

ARKANSAS STATE POLICE
Enhanced Concealed Handgun Carry License
Syllabus for Enhanced Training

Equipment Needed: Each student should be notified prior to the course of the necessary equipment. If the instructor will not be providing these items as part of the course, the student should be notified of the need to arrive with the required equipment. Each student will need the following equipment to ensure an adequate and safe training environment:

- Writing utensils
- Eye and ear protection
- Weapon
- Ammunition (minimum – 100 rounds)

INSTRUCTOR NOTE: The Enhanced Concealed Handgun Carry License Training Course must cover the topics contained in Arkansas Concealed Handgun Carry Rule 13.3. The in-class portion of training should take approximately five to six (5-6) hours. The instructor should use his or her own experience and knowledge, together with real life examples, to augment the principles contained in this syllabus and ensure complete and total understanding of these concepts by the applicants. Failure to comply with these requirements could lead to the rejection of your students' training certificates and/or suspension/revocation of your instructor registration.

BACKGROUND – Explaining the law

Prior to 2013, the possession and carrying of firearms on the grounds of public and private institutions of higher education was prohibited by A.C.A. § 5-73-119(c) and A.C.A. § 5-73-122(a)(1). Licensees were also prohibited from carrying concealed weapons at a school, college, community college, or university campus building or event by A.C.A. § 5-73-306(14), which read at that time: “a license to carry a concealed handgun issued under this subchapter does not authorize a person to carry a concealed handgun into: [a]ny school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearms-related activity.”

During the regular legislative session of 2013, a law was enacted, Act 226, which added a new section to the laws regarding concealed carry (A.C.A. §§ 5-73-301 *et seq.*).

- A.C.A. § 5-73-322. Concealed handguns in a university, college, or community college building.
 - This section attempted to authorize “staff members” of universities and colleges who held a CHCL to possess a concealed handgun in the buildings and on the grounds of the university or college where he or she was employed.
 - *However*, the governing board of the university or college could adopt a policy expressly disallowing concealed carry by staff members.
- Ultimately, all the universities and colleges in the state of Arkansas adopted policies disallowing the carry of concealed handguns on campus by staff members.

In the 2017 regular legislative session, the proponents of campus carry were successful in enacting a much more expansive version of the original proposals, and established the *Enhanced Concealed Handgun Carry License*. The bulk of the revised legislation was enacted by Act 562 and Act 859. Because Act 859 superseded some provisions of Act 562, instructors and licensees cannot rely on the language of the acts themselves for the current status of the law. Instead, the revised chapter on weapons must be reviewed in its entirety, together with any legislative updates that occur in the future and the revised Arkansas Concealed Handgun Carry License Rules (“the Rules”).

2019* Significant Changes to A.C.A. §§ 5-73-101 to -327

- A.C.A. § 5-73-104 – Criminal use of prohibited weapons
 - Acts 495 and 1051 decriminalized the possession of most firearms so long as possession of the firearm is permitted by the National Firearms Act, found at 26 U.S.C. §§ 5801 – 5861, or other applicable federal law.
 - The use or possession must be “knowingly.”
- A.C.A. § 5-73-109 – Furnishing a deadly weapon to a minor
 - It is no longer a Class B felony to furnish a sawed-off or short barreled shotgun or rifle, a firearm made or adapted for silent discharge, or a machine gun to a minor under this section. Such acts may still constitute a Class A misdemeanor under subsection (b)(1) of this section.
- A.C.A. § 5-73-119 – Handguns – Possession by minor or possession on school property.
 - Clarified that a law enforcement officer is exempt from this provision, whether he or she is on- or off-duty. The officer may be required to carry valid ID.
- A.C.A. § 5-73-120 – Carrying a weapon
 - Clarified that a law enforcement officer is permitted to carry a weapon under this section, whether he or she is on- or off-duty. The officer may be required to carry valid ID.
- A.C.A. § 5-73-122 – Carrying a firearm in publicly owned buildings or facilities.
 - Clarified that a law enforcement officer is exempt from this provision, whether he or she is on- or off-duty. The officer may be required to carry valid ID; and, if he or she is off-duty the officer may not carry a firearm into a courtroom in which he or she is a party to or witness in a civil or criminal proceeding.
- A.C.A. § 5-73-129 – Furnishing a handgun or a prohibited weapon to a felon.
 - Removed sawed-off shotguns or rifles, firearms made or adapted for silent discharge, and machine guns from the list of prohibited weapons.
 - Inserted the requirement that the defendant have knowledge that the person is a felon to be guilty under this provision.
- A.C.A. § 5-73-132 – Sale, rental, or transfer firearm to person prohibited from possessing firearms.
 - It is no longer a Class B felony to furnish a sawed-off or short barreled shotgun or rifle, a firearm made or adapted for silent discharge, or a machine gun to a prohibited person under this section. Such acts may still constitute a Class A misdemeanor under subsection (b)(1) of this section.
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2017 Significant Changes to A.C.A. §§ 5-73-101 to -324

