

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/1/19

A Bill

HOUSE BILL 1748

5 By: Representative Richmond
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT CONCERNING A VETERAN WHO VOLUNTARILY SOUGHT
10 MENTAL HEALTH TREATMENT AND WHO SUBSEQUENTLY SEEKS TO
11 OBTAIN A LICENSE TO CARRY A CONCEALED HANDGUN; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING A VETERAN WHO VOLUNTARILY
16 SOUGHT MENTAL HEALTH TREATMENT AND WHO
17 SUBSEQUENTLY SEEKS TO OBTAIN A LICENSE TO
18 CARRY A CONCEALED HANDGUN.
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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 § 5-73-309(11), concerning the requirements
25 for a person who wants to obtain a license to carry a concealed handgun, is
26 amended to read as follows:

27 (11)(A) Has not been voluntarily or involuntarily committed to a
28 mental institution or mental health treatment facility.

29 (B) An applicant who is a veteran who voluntarily sought
30 mental health treatment at a mental health institution or mental health
31 treatment facility may obtain a license under this subchapter if a circuit
32 court grants his or her petition under § 5-73-327;
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34 SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
35 to add an additional section to read as follows:

36 5-73-327. Discharged veterans.



1 (a) As used in this section:

2 (1) "Mental health institution or mental health treatment
3 facility" means a public or private facility where a person may voluntarily
4 admit himself or herself for mental health treatment; and

5 (2) "Veteran" means a person who:

6 (A) Served on active duty in the United States Armed
7 Forces for a period of more than one hundred eighty (180) days and was
8 discharged or released from active duty with other than a dishonorable
9 discharge;

10 (B) Was discharged or released from active duty in the
11 United States Armed Forces because of a service-connected disability; or

12 (C) As a member of a reserve component of the United
13 States Armed Forces under an order to active duty, not to include training,
14 was discharged or released from duty with other than a dishonorable
15 discharge.

16 (b)(1) A veteran who voluntarily seeks and completes mental health
17 treatment in a mental health institution or mental health treatment facility
18 may obtain a license to carry a concealed handgun under this subchapter by
19 filing a petition in the circuit court where the veteran resides.

20 (2) However, the veteran may not obtain a license to carry a
21 concealed handgun under this subchapter until at least two (2) years after he
22 or she completed mental health treatment in a mental health institution or
23 mental health treatment facility.

24 (c)(1) A petition under this section shall request a judicial
25 determination that the petitioner is mentally fit and that his or her past
26 voluntary commitment to a mental institution or mental health treatment
27 facility would currently not have a negative impact on the petitioner's
28 ability to responsibly possess a license to carry a concealed handgun.

29 (2) A petitioner shall also provide the circuit court with a
30 limited medical waiver that would allow the circuit court and the prosecuting
31 attorney access to and the ability to request any medical record that
32 concerns the petitioner's mental health treatment at issue.

33 (d)(1) A copy of a petition under this section shall be served on the
34 prosecuting attorney within thirty (30) days of the filing of the petition.

35 (2) The prosecuting attorney may appear, support, object to, or
36 present evidence relevant to the petition.

1 (e) The circuit court shall consider evidence in an open proceeding,
2 including evidence offered by the petitioner concerning:

3 (1) The circumstances that led to the petitioner voluntarily
4 seeking mental health treatment;

5 (2) The petitioner's certified mental health records;

6 (3) The petitioner's certified criminal history;

7 (4) The petitioner's reputation; and

8 (5) Changes in the petitioner's condition or circumstances
9 relevant to the petition.

10 (f) The circuit court shall grant the petition if the circuit court
11 finds by a preponderance of the evidence the following:

12 (1) The petitioner is not likely to act in a manner that is
13 dangerous to public safety; and

14 (2) Granting the petition would not be contrary to the public
15 interest.

16 (g) The petitioner may appeal a final order denying the petition and
17 the review on appeal shall be de novo.

18 (h) A veteran may file a petition under this section no more than one
19 (1) time every two (2) years.

20 (i) When the circuit court issues an order granting a petition under
21 this section, as soon as practicable but no later than thirty (30) days after
22 issuance of the order, the circuit clerk shall forward a copy of the order to
23 the Department of Arkansas State Police.

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26 */s/Richmond*

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29 **APPROVED: 4/11/19**