

1 State of Arkansas *As Engrossed: S3/21/17 S3/23/17 S3/23/17 H3/29/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 724

4

5 By: Senator J. Dismang

6

7

For An Act To Be Entitled

8 AN ACT CONCERNING POSSESSION OF A CONCEALED HANDGUN
9 ON THE PREMISES AND ON THE GROUNDS OF A TEACHING
10 HOSPITAL; EXEMPTING A PRIVATE UNIVERSITY OR PRIVATE
11 COLLEGE FROM THE REQUIREMENT THAT IT POST AT ITS
12 ENTRANCE THAT THE PRIVATE UNIVERSITY OR PRIVATE
13 COLLEGE DOES NOT PERMIT THE CARRYING OF A CONCEALED
14 *HANDGUN; CONCERNING THE POSSESSION OF A CONCEALED*
15 *HANDGUN; AND FOR OTHER PURPOSES.*

16

17

18

Subtitle

19

CONCERNING POSSESSION OF A CONCEALED

20

HANDGUN ON THE PREMISES AND ON THE

21

GROUND OF A TEACHING HOSPITAL AND OTHER

22

LOCATIONS; AND CONCERNING THE POSSESSION

23

OF A CONCEALED HANDGUN AT A PRIVATE

24

UNIVERSITY OR PRIVATE COLLEGE.

25

26

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

28

29 *SECTION 1. Arkansas Code § 5-73-101, concerning definitions used for*
30 *weapons offenses, is amended to add an additional definition to read as*
31 *follows:*

32

(11) "Collegiate athletic event" means a sporting or athletic

33

contest, event, or practice of an individual or team of individuals in which

34

one (1) or more individuals or a team of individuals sponsored by, funded by,

35

represented by, or associated with a public or private university, college,

36

or community college competes against themselves or another individual or



1 team of individuals.

2
3 SECTION 2. Arkansas Code § 5-73-122, as amended by Acts 2017, No. 562,
4 is amended to read as follows:

5 5-73-122. Carrying a firearm in publicly owned buildings or
6 facilities.

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

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

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

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

24 (B) If necessary to participate in a trade show, exhibit,
25 or educational course conducted in the publicly owned building or facility or
26 on the State Capitol grounds;

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

31 (ii)(a) As used in this subdivision (a)(3)(C),
32 "parking lot" means a designated area or structure or part of a structure
33 intended for the parking of motor vehicles or a designated drop-off zone for
34 children at school.

35 (b) "Parking lot" does not include a parking
36 lot owned, maintained, or otherwise controlled by the Department of

1 Correction or the Department of Community Correction;

2 (D) If the person has completed the required training and
3 received a concealed carry endorsement under § 5-73-322(g) and the place is
4 not a:

5 (i) ~~Courtroom~~ A courtroom or the location of an
6 administrative hearing conducted by a state agency, except as permitted by §
7 5-73-306(5) or ~~(6)~~ § 5-73-306(6);

8 (ii) ~~Public~~ A public school kindergarten through
9 grade twelve (K-12) ~~or~~, a public prekindergarten, or a public daycare
10 facility, except as permitted under subdivision (a)(3)(C) of this section; ~~or~~

11 (iii) A facility operated by the Department of
12 Correction or the Department of Community Correction; or

13 (iv) A posted firearm-sensitive area, as approved by
14 the Department of Arkansas State Police under § 5-73-325, located at:

15 (a) The Arkansas State Hospital;

16 (b) The University of Arkansas for Medical
17 Sciences; or

18 (c) A collegiate athletic event.

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

23 (4) As used in this section, "facility" means a municipally
24 owned or maintained park, football field, baseball field, soccer field, or
25 another similar municipally owned or maintained recreational structure or
26 property.

27 (b)(1) Any person other than a law enforcement officer, officer of the
28 court, or bailiff, acting in the line of duty, or any other person authorized
29 by the court, who possesses a handgun in the courtroom of any court of this
30 state is guilty of a Class D felony, except as permitted under § 5-73-306(5),
31 § 5-73-306(6), or this section.

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

34
35 SECTION 3. Arkansas Code § 5-73-301, concerning definitions involving
36 the carrying of a concealed handgun, is amended to add an additional

1 subdivision to read as follows:

2 (7) "Private university or private college" means an institution
3 of higher education that is not a public university, public college, or
4 community college as defined in § 5-73-322.

5
6 SECTION 4. Arkansas Code § 5-73-306(11) and (12), concerning certain
7 establishments that sell alcohol and are places that may prohibit the
8 possession of a concealed handgun, as amended by Acts 2017, No. 562, is
9 amended to read as follows:

10 (11)(A) A portion of an establishment, except a restaurant as
11 defined in § 3-5-1202, licensed to dispense alcoholic beverages for
12 consumption on the premises.

13 (B) A person with a concealed carry endorsement under § 5-
14 73-322(g) and who is carrying a concealed handgun may not enter an
15 establishment under this section if the establishment either places a written
16 notice as permitted under subdivision (18) of this section or provides notice
17 under subdivision (19) of this section prohibiting a person with a license to
18 possess a concealed handgun at the physical location;

19 (12)(A) A portion of an establishment, except a restaurant as
20 defined in § 3-5-1202, where beer or light wine is consumed on the premises.