- A.C.A. § 5-73-101 – Definitions.
 - Defined the term “collegiate athletic event.”
- A.C.A. § 5-73-122 – Carrying a firearm in publicly owned buildings or facilities.
 - Exempted licensees with an Enhanced CHCL from the prohibition on carry and possession of a firearm in publicly owned buildings, facilities, and on State Capitol grounds, so long as the location is not a:
 - Courtroom;
 - Administrative hearing conducted by a state agency;
 - Public school (K-12), public pre-K, or public daycare facility;
 - Facility operated by the AR Division of Correction or Division of Community Correction; or
 - “Posted firearm-sensitive area” located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event.
 - Allowed licensees who are justices on the Supreme Court or judges on the Court of Appeals to carry concealed in the Justice Building.
 - Established the ability of a judge to authorize any person to possess a handgun in any courtroom or courthouse in the state.
 - Reduced the penalty for unlawful carrying in a courthouse or courtroom from a Class D felony to a Class C misdemeanor.
 - Reduced the penalty for any other violation of the statute from a Class A misdemeanor to a Class C misdemeanor.
- A.C.A. § 5-73-301 – Definitions.
 - Defined the terms “Private university or private college.”
 - Defined the term “Retired law enforcement officer.”
- A.C.A. § 5-73-304 – Exemptions.
 - Exempted retired law enforcement officers from licensing requirements if the person is otherwise authorized to carry a concealed handgun.
- A.C.A. § 5-73-306 – Prohibited Places.
 - Enhanced CHCL holders are permitted to carry in certain prohibited places, as outlined in A.C.A. § 5-73-322(g).
 - Courthouse carry was expanded for licensees who are justices of the peace or work in the courthouse.
 - Establishments licensed to dispense alcoholic beverages, light beer, and wine may prohibit Enhanced CHCL holders from entering the premises with a concealed handgun by providing the requisite notice under A.C.A. § 5-73-306(18) or A.C.A. § 5-73-306(19).
 - Churches may prohibit Enhanced CHCL holders from entering the premises with a concealed handgun by providing the requisite notice under A.C.A. § 5-73-306(18) or A.C.A. § 5-73-306(19).
 - Private employers may not prevent an employee/licensee from carrying a concealed handgun in his or her private vehicle by posting a notice under A.C.A. § 5-73-306(18).
 - Any location owned or operated by a private entity is not required to post the written notice under A.C.A. § 5-73-306(18). Instead, the entity may provide

written or verbal notice to a licensee who is carrying a concealed handgun that such carry is prohibited.

