

1 State of Arkansas *As Engrossed: H2/2/17 S3/16/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1367

4

5 By: Representatives Watson, Holcomb

6 By: Senator Teague

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## For An Act To Be Entitled

9 AN ACT CONCERNING THE ABILITY OF AN AUXILIARY LAW  
10 ENFORCEMENT OR A RETIRED LAW ENFORCEMENT OFFICER TO  
11 CARRY A CONCEALED HANDGUN AND TO BE EXEMPTED FROM THE  
12 LICENSING REQUIREMENTS TO CARRY A CONCEALED HANDGUN;  
13 CONCERNING RETIRED LAW ENFORCEMENT OFFICERS; AND FOR  
14 OTHER PURPOSES.

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## Subtitle

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CONCERNING AN AUXILIARY LAW ENFORCEMENT  
19 OR A RETIRED LAW ENFORCEMENT OFFICER  
20 CARRYING A CONCEALED HANDGUN; AND  
21 CONCERNING RETIRED LAW ENFORCEMENT  
22 OFFICERS.

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

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27 SECTION 1. Arkansas Code § 5-73-301, concerning definitions used in  
28 the concealed handguns subchapter, is amended to add an additional definition  
29 to read as follows:

30 (7) "Retired law enforcement officer" means a person who retired  
31 as a certified law enforcement officer from a local or state law enforcement  
32 agency with at least ten (10) years of experience as a law enforcement  
33 officer.

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35 SECTION 2. Arkansas Code § 5-73-304 is amended to read as follows:

36 5-73-304. Exemptions.



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

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

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

14 ~~(b) An auxiliary law enforcement officer or employee of a local~~  
15 ~~detention facility is exempt from the licensing requirements of this~~  
16 ~~subchapter if the auxiliary law enforcement officer or employee of a local~~  
17 ~~detention facility:~~

18 ~~(1) If an auxiliary law enforcement officer, has completed the~~  
19 ~~minimum training requirements and is certified as an auxiliary law~~  
20 ~~enforcement officer in accordance with the commission; and~~

21 ~~(2) Is An employee of a local detention facility is exempt from~~  
22 ~~the licensing requirements of this subchapter if the employee of a local~~  
23 ~~detention facility is authorized in writing as exempt from the licensing~~  
24 ~~requirements of this subchapter by the chief of police or county sheriff that~~  
25 ~~has appointed the auxiliary law enforcement officer or employs the employee~~  
26 ~~of a local detention facility.~~

27 (c) The authorization prescribed in subdivision (b)(2) of this section  
28 shall be carried on the person of the ~~auxiliary law enforcement officer or~~  
29 employee of a local detention facility and be produced upon demand at the  
30 request of any law enforcement officer or owner or operator of any of the  
31 prohibited places as set out in § 5-73-306.

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

35 ~~(d)~~(e) As used in this section, “employee of a local detention  
36 facility” means a person who:

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

3 (A) Securing a local detention facility;

4 (B) Monitoring inmates in a local detention facility; and

5 (C) Administering the daily operation of the local  
6 detention facility; and

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

9  
10 SECTION 3. Arkansas Code § 12-9-304(f), concerning law enforcement  
11 training requirements for an auxiliary law enforcement officer, is amended to  
12 read as follows:

13 (f)(1) It shall be the responsibility of the appointing law  
14 enforcement agency to provide or have provided not less than one hundred  
15 (100) hours of commission-approved law enforcement training, which will  
16 include a firearms qualification course equivalent to the firearms  
17 qualification requirements for a full-time law enforcement officer, and no  
18 auxiliary law enforcement officer shall bear arms until having successfully  
19 completed the training.

20 (2) An auxiliary law enforcement officer is not required to  
21 requalify for firearms qualification beyond what a full-time law enforcement  
22 officer is required to complete for requalification for the purposes of  
23 carrying a concealed handgun while the auxiliary law enforcement officer  
24 remains appointed as an auxiliary law enforcement officer.

25  
26 SECTION 4. Arkansas Code § 12-15-201(1), concerning the definition of  
27 "auxiliary law enforcement officer" as used in concealed handgun licensing,  
28 is amended to read as follows:

29 (1) "Auxiliary law enforcement officer" means a person certified  
30 by the Arkansas Commission on Law Enforcement Standards and Training and  
31 approved by the county sheriff or chief of police of a municipality where he  
32 or she is acting as an auxiliary law enforcement officer if+

33 ~~(A) The~~ the auxiliary law enforcement officer has  
34 completed the minimum training requirements and is certified as an auxiliary  
35 law enforcement officer in accordance with the commission; ~~and~~

36 ~~(B) The chief of police of the law enforcement agency or~~

1 ~~county sheriff authorizes the status of the auxiliary law enforcement officer~~  
2 ~~and the authorization is:~~

3 ~~(i) In writing;~~

4 ~~(ii) In the possession of the auxiliary law~~  
5 ~~enforcement officer; and~~

6 ~~(iii) Produced upon demand at the request of any law~~  
7 ~~enforcement officer or owner or operator of any of the prohibited places~~  
8 ~~under § 5-73-306;~~

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10 SECTION 5. Arkansas Code § 12-15-202(b), concerning the ability of a  
11 retired law enforcement officer to carry a concealed handgun, is amended to  
12 read as follows:

13 (b)(1) A concealed handgun may be carried by any retired law  
14 enforcement officer or retired auxiliary law enforcement officer acting as a  
15 retired auxiliary law enforcement officer who:

16 (A) Retired in good standing from service with a public  
17 law enforcement department, office, or agency for reasons other than mental  
18 disability;

19 (B) Immediately before retirement was a certified law  
20 enforcement officer authorized by a public law enforcement department,  
21 office, or agency to carry a firearm in the course and scope of his or her  
22 duties;

23 (C) Is carrying appropriate written photographic  
24 identification issued by a public law enforcement department, office, or  
25 agency identifying him or her as a retired and former certified law  
26 enforcement officer;

27 (D) Is not otherwise prohibited under federal law from  
28 receiving or possessing a firearm;

29 (E) Has fingerprint impressions on file with the system  
30 together with written authorization for state and national level criminal  
31 history record screening;

32 (F) During the most recent twelve-month period has met, at  
33 the expense of the retired law enforcement officer, the standards of this  
34 state for training and qualification for active law enforcement officers to  
35 carry firearms;

36 (G) Before his or her retirement, worked or was employed

1 as a law enforcement officer or acted as an auxiliary law enforcement officer  
2 for an aggregate of ten (10) years or more; and

3 (H) Is not under the influence of or consuming alcohol or  
4 another intoxicating or hallucinatory drug or substance.

5 (2)(A) The chief law enforcement officer of the city or county  
6 shall keep a record of all retired law enforcement officers authorized to  
7 carry a concealed handgun in his or her jurisdiction and shall revoke any  
8 authorization for good cause shown.

9 (B) The Director of the Department of Arkansas State  
10 Police shall keep a record of all retired department officers authorized to  
11 carry a concealed handgun in the state and shall revoke any authorization for  
12 good cause shown.

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*/s/Watson*

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**APPROVED: 04/05/2017**

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