

Final Report Recommendations: August 2024

HUNTING RECOMMENDATIONS	MOTION	MEMBER	FOLLOW UP/ADD'L INFO
§ 15-43-105 – Prima facie evidence of hunting or fishing	12/11/2023 Subcomm Meeting	Wardlaw (MT) Gilmore (2 nd) (passed by voice vote)	Motion adopted was to repeal this section.
CONCEALED CARRY/OPEN CARRY RECOMMENDATIONS			
Single Licensing Scheme	01/10 Subcomm. Meeting	Hill (MT) Wardlaw (2 nd) Passed by voice vote	<p>Move from 2 licensing schemes to only one.</p> <ul style="list-style-type: none"> a. Constitutional carry and concealed carry b. Constitutional will remain the same as it is in Ark law now c. Concealed will resemble current enhanced license <ul style="list-style-type: none"> i. Reciprocity, allowance to carry in otherwise prohibited locations d. Repeal all of the confusing and conflicting provision, consolidate an simplify into these 2 categories.
<ul style="list-style-type: none"> • Constitutional Carry 			
Gun-Free School Zone Act (Leave Arkansas law as is – don't mirror federal law)	On 1/10, passed a Motion to mirror the federal law; New recommendation to leave Arkansas law as is to be considered for a		<p>Gun Free School Zone Act – 1,000 feet of a school</p> <ul style="list-style-type: none"> a. The Federal Gun Free School Zone Act prohibits possessing a firearm within 1,000 feet of a school

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				<p>b. Currently, Ark. Law talks about the “developed property” of a public or private school. That language is unclear for the average person driving by a school.</p> <p>c. Recommendation is to leave Arkansas law as is.</p>
School Bus Stops		<p>Motion at the 8/21 Subcomm. Meeting</p>		<p>Currently Ark. Law prohibits constitutional carry at school bus stops.</p> <p>a. The problem is that school bus stops could be at the curb of your own home, at a stop sign, in a private business parking lot.</p> <p>b. School bus stop is only a prohibited location for a very short time frame.</p> <p>c. No signs to put citizens on notice.</p> <p>d. Could be in violation of Ark. Law by constitutionally carrying your firearm at the neighborhood stop sign while standing with a child as they wait for the bus.</p> <p>e. Recommendation is to remove school bus stops from the list of prohibited carry locations.</p>
Parades or Demonstrations		<p>To be considered for a Motion at the 8/21 Subcomm. Meeting</p>	<p>Fortner (MT) Passed by voice vote</p>	<p>Ark. Law prohibits carrying in “any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration.”</p> <p>a. “bizarre” distinction that an observer of the parade may carry but a participant in the parade may not.</p> <p>b. The term “participant” is not defined</p> <p>c. Recommend striking this provision in its entirety.</p>
Sentencing – carrying in schools		<p>01/10 Subcomm. Meeting</p>	<p>Boyd (MT) Passed by voice vote</p>	<p>Ark. Law states that any person found guilty of knowingly violating the section on carrying school shall be guilty of a Class D felony.</p>

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			<p>a. Statute specifically does not allow the judge to give a suspended sentence, to order probation, or to treat the conviction as a first offense.</p> <p>b. Recommend striking the language taking away the Court’s ability to impose a suspended sentence, order probation, etc. because it does not allow the Court to look at the totality of the circumstances.</p>
<ul style="list-style-type: none"> • Concealed Carry <p>Gun-Free School Zone Act (Leave Arkansas law as is – don’t mirror fed. law)</p>	<p>On 1/10 adopted a motion to mirror federal law; New recommendation to leave Arkansas law as is to be considered for a Motion at the 8/21 Subcomm. Meeting</p>		<p>Gun Free School Zone Act – 1,000 feet of a school</p> <p>a. Federal Gun Free School Zone Act prohibits possessing a firearm within 1,000 feet of a school, but if you have a license, Federal law allows you to carry in the school zone.</p> <p>b. Recommendation is to make it clear to any citizen reading Ark. Laws that they can carry on school grounds to pick up their child from school but cannot carry inside of the school buildings.</p>
<p>Publicly Owned Buildings</p>	<p>01/10 Subcomm. Meeting</p>	<p>Fortner (MT) Passed by voice vote</p>	<p>Ark. Law confusing regarding carrying a concealed loaded firearm in a “publicly owned building” under the enhanced license.</p> <p>a. Recommend the language of the new concealed carry licensing scheme be clear that the license allows you to carry in certain state buildings</p> <p>b. State law should be clear that we don’t distinguish between agency buildings and the State Capitol Building.</p>