- All licensees are prohibited from carrying a concealed handgun into posted “firearm-sensitive areas” located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event.
- A.C.A. § 5-73-320 – License for certain members of the Arkansas National Guard or a reserve component or active duty military personal.
 - Current or recently discharged military members can be exempt from the live-fire requirement of licensure under certain circumstances set forth in the statute.
- A.C.A. § 5-73-322 – Concealed handguns in a university, college, or community college building.
 - Enhanced CHCL holders may possess a concealed handgun in the buildings and on the grounds of public universities, colleges, and community colleges.
 - Enhanced CHCL holders may possess a concealed handgun in the buildings and on the grounds of *private* universities, colleges, and communities, unless the private university or college adopts a policy expressly disallowing such carry and posts required notices or gives the requisite notice under A.C.A. § 5-73-306(19).
 - Concealed carry is not allowed in a location where official meetings associated with documented grievance and disciplinary procedures are taking place.
 - Violation of this section subjects a person to fines and conviction of a Class C misdemeanor for subsequent violations.
 - Enhanced CHCL holders may store firearms in a vehicle as allowed under A.C.A. § 5-73-306(13)(B)(v), but storage in a dormitory or residence hall remains prohibited under A.C.A. § 5-73-119(c).
 - Subsection (g) established the training requirement for licensees or applicants who seek an Enhanced CHCL. The training course is developed and approved by ASP.
 - There is no requirement to renew Enhanced training. A licensee or applicant is only required to complete it one time.
 - The Enhanced training course is eight (8) hours or less.
 - Enhanced training must be offered by all training instructors and at all concealed carry training courses.
 - The Enhanced training course must cost no more than a “nominal amount.”
 - The Director may waive up to 4 hours of training based on the applicant’s previous experience/training on appropriate topics within the last ten (10) years.
 - Enhanced CHCL holders may also carry a concealed handgun into publicly owned buildings and facilities as outlined in A.C.A. § 5-73-122 and in the prohibited places listed under A.C.A. § 5-73-306(7)-(12), (14), (15), and (17).
 - The exemption for Enhanced CHCL holders does not apply to prohibited places if firearms are otherwise prohibited under A.C.A. § 5-73-306(19) or (20).
 - Unless a licensee is employed by the public university, college, or community college and required to carry a firearm as part of his or her job, the licensee is not:

- Acting in the course or scope of his or her employment when possessing or using the handgun;
 - Entitled to worker’s compensation benefits for injuries that arise from negligent handling of the handgun;
 - Immune from personal liability for his or her use of the handgun; or
 - Permitted to carry openly or in any manner in which the handgun would be visible to others.
 - The public university, college, or community college is not liable for damages resulting from an Enhanced CHCL holder’s use or failure to use a concealed handgun.
- A.C.A. § 5-73-324 – Firearm rights shall not be infringed.
 - This was the first version of A.C.A. § 5-73-324 enacted by the General Assembly in the 2017 regular session. It was approved on March 14, 2017.
 - ASP cannot deny, suspend, or revoke a CHCL because the licensee was lawfully exercising his or her rights to carry a firearm under the U.S. Constitution, Amendment 2, the Arkansas Constitution, Article 2, § 5, or the Arkansas Code.
 - ASP cannot promulgate rules that would lead to the suspension or revocation of a licensee solely because the licensee possessed a handgun, unless the licensee is in violation of a criminal offense or the restrictions on prohibited places in A.C.A. § 5-73-306.
- A.C.A. § 5-73-325 – Firearm-sensitive areas – Security plan approval.
 - Certain publicly owned and operated entities (the Arkansas State Hospital, the University of Arkansas for Medical Sciences, and any institution of higher education that hosts or sponsors a “collegiate athletic event”) are permitted to prohibit possession of a concealed handgun by unlicensed individuals, licensees, and Enhanced CHCL holders.
 - To qualify for the prohibition, the entity must designate the area where possession of a concealed handgun will be prohibited as a “firearm-sensitive area” and submit a security plan for approval to ASP.
 - The security plan must include:
 - Total projected attendance;
 - Number of entrances and exits;
 - Number of on-site private security personnel;
 - Number of on-site law enforcement officers;
 - Number of on-site first responders;
 - Location of parking areas and number of motor vehicles projected to use the parking areas;
 - Routes for emergency vehicles;
 - Locations of all restrooms, stairs, and elevators;
 - Evacuation procedures;
 - Security communication protocol;
 - Location of emergency vehicles;
 - Public communication protocol; and
 - Bomb threat and active shooter procedures.
 - In addition to the required information, the entity must include corresponding security measures, such as:

- Security personnel or law enforcement officers on-site;
 - Use of magnetometer or other metal-detecting device designed to detect a weapon;
 - Barricades; or
 - Other security measures or devices designed to protect the public from a security threat.
- Annual submissions are required and the entity must submit a plan for a scheduled collegiate athletic event at least five (5) days prior to the event.
- Once the plan has been approved, the entity must post notifications that possession of a concealed handgun is prohibited.
- All security plans are exempt from public disclosure under the Freedom of Information Act of 1967, found at A.C.A. §§ 25-19-101 *et seq.*
- A.C.A. § 5-73-326 – Licensee rights – Private employer parking lot.
 - This was the second version of A.C.A. § 5-73-324 enacted by the General Assembly in the 2017 regular session. It was approved on April 6, 2017. Code revisions re-numbered it as A.C.A. § 5-73-326.
 - Private employers may not prohibit their employees/licensees from transporting and storing a handgun in the employee’s private vehicle in the employer’s parking lot.
 - The handgun must be stored inside a locked, personal handgun storage container inside the vehicle.
 - There are certain exceptions.
 - Employer may prohibit non-employees from storing a handgun in a vehicle in the parking lot.
 - The parking lot is a prohibited place under A.C.A. § 5-73-306.
 - The parking lot is on grounds also used as a residence.
 - The private employer reasonably believes the handgun is possessed illegally.
 - The employee is operating a private employer-owned vehicle.
 - The private vehicle is otherwise not permitted in the parking lot.
 - The employee is the subject of an active or pending employment disciplinary proceeding.
 - The employee has been adjudicated mentally incompetent or not guilty by reason of mental disease or defect.

