

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1440

5 By: Representatives Dotson, Ballinger, Bell, Bentley, Collins, Davis, Della Rosa, C. Douglas, Drown,
6 Gates, Gonzales, M. Gray, Hickerson, G. Hodges, Ladyman, Lundstrum, Miller, Payton, Petty, Pitsch,
7 Richmond, Scott, B. Smith, Speaks, Sullivan, Tosh, Vaught, Wallace, Womack
8 By: Senators J. Woods, Caldwell, A. Clark, Collins-Smith, J. English, Hester, B. Johnson
9

For An Act To Be Entitled

11 AN ACT TO REDUCE THE FEE FOR A CONCEALED CARRY
12 LICENSE; TO CREATE A LIFETIME CONCEALED CARRY
13 LICENSE; AND FOR OTHER PURPOSES.
14
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Subtitle

16 TO REDUCE THE FEE FOR A CONCEALED CARRY
17 LICENSE; AND TO CREATE A LIFETIME
18 CONCEALED CARRY LICENSE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-73-302 is amended to read as follows:
25 5-73-302. Authority to issue license.

26 (a) The Director of the Department of Arkansas State Police may issue
27 a license to carry a concealed handgun to a person qualified as provided in
28 this subchapter.

29 (b)(1) ~~For new licenses issued after July 31, 2007, the~~ The license to
30 carry a concealed handgun is valid throughout the state for a period of five
31 (5) years from the date of issuance unless the person has applied for and
32 obtained a lifetime concealed handgun license.

33 ~~(2) After July 31, 2007, upon renewal, an existing valid license~~
34 ~~to carry a concealed handgun shall be issued for a period of five (5) years.~~

35 (c)(1)(A) ~~After July 31, 2007, a~~ A license or renewal of a license
36 issued to a former elected or appointed sheriff of any county of this state



1 shall be issued for a period of five (5) years, unless the former elected or
2 appointed sheriff has applied for and obtained a lifetime concealed handgun
3 license.

4 (B) The license issued to a former elected or appointed
5 sheriff is revocable on the same grounds as other licenses.

6 (2)(A) The former elected or appointed sheriff shall meet the
7 same qualifications as all other applicants.

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

11 (d) A lifetime concealed handgun license issued under this section:

12 (1) Does not have a renewal requirement; and

13 (2) Is limited to carrying a concealed handgun and for
14 reciprocity recognition in other states and not for any other purpose.

15 (e) A person issued a standard concealed handgun license may upgrade
16 his or her standard concealed handgun license to a lifetime concealed handgun
17 license at any point during which the person's standard concealed handgun
18 license is valid by paying the additional fee under § 5-73-311(a)(2)(B).

19
20 SECTION 2. Arkansas Code § 5-73-308 is amended to read as follows:

21 5-73-308. License – Issuance or denial.

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

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

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

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

1 disposition of the case.

2 (b)(1) The director may deny a license to carry a concealed handgun if
 3 the county sheriff or chief of police, if applicable, of the applicant's
 4 place of residence or the director or the director's designee submits an
 5 affidavit that the applicant has been or is reasonably likely to be a danger
 6 to himself or herself or others or to the community at large, as demonstrated
 7 by past patterns of behavior or participation in an incident involving
 8 unlawful violence or threats of unlawful violence, or if the applicant is
 9 under a criminal investigation at the time of applying for a license to carry
 10 a concealed handgun.

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

13 (A) Issue the license; or

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

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

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

20 (c) A person holding a lifetime concealed handgun license that
 21 subsequently becomes revoked or suspended under this section is not eligible
 22 to hold a lifetime concealed handgun license under any circumstances and
 23 instead is only eligible to possess a standard concealed handgun license if
 24 the revocation or suspension is reversed or expires.

25
 26 SECTION 3. Arkansas Code § 5-73-309 is amended to read as follows:

27 5-73-309. License – Requirements.

