

Arkansas Firearms and Concealed Carry Laws Study

ALC-Game & Fish/State Police Subcommittee

Final Report to the ALC-Executive Subcommittee

October 17, 2024

I. Background.

On August 25, 2023, the Legislative Council directed the Subcommittee to undertake the Arkansas Firearms and Concealed Carry Laws Study and adopted the study parameters set forth in Attachment A to this report. The procedures of the Arkansas Firearms and Concealed Carry Laws Study required on or before October 1, 2024, that the Subcommittee shall file with the Executive Subcommittee of the Legislative Council a final written report of their activities, findings, and recommendations, including any draft legislation. Upon filing of the final report to the Executive Subcommittee, the study shall be complete.

The purpose of the study is to review the existing laws of the State of Arkansas concerning ownership, use, and possession of firearms as well as the concealed carry laws of the state, in order to ascertain the existing rights and restrictions under the laws and recommend legislation to these laws as necessary to clarify the rights and restrictions of citizens of the State of Arkansas with regard to laws concerning firearms and concealed carry of firearms.

II. Work of the Subcommittee.

On October 19, 2023, the Subcommittee heard a presentation regarding an overview of the Arkansas Firearms and Concealed Carry Laws Study and timeline. Beginning in November of 2023, the Subcommittee held monthly meetings, with the exception of April 2024 and May 2024 due to the Fiscal Session, to hear summaries of the laws concerning firearms regarding the following topics:

- Federal Laws;
- Hunting Laws;
- Concealed Carry Laws and Rules;
- Possession and Open Carry Laws;
- Laws concerning Law Enforcement Officers and Other Armed Officers; and
- Local Government, Business and Commerce, Offenses and Sentencing, Transfer and Disposition of Firearms, Schools and Criminal Law

During each meeting, the following agencies were permitted to provide additional information or responses for that meeting's topic:

- Attorney General's Office;
- Arkansas State Police;

- Arkansas Game & Fish Commission;
- Chiefs of Police Association;
- Prosecutor Coordinator’s Office;
- Sheriffs’ Association; and
- Arkansas Department of Transportation

In addition, members of the public were permitted to sign up and provide input to the Subcommittee on each of the topics.

In September of 2024, the Subcommittee began discussions of the draft legislation to prepare the final packet of legislation and to submit a report to the Executive Subcommittee of Legislative Council. The Subcommittee requested and was granted an extension to its October 1 reporting deadline by the Executive Subcommittee, and concluded its work concerning the report and draft legislation at its meeting on October 3, 2024.

The Subcommittee voted to include the following legislative recommendations in its final report:

III. Recommendations by the Subcommittee.

RECOMMENDATIONS		BILL
HUNTING RECOMMENDATIONS		
§15-43-105 – Prima facie evidence of hunting or fishing	Repeal this section.	JLC176
§ 15-43-205 – Negligent Discharge of Firearm while Deer Hunting	Repeal this section.	JLC177
CONCEALED CARRY/OPEN CARRY		
Single Licensing Scheme	Move from 2 licensing schemes to only one.	JLC174
Journey	Leaving the rights under “Journey” as they currently exist, but moving to §5-73-503	JLC174
Gun-Free School Zone Act	Recommendation: No changes needed to current law.	N/A

School Bus Stops	Remove school bus stops from the list of prohibited carry locations.	JLC 174
Parades or Demonstrations	Striking this provision in its entirety.	JLC 174
Sentencing – carrying in schools	Recommend penalties set at an amount of up to \$1,000 per offense.	JLC174
Publicly Owned Buildings	Recommend the language of the new concealed carry licensing scheme be clear that the license allows you to carry in certain state buildings.	JLC174
Meeting of Gov't Entities	Recommend allowing concealed carry in all these types of meetings.	JLC174
Sentencing/Fines/Penalties	Recommend penalties set at an amount of up to \$1,000 per offense.	JLC174
Airports	Recommendation: No changes needed to current law.	N/A
Publicly-owned educational institutions	Recommendation: Anyone covered by an alcohol permit is allowed to prohibit weapons on their premises.	JLC174
Officers of the court (Issues of Courtrooms vs. Courthouses)	This issue is covered by Arkansas Supreme Court Administrative Order 23; keeping language of current law.	JLC174
Bd. Of Corrections vs. Post-Prison Transfer Bd.	Recommend repeal § 5-73-328 and § 5-73-323	JLC174