***The instructor must regularly update this section with changes in the laws affecting CHCL holders.**

ENHANCED CONCEALED HANDGUN CARRY LICENSE

WHAT IT DOES: The Enhanced CHCL gives a licensee the ability to carry and possess a concealed handgun in more locations.

WHAT IT DOES NOT DO: The Enhanced CHCL does not give a licensee any more authority or obligation to use a handgun for any reason, whether in defense of self or others, than the average citizen.

Once an applicant or licensee has completed this enhanced training course and passed the live-fire qualification requirement, he or she will receive an Enhanced Concealed Handgun Carry License (E-CHCL). Possession of a valid E-CHCL enables the holder to possess and carry a concealed handgun in the following locations:

- Publicly owned buildings and facilities
- State Capitol grounds and the State Capitol Building
- Any meeting place of the governing body of any governmental entity
- Any meeting place of the General Assembly or a committee of the General Assembly
- Any state office
- Athletic events
- A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises
- A portion of an establishment where beer or light wine is consumed on the premises
- Inside the passenger terminal of an airport
- Any church or other place of worship
- Any place where a parade or demonstration requiring a permit is being held, even when the licensee is a participant in the parade or demonstration.
- The buildings and grounds of a public university, college, or community college.

NOTE: ARKANSAS CHCL REQUIRED - A licensee must obtain an Arkansas CHCL to receive an enhanced license. The Division will not extend an enhanced certification to a weapons permit issued by another state; nor will enhanced or advanced weapons permits issued by other states entitle the holder to the benefits of the Arkansas enhanced license. See Rule 7.5(d).

PROHIBITED PLACES – the following places are areas where an E-CHCL holder may not carry a concealed firearm. Carrying a handgun into the following areas may subject the licensee to criminal and/or civil penalties and suspension or revocation of the license.

NOTE: The instructor may use the corresponding Prohibited Places Table prepared by the Division to illustrate prohibited locations and the corresponding exceptions.

- A.C.A. § 5-73-119 – Handguns – Possession by a Minor – Possession on School Property.
 - Subsection (b) - it is a Class D felony to possess a firearm:

- On the developed property of a public or private school (K-12)
 - In or upon a school bus
 - At a designated bus stop
 - Subsection (e) lists certain **exceptions** when it is permissible for *anyone* to carry a handgun under A.C.A. § 5-73-119:
 - The person is in his or her own dwelling place or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning.
 - The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties.
 - The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces.
 - The person is a registered commissioned security guard acting in the course and scope of his or her duties.
 - The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm.
 - The person is a certified law enforcement officer, either on-duty or off-duty.
 - The person is on a journey beyond the county in which the person lives, unless the person is eighteen (18) years of age or less.
 - The person is participating in a school-approved educational course or sporting activity involving the use of firearms.
 - The person is a minor engaged in or traveling to/from a lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis.
 - The person has a CHCL and is carrying in a private school or school operated by a church or other place of worship, and the school allows the person to carry on the premises.
 - The person has a CHCL and is carrying in his or her motor vehicle or has left the handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot or school drop off zone.
- A.C.A. § 5-73-122 – Carrying a Firearm in Publicly Owned Buildings or Facilities.
 - Subsection (d) prohibits E-CHCL holders from carrying in these publicly owned buildings and facilities (a violation is a Class C misdemeanor):
 - Courtrooms
 - The location of an administrative hearing conducted by a state agency
 - A public school (K-12), public prekindergarten, or a public daycare facility