28 The Director of the Department of Arkansas State Police shall issue a
 29 standard license or lifetime license to carry a concealed handgun if the
 30 applicant:

31 (1) Is a citizen of the United States;

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

35 (B) However, subdivision (2)(A) of this section does not
 36 apply to any:

1 (i) Retired city, county, state, or federal law
2 enforcement officer; ~~or~~

3 (ii) Active duty member of the United States armed
4 forces who submits documentation of his or her active duty status; or

5 (iii) Spouse of an active duty member of the United
6 States armed forces who submits documentation of his or her spouse's active
7 duty status;

8 (3) Is twenty-one (21) years of age or older;

9 (4) Does not suffer from a mental or physical infirmity that
10 prevents the safe handling of a handgun and has not threatened or attempted
11 suicide;

12 (5)(A) Has not been convicted of a felony in a court of this
13 state, of any other state, or of the United States without having been
14 pardoned for conviction and had firearms possession rights restored.

15 (B) A record of a conviction that has been sealed or
16 expunged under Arkansas law does not render an applicant ineligible to
17 receive a concealed handgun license if:

18 (i) The applicant was sentenced prior to March 13,
19 1995; or

20 (ii) The order sealing or expunging the applicant's
21 record of conviction complies with § 16-90-605;

22 (6) Is not subject to any federal, state, or local law that
23 makes it unlawful to receive, possess, or transport any firearm, and has had
24 his or her background check successfully completed through the Department of
25 Arkansas State Police and the Federal Bureau of Investigation's National
26 Instant Criminal Background Check System;

27 (7)(A) Does not chronically or habitually abuse a controlled
28 substance to the extent that his or her normal faculties are impaired.

29 (B) It is presumed that an applicant chronically and
30 habitually uses a controlled substance to the extent that his or her
31 faculties are impaired if the applicant has been voluntarily or involuntarily
32 committed to a treatment facility for the abuse of a controlled substance or
33 has been found guilty of a crime under ~~the provisions of~~ the Uniform
34 Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other
35 state or the United States relating to a controlled substance within the
36 three-year period immediately preceding the date on which the application is

1 submitted;

2 (8)(A) Does not chronically or habitually use an alcoholic
3 beverage to the extent that his or her normal faculties are impaired.

4 (B) It is presumed that an applicant chronically and
5 habitually uses an alcoholic beverage to the extent that his or her normal
6 faculties are impaired if the applicant has been voluntarily or involuntarily
7 committed as an alcoholic to a treatment facility or has been convicted of
8 two (2) or more offenses related to the use of alcohol under a law of this
9 state or similar law of any other state or the United States within the
10 three-year period immediately preceding the date on which the application is
11 submitted;

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

14 (10) Has not been adjudicated mentally incompetent;

15 (11) Has not been voluntarily or involuntarily committed to a
16 mental institution or mental health treatment facility;

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

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

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

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24 SECTION 4. Arkansas Code § 5-73-311(a)(2), concerning the application
25 fee to obtain a concealed handgun license, is amended to read as follows:

26 (2)(A) A nonrefundable license fee of ~~one hundred dollars~~
27 ~~(\$100), except that the nonrefundable license fee is fifty dollars (\$50.00)~~
28 ~~if the applicant is sixty five (65) years of age or older~~ seventy dollars
29 (\$70.00) for an applicant who applies for licensure with a paper form
30 provided by the department, except that the nonrefundable license fee is
31 fifty dollars (\$50.00) if the applicant applies for licensure through the
32 department website.

33 (B) If a person is applying for a lifetime concealed
34 handgun license, the nonrefundable license fee is one hundred fifty dollars
35 (\$150);

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1 SECTION 5. Arkansas Code § 5-73-311, concerning the application
2 procedure for a concealed carry license, is amended to add a new subsection
3 to read as follows:

4 (d) The application procedure for a lifetime concealed handgun license
5 shall not require any information or documentation not required for a
6 standard concealed handgun license.

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