

1 State of Arkansas As Engrossed: S2/6/19 S2/7/19 S2/14/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

SENATE BILL 197

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5 By: Senator B. Ballinger

6 By: Representative Breaux

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## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE SCOPE IN WHICH A LAW  
10 ENFORCEMENT OFFICER MAY CARRY AN OPEN OR CONCEALED  
11 HANDGUN BOTH WHILE ON DUTY AND OFF *DUTY*; *TO DECLARE*  
12 *AN EMERGENCY*; AND FOR OTHER PURPOSES.

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## Subtitle

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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 § 5-73-119(e)(6), concerning the  
25 permissibility of a certified law enforcement officer to carry a handgun or  
26 firearm on school property, is amended to read as follows:

27 (6)(A) The person is a certified law enforcement officer, either  
28 on-duty or off-duty.

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

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34 SECTION 2. Arkansas Code § 5-73-120(c)(7), concerning the  
35 permissibility of a certified law enforcement officer to carry a weapon, is  
36 amended to read as follows:



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

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

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8           SECTION 3. Arkansas Code § 5-73-122(a)(1) and (2), concerning the  
9 permissibility of a certified law enforcement officer to carry a firearm in a  
10 publicly owned building or facility, are amended to read as follows:

11           (a)(1) Except as provided in § 5-73-322, § 5-73-306(5), § 16-21-147,  
12 and this section, it is unlawful for ~~any a~~ person other than a law  
13 enforcement officer, either on-duty or off-duty, ~~or~~ a security guard in the  
14 employ of the state or an agency of the state, or any city or county, or any  
15 state or federal military personnel, to knowingly carry or possess a loaded  
16 firearm or other deadly weapon in any publicly owned building or facility or  
17 on the State Capitol grounds.

18           (2) It is unlawful for any person other than a law enforcement  
19 officer, either on-duty or off-duty, ~~or~~ a security guard in the employ of the  
20 state or an agency of the state, or any city or county, or any state or  
21 federal military personnel, to knowingly carry or possess a firearm, whether  
22 loaded or unloaded, in the State Capitol Building or the Arkansas Justice  
23 Building in Little Rock.

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25           SECTION 4. Arkansas Code § 5-73-122(b), concerning the permissibility  
26 of a certified law enforcement officer to carry a handgun in a courtroom, is  
27 amended to read as follows:

28           (b) However, a law enforcement officer, either on-duty or off-duty,  
29 officer of the court, bailiff, or ~~any~~ other person authorized by the court is  
30 permitted to possess a handgun in the courtroom of any court or a *courthouse*  
31 *of this state.*

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33           SECTION 5. Arkansas Code § 5-73-122, concerning carrying a firearm in  
34 a publicly owned building or facility, is amended to add additional  
35 subsections to read as follows:

36           (d) An off-duty law enforcement officer carrying a firearm in a

1 publicly owned building or facility may be required to be in physical  
2 possession of a valid identification identifying the person as a law  
3 enforcement officer.

4 (e) An off-duty law enforcement officer may not carry a firearm into a  
5 courtroom if the off-duty law enforcement officer is a party to or a witness  
6 in a civil or criminal matter unless the law provides otherwise.

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8 SECTION 6. DO NOT CODIFY. Policy required.

9 (a) A state institution shall develop a policy consistent with this  
10 act concerning the lawful open or concealed carry of a handgun by an off-duty  
11 law enforcement officer at a state institution affected by this act.

12 (b) The promulgation of a policy under this section is exempt from the  
13 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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15 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly of the State of Arkansas that public safety is increased  
17 when trained law enforcement officers are able to carry their handguns in  
18 public even when they are off-duty and that this act is immediately necessary  
19 because increasing public safety is one of the most important  
20 responsibilities of the General Assembly. Therefore, an emergency is declared  
21 to exist, and this act being immediately necessary for the preservation of  
22 the public peace, health, and safety shall become effective on:

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

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

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

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31 /s/B. Ballinger  
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