- A facility operated by the Division of Correction or the Division of Community Correction
 - A posted “firearm-sensitive area” located at:
 - The Arkansas State Hospital
 - The University of Arkansas for Medical Sciences
 - A collegiate athletic event
- A.C.A. § 5-73-306 – Prohibited Places. Carrying in a prohibited place could subject the E-CHCL holder to criminal liability for a Class A misdemeanor under A.C.A. § 5-73-120 (Carrying a Weapon) and will result in suspension and/or revocation of the E-CHCL:
 - Any police station, sheriff’s station, or Division of Arkansas State Police station.
 - An Arkansas Highway Police Division of the Arkansas Department of Transportation facility.
 - A building of the Arkansas Department of Transportation or onto ground adjacent to a building of the Arkansas Department of Transportation, except for:
 - Rest areas or weigh stations
 - Publicly owned and maintained parking lots
 - Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained, or otherwise controlled by the Division of Correction or Division of Community Correction.
 - Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, unless the licensee is employed by the county and approved by the quorum court.
 - Any courtroom, unless specific approval is given to the licensee by the Judge.
 - A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, IF the establishment places the required written notice or provides written or verbal notice that possession of a handgun is prohibited on the premises.
 - A portion of an establishment where beer or light wine is consumed on the premises, IF the establishment places the required written notice or provides written or verbal notice that possession of a handgun is prohibited on the premises.
 - Any church or other place of worship, IF the establishment places the required written notice or provides written or verbal notice that possession of a handgun is prohibited on the premises.
 - Any place where the carrying of a firearm is prohibited by federal law.
 - **NOTE:** Rule 1.2(r) defines the “passenger terminal of an airport” where an E-CHCL holder can carry a concealed handgun as the ticketing area, lobby, and baggage claim area. Sterile areas, the passenger security screening checkpoint, and beyond are all places where carrying a firearm is prohibited by federal law.
 - 49 U.S.C. § 46314 – Entering an aircraft or airport area in violation of security requirements.
 - 49 U.S.C. § 46505 – Carrying a weapon or explosive on an aircraft.

- A licensee could be subject to federal prosecution for a misdemeanor or felony, incarceration, and fines, as well as the suspension and/or revocation of his or her license.
 - Any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice clearly readable at a distance of not less than ten (10) feet that carrying a handgun is prohibited.
 - Any place owned or operated by a private entity when the owner/operator gives written or verbal notice that carrying a concealed handgun is prohibited.
 - **NOTE:** Once the licensee receives such a notification, he or she is deemed to have violated this section if the licensee remains at the location while in possession of a concealed handgun or returns to the location in possession of a concealed handgun.
 - A posted “firearm-sensitive area” located at:
 - The Arkansas State Hospital
 - UAMS
 - A collegiate athletic event
- A.C.A. § 5-73-322 – Concealed Handguns in a University, College, or Community College Building.
 - Subsection (c) only permits licensees to carry and possess a concealed handgun in the buildings and on the grounds of a *private* university or college if the private university or college does not adopt a policy expressly disallowing such carry.
 - Subsection (e) prohibits E-CHCL holders from carrying a concealed handgun into a location of official meetings being conducted with documented grievance and disciplinary procedures, so long as certain requirements are met.
 - Violation of this section subjects the E-CHCL holder to a fine for the first offense and a Class C misdemeanor for subsequent offenses.

SELF-DEFENSE UNDER ARKANSAS LAW

The instructor must conduct an analysis of Arkansas law regarding the use of a handgun in self-defense. Review of and reference to the Arkansas Code subchapter on “Justification” (A.C.A. §§ 5-2-601 to -622) should be part of this discussion. This section should include a detailed description of the actions that constitute deadly physical force and the potential civil and criminal penalties associated with unjustified use of deadly physical force. *Remind the licensee/applicant that he/she is responsible for keeping up to date with changes in the laws and their interpretation.*

- A.C.A. § 5-2-601(2) - Deadly Physical Force - physical force that under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
- A.C.A. § 5-2-601(8) – Unlawful Physical Force – physical force that is employed without the consent of the person against whom it is directed and the employment of the physical

force constitutes a criminal offense or tort or would constitute a criminal offense or tort except for a defense other than the defense of justification or privilege.

