

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/4/09 S4/3/09

A Bill

HOUSE BILL 1623

5 By: Representatives Stewart, Woods, *M. Burris*, Adcock, Barnett, *Cheatham*, *Cole*, Flowers, House,
6 Kerr, *M. Martin*, Nix, Perry, Sample, *G. Smith*, Wells, *Allen*, *Baird*, *T. Baker*, *Breedlove*, *J. Burris*,
7 *Carnine*, *Carroll*, *Carter*, *Clemmer*, *D. Creekmore*, *Dale*, *J. Dickinson*, *Dismang*, *English*, *Garner*,
8 *George*, *R. Green*, *Hall*, *Hawkins*, *Hobbs*, *D. Hutchinson*, *King*, *Lea*, *S. Malone*, *Maxwell*, *McCrary*,
9 *Moore*, *Patterson*, *Pennartz*, *Pierce*, *Pyle*, *Reep*, *Rice*, *J. Roebuck*, *T. Rogers*, *Saunders*, *Slinkard*, *Tyler*,
10 *B. Wilkins*
11 By: Senators *J. Taylor*, *Bledsoe*
12
13

For An Act To Be Entitled

15 AN ACT PROHIBITING THE RELEASE OF THE IDENTITIES
16 OR OTHER INFORMATION CONCERNING CONCEALED HANDGUN
17 LICENSEES; AND FOR OTHER PURPOSES.
18

Subtitle

19 PROHIBITING THE RELEASE OF THE
20 IDENTITIES OR OTHER INFORMATION
21 CONCERNING CONCEALED HANDGUN LICENSEES.
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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 § 25-19-105(b) is amended to read as follows:*

28 *(b) It is the specific intent of this section that the following shall*
29 *not be deemed to be made open to the public under the provisions of this*
30 *chapter:*

31 *(1) State income tax records;*

32 *(2) Medical records, adoption records, and education records as*
33 *defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §*
34 *1232g, unless their disclosure is consistent with the provisions of that act;*

35 *(3) The site files and records maintained by the Arkansas*
36 *Historic Preservation Program of the Department of Arkansas Heritage and the*



1 *Arkansas Archeological Survey;*

2 *(4) Grand jury minutes;*

3 *(5) Unpublished drafts of judicial or quasi-judicial opinions*
4 *and decisions;*

5 *(6) Undisclosed investigations by law enforcement agencies of*
6 *suspected criminal activity;*

7 *(7) Unpublished memoranda, working papers, and correspondence of*
8 *the Governor, members of the General Assembly, Supreme Court Justices, Court*
9 *of Appeals Judges, and the Attorney General;*

10 *(8) Documents that are protected from disclosure by order or*
11 *rule of court;*

12 *(9)(A) Files that if disclosed would give advantage to*
13 *competitors or bidders and records maintained by the Arkansas Economic*
14 *Development Commission related to any business entity's planning, site*
15 *location, expansion, operations, or product development and marketing, unless*
16 *approval for release of those records is granted by the business entity.*

17 *(B) However, this exemption shall not be applicable to any*
18 *records of expenditures or grants made or administered by the commission and*
19 *otherwise disclosable under the provisions of this chapter;*

20 *(10)(A) The identities of law enforcement officers currently*
21 *working undercover with their agencies and identified in the Arkansas Minimum*
22 *Standards Office as undercover officers.*

23 *(B) Records of the number of undercover officers and*
24 *agency lists are not exempt from this chapter;*

25 *(11) Records containing measures, procedures, instructions, or*
26 *related data used to cause a computer or a computer system or network,*
27 *including telecommunication networks or applications thereon, to perform*
28 *security functions, including, but not limited to, passwords, personal*
29 *identification numbers, transaction authorization mechanisms, and other means*
30 *of preventing access to computers, computer systems or networks, or any data*
31 *residing therein;*

32 *(12) Personnel records to the extent that disclosure would*
33 *constitute a clearly unwarranted invasion of personal privacy;*

