in possession of a handgun and is a retired
34 law enforcement officer with a valid concealed carry authorization issued
35 under federal or state law; ~~or~~

36 (11) The person is in possession of a concealed handgun and is a

1 current or former district court judge, circuit court judge, Court of Appeals
 2 judge, or Supreme Court justice, with a valid license to carry a concealed
 3 handgun under § 5-73-301 et seq.; or

4 (12) The person:

5 (A) Is an employee of the Department of Corrections;

6 (B) Is in his or her personal vehicle in a parking lot
 7 owned or operated by the department;

8 (C) Has stored the weapon in a locked storage container
 9 that is attached to his or her personal vehicle; and

10 (D) Has declared in writing to the department his or her
 11 intent to carry a weapon and received approval to carry a weapon under this
 12 subdivision (c)(12) in writing from the Secretary of the Department of
 13 Corrections or his or her designee.

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 15 SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
 16 to add an additional section to read as follows:

17 5-73-328. Board of Corrections exemption.

18 A member of the Board of Corrections who is a licensee may carry his or
 19 her concealed handgun into a building in which or a location on which a law
 20 enforcement officer may carry a concealed handgun.

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 22 SECTION 3. Arkansas Code Title 12, Chapter 15, Subchapter 2, is
 23 amended to add an additional section to read as follows:

24 12-15-208. Department of Corrections employees – Eligibility to carry
 25 concealed handgun.

26 (a) The Secretary of the Department of Corrections or his or her
 27 designee may authorize an employee of the Department of Corrections to carry
 28 a concealed handgun into a building in which or a location on which a law
 29 enforcement officer may carry a concealed handgun, as long as the individual:

30 (1) Is presently employed with the department;

31 (2) Is not subject to any disciplinary action that suspends his
 32 or her authority to work;

33 (3) Is carrying a badge or appropriate written photographic
 34 identification issued by the department;

35 (4) Is not otherwise prohibited under federal law from
 36 possessing or receiving a firearm;

1 (5) Is not under the influence of alcohol or another
2 intoxicating or hallucinatory drug or substance;

3 (6) Has provided written authorization for state- and national-
4 level criminal history records screening with the results of the screening
5 showing that the individual is eligible to legally possess and carry a
6 firearm;

7 (7) Has fingerprint impressions on file with the Division of
8 Arkansas State Police automated fingerprint identification system; and

9 (8) Has completed a weapons qualification course administered by
10 the department.

11 (b) The secretary or his or her designee retains full discretion to
12 deny an employee's request under this section.

13 (c) An individual carrying a concealed handgun under this section
14 shall annually complete a weapons requalification course administered by the
15 department.

16 (d) An individual authorized to carry a concealed handgun under this
17 section:

18 (1) Shall immediately be prohibited from carrying a concealed
19 handgun under this section if the individual no longer meets the criteria
20 stated in subdivisions (a)(2)-(5) of this section; and

21 (2) Before his or her last day of employment with the
22 department, may seek authorization from the secretary or his or her designee
23 to continue to carry a concealed handgun under this section for an additional
24 six (6) months after his or her last day of employment with the department.

25 (e)(1) The secretary shall maintain a list of individuals authorized
26 to carry a concealed handgun under this section.

27 (2) The list required under subdivision (e)(1) of this section:

28 (A) Shall identify the name and location of assignment for
29 each individual authorized to carry a concealed handgun under this section;

30 (B) Shall be kept confidential; and

31 (C) Is not subject to disclosure under the Freedom of
32 Information Act of 1967, § 25-19-101 et seq.

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34 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that the Secretary of the
36 Department of Corrections and other corrections officials and employees are

1 subject to an increased risk of receiving death threats and being the victim
 2 of acts of violence based on their positions with the state; that the
 3 Secretary of the Department of Corrections is in a high-profile position in
 4 the state and that other states have provided people in similar positions
 5 with a security detail because of the increased risks associated with those
 6 positions; and that this act is immediately necessary to preserve public
 7 peace and safety by ensuring that those persons in positions with the
 8 Department of Corrections that expose them to increased risk of violence and
 9 death threats be able to protect themselves and others from harm as they work
 10 to ensure public peace and safety are maintained. Therefore, an emergency is
 11 declared to exist, and this act being immediately necessary for the
 12 preservation of the public peace, health, and safety shall become effective
 13 on:

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

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

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

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 22 **APPROVED: 4/12/23**
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