21 (B) A person with a concealed carry endorsement under § 5-
22 73-322(g) and who is carrying a concealed handgun may not enter an
23 establishment under this section if the establishment either places a written
24 notice as permitted under subdivision (18) of this section or provides notice
25 under subdivision (19) of this section prohibiting a person with a license to
26 possess a concealed handgun at the physical location;

27
28 SECTION 5. Arkansas Code § 5-73-306(15), concerning certain churches
29 or other places of worship that may prohibit the possession of a concealed
30 handgun, as amended by Acts 2017, No. 562, is amended to read as follows:

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

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

35 (C) A person with a concealed carry endorsement under § 5-
36 73-322(g) and who is carrying a concealed handgun may not enter a church or

1 other place of worship under this section if the church or other place of
2 worship either places a written notice as permitted under subdivision (18) of
3 this section or provides notice under subdivision (19) of this section
4 prohibiting a person with a license to possess a concealed handgun at the
5 physical location;

6
7 SECTION 6. Arkansas Code § 5-73-306(17) and (18), concerning places
8 where carrying a concealed handgun by a concealed handgun licensee is
9 prohibited, as amended by Acts 2017, No. 562, is amended to read as follows:

10 (17) Any place where a parade or demonstration requiring a
11 permit is being held, and the licensee is a participant in the parade or
12 demonstration; ~~or~~

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

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

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

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

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

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

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

33 (ii) A publicly owned and maintained parking lot if
34 the licensee is carrying a concealed handgun in his or her motor vehicle or
35 has left the concealed handgun in his or her locked and unattended motor
36 vehicle.

1 (C) *The person or entity exercising control over the*
2 *physical location of a place that does not use his, ~~hers~~ her, or its*
3 *authority under this subdivision (18) to prohibit a person from possessing a*
4 *concealed handgun is immune from a claim for monetary damages arising from or*
5 *related to the decision not to place at each entrance to the place a written*
6 *notice under this subdivision (18)-;*

7 (19)(A)(i) A place owned or operated by a private entity that
8 prohibits the carrying of a concealed handgun that posts a written notice as
9 described under subdivision (18)(A) of this section.

10 (ii)(a) A place owned or operated by a private
11 entity that chooses not to post a written notice as described under
12 subdivision (18)(A) of this section may provide written or verbal
13 notification to a licensee who is carrying a concealed handgun at the place
14 owned or operated by a private entity that carrying of a concealed handgun is
15 prohibited.

16 (b) A licensee who receives written or verbal
17 notification under subdivision (19)(A)(ii)(a) of this section is deemed to
18 have violated this subdivision (19) if the licensee while carrying a
19 concealed handgun either remains at or returns to the place owned or operated
20 by the private entity.

21 (B) A place owned or operated by a private entity under
22 this subdivision (19) includes without limitation:

23 (i) A private university or private college;

24 (ii) A church or other place of worship;

25 (iii) An establishment, except a restaurant as
26 defined in § 3-5-1202, licensed to dispense alcoholic beverages for
27 consumption on the premises; and

28 (iv) An establishment, except a restaurant as
29 defined in § 3-5-1202, where beer or light wine is consumed on the premises;
30 or

31 (20) A posted firearm-sensitive area, as approved by the
32 Department of Arkansas State Police under § 5-73-325, located at:

33 (A) The Arkansas State Hospital;

34 (B) The University of Arkansas for Medical Sciences; or

35 (C) A collegiate athletic event.

36

1 SECTION 7. Arkansas Code § 5-73-322(h), concerning the endorsement to
2 carry a concealed handgun, as amended by Acts 2017, No. 562, is amended to
3 read as follows:

4 (h) A licensee who completes a training course and obtains ~~an~~ a
5 concealed carry endorsement under subsection (g) of this section is exempted
6 from the prohibitions and restrictions on:

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

9 (2) Carrying a concealed handgun in a prohibited place listed
10 under § 5-73-306(7)-(12), (14), (15), and (17), unless otherwise prohibited
11 under § 5-73-306(19) or § 5-73-306(20).

12
13 SECTION 8. Arkansas Code § 5-73-322(j)(3), concerning immunity of a
14 public university, public college, or community college, as amended by Acts
15 2017, No. 562, is amended to read as follows:

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

22
23 SECTION 9. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
24 to add an additional section to read as follows:

25 5-73-325. Firearm-sensitive areas – Security plan approval.

26 (a)(1) The following entities may submit a security plan to the
27 Department of Arkansas State Police for approval that designates certain
28 areas as a firearm-sensitive area where possession of a concealed handgun by
29 a licensee under this subchapter is prohibited:

30 (A) The Arkansas State Hospital;

31 (B) The University of Arkansas for Medical Sciences; and

32 (C)(i) An institution of higher education that hosts or
33 sponsors a collegiate athletic event.

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

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

3 (A) Total projected attendance;

4 (B) Number of entrances and exits;

5 (C) Number of on-site private security personnel;

6 (D) Number of on-site law enforcement officers;

7 (E) Number of on-site first responders;

8 (F) Location of parking areas and number of motor vehicles
9 projected to use the parking areas;

10 (G) Routes for emergency vehicles;

11 (H) Locations of all restrooms, stairs, and elevators;

12 (I) Evacuation procedures;

13 (J) Security communication protocol;

14 (K) Location of emergency vehicles;

15 (L) Public communication protocol; and

16 (M) Bomb threat and active shooter procedures.

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

19 (1) Security personnel or law enforcement officers on-site;

20 (2) Use of a magnetometer or other metal-detecting device
21 designed to detect a weapon;

22 (3) Barricades; or

23 (4) Other measures or devices designed to protect the public
24 from a security threat.

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

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

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

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

36 (e) A security plan submitted under this section is exempt from public

1 disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

2
3 *SECTION 10. DO NOT CODIFY. Effective date.*

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

5
6 /s/J. Dismang

7
8
9 **APPROVED: 04/03/2017**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36