ASP Duty to Issue Licenses (Statutory)	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).	JLC175
Involuntary Commitments	Recommendation: To further study the issue – currently there is not path to regain right to possession of a firearm if ever involuntarily committed.	JLC184
LEO RECOMMENDATIONS		
Unify Judicial Districts Treatment in Code re: Bailiffs, probation officers, etc.	Recommendation: Make one code section that provides the same authority to all judicial districts (repeal the others).	JLC180
Award of firearms upon death/retirement	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.	JLC179
OTHER:		
Municipalities/Counties Restrictions	Recommendation: Prohibit municipalities and counties from enacting or promulgating firearms requirements that are most restrictive than state law.	JLC178
§ 23-12-804 Fines for Shooting at Trains	Recommend classifying this offense as a Class A misdemeanor.	JLC183

IV. Conclusion.

The ALC-Game & Fish/State Police Subcommittee recommends adoption by the Executive Subcommittee of all recommendations included in this report. Under the procedures adopted by the Legislative Council (Attachment A), the Executive Subcommittee shall review and consider the findings and recommendations of this report and make a final recommendation to the Legislative Council no later than the December 2024 meeting of the Legislative Council.

Respectfully Submitted: Sen. Ricky Hill and Rep. Josh Miller, Co-Chairs

Arkansas Firearms and Concealed Carry Laws Study *ALC-Game & Fish/State Police Subcommittee*

(a) Beginning in October 2023, the Game & Fish/State Police Subcommittee of the Legislative Council shall meet to conduct the Arkansas Firearms and Concealed Carry Laws Study.

(b) The purpose of the study is to review the existing laws of the State of Arkansas concerning ownership, use, and possession of firearms, as well as the concealed carry laws of the state, in order to ascertain the existing rights and restrictions under the laws and recommend legislation to these laws as necessary to clarify the rights and restrictions of citizens of the State of Arkansas with regard to laws concerning firearms and concealed carry of firearms.

(c) In order to achieve the purpose of the study, the Game & Fish/State Police Subcommittee shall study the following:

(1) Issues related to firearms instructors, including:

(A) Review of uniformity regarding the qualifications to become a firearms instructor in the state, including the level of understanding and knowledge of state and federal laws related to firearms;

(B) Accountability for firearms instructors following initial certification, including continuing education requirements;

(C) Enforcement and oversight of the Arkansas State Police rules pertaining to firearms instructors;

(2) Issues related to concealed carry statutes and rules, including:

(A) Review of clarity in the laws and rules concerning enhanced concealed carry licenses, including who may carry a concealed handgun, restrictions on where a concealed handgun may be carried;

(B) Requirements in place for concealed carry instructors, including marksmanship requirements;

(3) State and federal laws governing gun possession and the interaction of those various laws; and

(4) Determining the proper entity to provide advice and guidance to the Arkansas State Police regarding possible discrepancies in the laws related to firearms.

(d)(1) On or before October 1, 2024, the Game & Fish/State Police Subcommittee shall file with the Executive Subcommittee of the Legislative Council a final written report of their activities, findings, and recommendations, including any draft legislation.

(2) Upon filing of the final report with the Executive Subcommittee, the study shall be complete.

(3) The Executive Subcommittee shall review and consider the findings and recommendations of the report and make a final recommendation to the Legislative Council no later than the December 2024 meeting of the Legislative Council.