- **A.C.A. § 5-2-606 – Physical Force – Justification.**

- A person is justified in using physical force upon another person to defend himself or herself or a third person from what the person *reasonably believes* to be the use or imminent use of unlawful physical force by that other person, and the person may use a degree of force that he or she *reasonably believes* to be necessary.
 - **A person may not use deadly physical force except as provided in § 5-2-607.**
 - **NOTE:** Use of a firearm constitutes “deadly physical force.”
- A person is NOT justified in using physical force upon another person if:
 - With a purpose to cause physical injury or death to the other person, the person provokes the use of unlawful physical force by the other person.
 - The person is the initial aggressor; OR.
 - However, the initial aggressor’s use of physical force upon another person is justifiable if:
 - The initial aggressor in good faith withdraws from the encounter and effectively communicates to the other person his or her purpose to withdraw from the encounter; and
 - The other person continues or threatens to continue the use of unlawful physical force.
 - The physical force involved is the product of a combat by agreement not authorized by law.

- **A.C.A. § 5-2-607 – Use of Deadly Physical Force in Defense of a Person.**

- A person is justified in using deadly physical force upon another person if the person *reasonably believes* that the other person is:
 - Committing or about to commit a felony involving force or violence;
 - Using or about to use unlawful deadly physical force; or
 - Imminently endangering the person’s life or imminently about to victimize the person as described in § 9-15-103 from the continuation of a pattern of domestic abuse.
- **NOTE:** The *reasonableness* of the belief is a critical inquiry to a justification defense.
- **Duty to Retreat** – A person may not use deadly physical force in self-defense if the person knows that he or she can avoid the necessity of using deadly physical force by retreating or by retreating with complete safety by surrendering possession of property to a person claiming a lawful right to possession of the property.
 - There is no duty to retreat if the person is:
 - Unable to retreat with complete safety;
 - In the person’s dwelling or on the curtilage surrounding the person’s dwelling and was not the original aggressor; or

- A law enforcement officer or a person assisting at the direction of a law enforcement officer.
 - **Manner & Means of Force** – A person who asserts the defense of justification or self-defense must also prove that he or she responded with only such force as was necessary and that he could not have avoided the killing/injury.
- A.C.A. § 5-2-608 – Defense of Premises Justification.
 - A person in lawful possession or control of premises or a vehicle is justified in using *nondeadly* physical force upon another person when and to the extent that the person *reasonably believes* the use of *nondeadly* physical force is necessary to prevent or terminate the commission or attempted commission of a criminal trespass by the other person in or upon the premises or vehicle.
 - A person may use *deadly physical force* under the circumstances set forth in this section if:
 - Use of deadly physical force is authorized by § 5-2-607; or
 - The person reasonably believes the use of deadly physical force is necessary to prevent the commission of arson or burglary by a trespasser.
- A.C.A. § 5-2-609 – Use of Physical Force in Defense of Property.
 - A person is justified in using *nondeadly* physical force upon another person when and to the extent that the person *reasonably believes* the use of *nondeadly* physical force is necessary to prevent or terminate the other person's:
 - Commission or attempted commission of theft or criminal mischief; or
 - Subsequent flight from the commission or attempted commission of theft or criminal mischief.
- A.C.A. § 5-2-614 – Reckless or negligent force.
 - When a person believes that the use of physical force is necessary for any purpose justifying that use of physical force under this subchapter but the person is reckless or negligent either in forming that belief or in employing an excessive degree of physical force, the justification afforded by this subchapter is unavailable in a prosecution for an offense for which recklessness or negligence suffices to establish a culpable mental state.
 - When a person is justified under this subchapter in using physical force but he or she recklessly or negligently injures or creates a substantial risk of injury to a third party, the justification afforded by this subchapter is unavailable in a prosecution for the recklessness or negligence toward a third party.
 - See A.C.A. § 5-2-202 for the definitions of “recklessly” and “negligently” as a culpable mental state.
 - Recklessly
 - A person acts recklessly with respect to attendant circumstances or a result of his or her conduct when the person consciously disregards a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.