34 *(13) Home addresses of nonelected state employees, nonelected*
35 *municipal employees, and nonelected county employees contained in employer*
36 *records, except that the custodian of the records shall verify an employee's*

1 *city or county of residence or address on record upon request;*

2 *(14) Materials, information, examinations, and answers to*
3 *examinations utilized by boards and commissions for purposes of testing*
4 *applicants for licensure by state boards or commissions;*

5 *(15) Military service discharge records or DD Form 214, the*
6 *Certificate of Release or Discharge from Active Duty of the United States*
7 *Department of Defense, filed with the county recorder as provided under § 14-*
8 *2-102, for veterans discharged from service less than seventy (70) years from*
9 *the current date;*

10 *(16) Vulnerability assessments submitted by a public water*
11 *system on or before June 30, 2004, to the Administrator of the United States*
12 *Environmental Protection Agency for a period of ten (10) years from the date*
13 *of submission;*

14 *(17)(A) Records, including analyses, investigations, studies,*
15 *reports, or recommendations, containing information relating to any*
16 *Department of Human Services risk or security assessment, known or suspected*
17 *security vulnerability, or safeguard related to compliance with the Health*
18 *Insurance Portability and Accountability Act of 1996 or protection of other*
19 *confidential department information.*

20 *(B) The records shall include:*

21 *(i) Risk and security assessments;*

22 *(ii) Plans and proposals for preventing and*
23 *mitigating privacy and security risks;*

24 *(iii) Emergency response and recovery records;*

25 *(iv) Privacy and security plans and procedures; and*

26 *(v) Any other records containing information that if*
27 *disclosed might jeopardize or compromise efforts to secure and protect*
28 *personal health information or other protected department information.*

29 *(C) This subdivision (b)(17) expires on July 1, 2009; ~~and~~*

30 *(18)(A) Records, including analyses, investigations, studies,*
31 *reports, recommendations, requests for proposals, drawings, diagrams,*
32 *blueprints, and plans, containing information relating to security for any*
33 *public water system.*

34 *(B) The records shall include:*

35 *(i) Risk and vulnerability assessments;*

36 *(ii) Plans and proposals for preventing and*

1 mitigating security risks;

2 (iii) Emergency response and recovery records;

3 (iv) Security plans and procedures; and

4 (v) Any other records containing information that
5 if disclosed might jeopardize or compromise efforts to secure and protect the
6 public water system.

7 (C) This subdivision (b)(18) shall expire on July 1,
8 2009~~+~~; and

9 (19) Records pertaining to the issuance, renewal, expiration,
10 suspension, or revocation of a license to carry a concealed handgun, or a
11 present or past licensee under § 5-73-301 et seq., including without
12 limitation all records provided to or obtained by any local, state, or
13 federal governments, their officials, agents, or employees in the
14 investigation of an applicant, licensee, or past licensee and all records
15 pertaining to a criminal or health history check conducted on the applicant,
16 licensee, or past licensee except that:

17 (A) Information or other records regarding an applicant,
18 licensee, or past licensee may be released to a law enforcement agency for
19 the purpose of assisting in a criminal investigation or prosecution, or for
20 determining validity of or eligibility for a license;

21 (B) Names of an applicant, licensee, or past licensee may
22 be released as contained in investigative or arrest reports of law
23 enforcement that are subject to release as public records; and

24 (C) The name and the corresponding zip code of an
25 applicant, licensee, or past licensee may be released upon request by a
26 citizen of Arkansas.

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28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that the identities of persons
30 holding concealed weapons licenses should be private; that there are
31 currently insufficient safeguards ensuring that privacy; and that this act is
32 immediately necessary because persons holding concealed weapons licenses are
33 currently at risk of having that privacy exploited. Therefore, an emergency
34 is declared to exist and this act being immediately necessary for the
35 preservation of the public peace, health, and safety shall become effective
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(1) The date of its approval by the Governor;

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

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

/s/ Stewart