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<p>Meetings of Gov't Entities</p>	<p>01/10 Subcomm. Meeting</p>	<p>Hill (MT) Passed by voice vote</p>	<p>Current Ark. Law prohibits carrying concealed in a meeting of any government entity or meeting of the General Assembly except for meetings that occur in the State Capitol building. a. Recommend allowing concealed carry in all these types of meetings.</p>
<p>Sentencing/Fines/Penalties</p>	<p>01/10 Subcomm. Meeting</p>	<p>Fortner (MT) Passed by voice vote</p>	<p>Concealed carry is codified in Title 5 with criminal code but does not carry any criminal penalties for violation of the subchapters on concealed carry. a. Recommend that instead of attaching a misdemeanor or felony, make it a violation with fines like a traffic violation. b. Fines could range from \$250-\$10,000</p>
<p>Airports</p>	<p>On 01/10 adopted a motion to make Arkansas law consistent with federal law; New recommendation to leave Arkansas law as is to be considered for a motion at the 8/21 Subcomm. Meeting</p>	<p>Hill (MT) Passed by voice vote</p>	<p>Many of the terms in the Arkansas law have been adopted from Federal law, but with no definitions.</p>
<p>Publicly-owned educational institutions</p>	<p>01/10 Subcomm. Meeting</p>	<p>Fortner (MT) Passed by voice vote</p>	<p>a. Arkansas law prohibits colleges and universities from prohibiting weapons for events other than collegiate sporting events. b. Ark. Law allows for signs to be posted disallowing concealed weapons if alcohol is being served.</p>

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			<p>c. What happens when a college uses a facility for a non-sporting event (such as a concert) and serves alcohol? Are they allowed to post a sign prohibiting weapons or not?</p> <p>d. Need to bring clarity here.</p> <p>e. Recommendation: Anyone covered by an alcohol permit is allowed to prohibit weapons on their premises.</p>
<p>Officers of the court (Issue of Courtrooms vs. Courthouses)</p>	<p>To be considered for a Motion at the 8/21 Subcomm. Meeting</p>		<p>Discussion at 01/10 Subcommittee Meeting. More information to be provided at 8/21 meeting.</p>
<p>Bd. of Corrections vs. Post-Prison Transfer Bd.</p>	<p>01/10 Subcomm. Meeting</p>	<p>Hill (MT) Passed by voice vote</p>	<p>a. Ark. Law allows members of the Bd. of Corrections to conceal carry with a license in any place where a law enforcement officer may also carry.</p> <p>b. The Post-Prison Transfer Bd. has a similar, but inconsistent privilege – requires member to be on official business for the privilege to attach.</p> <p>c. Recommend making the 2 provisions consistent.</p>
<p>ASP Duty to Issue Licenses (Statutory)</p>	<p>01/10 Subcomm. Meeting</p>	<p>Rice/Wardlaw</p>	<p>Change “may issue” to “shall issue” throughout applicable code sections to make consistent with § 5-73-309 (making the language clear that ASP is required to issue concealed carry licenses (mandatory rather than permissive language))</p>

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<p>Involuntary Commitments</p>	<p>03/11 Subcomm. Meeting</p>	<p>Hill (MT for further study of this issue) Passed by voice vote</p>	<p>Currently no path to regain right to possess a firearm if ever involuntarily committed</p>
<ul style="list-style-type: none"> • ASP Licensing Rules 	<p>01/24 Subcomm. Meeting</p>		<p>ASP Representatives told the Subcommittee that the electronic submission fingerprint requirement needs to be addressed in the rule to bring it into compliance with the laws.</p>
<p>LEO RECOMMENDATIONS</p>			
<p>Unify Judicial Districts Treatment in Code re: Bailiffs, probation officers, etc.</p>	<p>To be considered for a Motion at the 8/21 Subcomm. Meeting</p>		<p>Recommendation: Rather than multiple code sections referring to specific judicial districts with regard to their bailiffs and other leos, make one code section that provides the same authority to all judicial districts (repeal the others)</p>
<p>Award of firearms upon death/retirement</p>	<p>To be considered for a Motion at the 8/21 Subcomm. Meeting</p>		<p>Recommendation: one code provision listing all law enforcement officers (all entities) and provide for award of the leo's service pistol upon death or retirement of the leo</p>
<p>OTHER</p>			
<p>Municipalities/Counties Restrictions</p>	<p>To be considered for a Motion at the 8/21 Subcomm. Meeting</p>		<p>Recommendation: prohibit municipalities and counties from enacting or promulgating firearms requirements that are more restrictive than state law</p>