- The risk must be of a nature and degree that disregard of the risk constitutes a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation.
- Negligently
 - A person acts negligently with respect to attendant circumstances or a result of his or her conduct when the person should be aware of a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.
 - The risk must be of such a nature and degree that the actor’s failure to perceive the risk involves a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation considering the nature and purpose of the actor’s conduct and the circumstances known to the actor.
- **Techniques for weapon retention**

NOTE: The instructor should augment this section with discussion of multiple scenarios involving use of a firearm in defense of self, others, and property – address what actions might be legally defensible or justifiable and what actions would not be, as well as when to engage and when not to engage an armed suspect. *Decision-making is critical and the importance of restraint cannot be over-emphasized.*

***Criminal Penalties – If an E-CHCL holder makes an error in determining whether he or she is entitled to use deadly physical force in self-defense, the licensee could be subject to criminal penalties for homicide (A.C.A. §§ 5-10-101 to -106); assault and battery (A.C.A. §§ 5-13-201 to -310); or other weapons offenses (A.C.A. §§ 5-73-101 to -133).

GENERAL LIABILITY

As an E-CHCL holder you are solely liable, both criminally and civilly, for the actions you take, or do not take, with your handgun.

- A.C.A. § 16-118-107 – Civil action by crime victim. Any person injured or damaged by reason of conduct of another person that would constitute a felony under Arkansas law may file a civil action to recover damages based on the conduct.
 - The burden of proof is lower than in a criminal proceeding.
 - The Plaintiff may recover costs and attorney’s fees.
 - The action can be filed by the victim or, after the person’s death, by the executor, administrator, or representative of his or her estate.
- A.C.A. § 16-120-303 – Attempting to protect persons during commission of a felony. No person is civilly liable for an action or omission intended to protect himself or herself or another from a personal injury during the commission of a felony *unless the action or omission constitutes a felony.*

- A.C.A. § 5-73-322(j) – Concealed handguns in a university, college, or community college building.
 - (1) Unless possession of a concealed handgun is a requirement of a licensee’s job description, the possession of a concealed handgun under this section is a personal choice made by the licensee and not a requirement of the employing public university, public college, or community college.
 - (2) A licensee who possesses in the buildings and on the grounds of a public university, public college, or community college at which the licensee is employed is not:
 - (A) Acting in the course of or scope of his or her employment when possessing or using a concealed handgun;
 - (B) Entitled to worker’s compensation benefits for injuries arising from his or her own negligent acts in possessing or using a concealed handgun;
 - (C) Immune from personal liability with respect to possession or use of a concealed handgun; or
 - (D) Permitted to carry a concealed handgun openly or in any other manner in which the concealed handgun is visible to ordinary observation.
 - (3) – A public university, public college, or community college is immune from a claim for monetary damages arising from or related to a licensee’s use of, or failure to use, a concealed handgun if the licensee elects to possess a concealed handgun under this section.

- *Thus, an E-CHCL holder may be held financially responsible for injuries caused to others, as well as any injuries he or she suffers during an altercation with others or law enforcement or otherwise as a result of using the handgun.*

EMERGENT SITUATIONS IN PUBLIC LOCATIONS

Active Threat Scenario – this may occur when there appears to be a large scale and/or significant threat to human life in a public place. ***Your status as an Enhanced CHCL holder does not give you any greater authority or obligation to respond to such a threat.*** You have no duty to confront an armed suspect. If police officers or security are in the area, always listen to their instructions and comply with all of their commands. Raise your hands or keep them in plain sight so that you are not perceived as a threat to the police.

- **TIPS TO REMEMBER:**
 - Do not be embarrassed to escape or run away from a perceived dangerous situation.
 - In a stressful situation, do not allow fear to cause you to fire on an innocent bystander or law enforcement.

- Many governmental agencies, schools, universities, large companies, etc. teach the following response (ALERT & CRASE training) in the event of an active threat:
 - AVOID/RUN: Leave the area immediately. If necessary, break windows or glass to get out of the area. Run in the opposite direction of the disturbance or shots;

cover your head with books or other items for protection. DO NOT stop running until you are in a safe area.

- DENY/HIDE: If you are unable to leave a building or area safely, attempt to lock or obstruct the entrance. Do not leave until instructed to do so by a law enforcement officer or other emergency responder. Stay away from and below windows and turn off the lights. Call 911.
 - DEFEND/FIGHT: If you are unable to avoid or deny the threat, defend yourself. Utilize your handgun if necessary based on the discussion of appropriate use of deadly physical force.
- *When law enforcement arrives – any person holding a firearm is at immediate risk of use of deadly force by officers.* In a stressful situation, law enforcement officers may have difficulty ascertaining who is a threat vs. who is not a threat. There are NO actions or behaviors that will guarantee the licensee’s safety from responding officers.
 - If an incident occurs in which you find it necessary to respond to a threat by pulling and/or using your handgun, you should immediately secure and conceal your weapon once the threat has ceased.
 - Verbally notify responding law enforcement and security officers of your location and intentions.
 - Always follow commands of law enforcement and security officers.
 - Hands up/show your palms
 - Limit movements – stay still

CAMPUS CARRY

A.C.A. § 5-73-322(b) allows an E-CHCL holder to “possess a concealed handgun in the buildings and on the grounds of a public university, public college, or community college.”

- Familiarize yourself with the campus’s weapons policy. *Expanded permission to carry a concealed weapon on campus does not exempt the E-CHCL holder from all rules or policies implemented by the university or college relating to weapons.* For example, a licensee who is employee of the university or college might not be permitted to store a firearm in a university owned vehicle.
- **Identify buildings and areas located in and around public universities and colleges where concealed carry is not permitted.** Such locations might include, but are not limited to, the following:
 - Posted “firearm-sensitive areas”
 - Public schools (K-12), pre-kindergartens, or daycare facilities
 - Private educational institutions
 - Privately owned restaurants or stores
 - Privately owned/funded arts centers
 - Privately owned/funded athletic facilities
 - Student housing or apartments where the resident has a proprietary interest in the location and seeks to exclude concealed weapons

- **WHAT CONSTITUTES POSSESSION?** Rule 1.2(s) – “Possession” is defined as actual or constructive possession on or about the person, in a vehicle occupied by the licensee, or otherwise readily available for use.
 - Rule 7.6(a) similarly restricts possession and states that the licensee must retain the firearm in his or her immediate vicinity and is not authorized to leave the handgun unattended in a separate location for safekeeping or future use.
 - Possession can be on the physical body of a licensee or in a bag or purse carried by the licensee – so long as the licensee retains the firearm in his or her immediate vicinity and does not leave it unattended.

NOTE: The instructor should be prepared to discuss various scenarios and risks associated with campus carry. Licensees should be instructed to respond appropriately and minimize or avoid confrontation with faculty, staff, or other students who may be less knowledgeable of the Rules and Arkansas law.

- A.C.A. § 5-73-322(d) - STORAGE in a university or college-operated student dormitory or residence hall is prohibited under A.C.A. § 5-73-119(c).
 - Rule 1.2(v) defines storage as leaving a handgun unattended in a separate location for any period of time, where the licensee is not in the same room and immediate vicinity (within arm’s reach) as the handgun.
 - Lockers, cabinets, offices, dormitories, etc. are technically campus facilities to which the licensee does not have exclusive access or the authority to restrict others,’ including university faculty or staff, access to these areas.
 - Pursuant to A.C.A. § 5-73-306(13)(v) and A.C.A. § 5-73-324 – a concealed handgun may be stored in a locked and unattended motor vehicle in a public parking area or in a private parking lot if the licensee is an employee of the private business.
- **NOTE:** Possession and storage are opposites – if the licensee is properly in possession of the handgun (on the person, immediate vicinity (within arm’s reach), readily available for use), then it is not being stored (left unattended for safekeeping or future use); and if you are not in possession of the handgun, then it is being stored.
- A.C.A. § 5-73-322(j)(2)(D) – Requirement to carry concealed – the handgun must be concealed from public view at all times.
 - **Concealment**
 - Methods of concealed carry on your person:
 - Holsters (ankle, waist, shoulder, etc.)
 - Placement in a bag, purse, briefcase, etc.
 - Secured in a vehicle in public parking lots
 - When left unattended, the handgun should be secured in a locked vehicle and stored out of plain view.
 - Rule 7.6(b) – Violations

- A violation occurs when a person knowingly and intentionally displays the handgun to another person. If a handgun is exposed inadvertently, that is not a violation.
- However, the firearm should be kept secure. Careless behavior that results in repeated exposure of the handgun can result in a knowing and intentional violation if continued.

OTHER CONSIDERATIONS FOR EXPANDED CARRY

***Remind the licensee/applicant that *he/she is solely responsible for the results of his/her actions while in possession of a concealed handgun.* Although the law allows E-CHCL holders to carry into additional places, there may be certain times or places where the carrying of a concealed handgun would be unwise or improper. Discuss the need for the licensee/applicant to be familiar with their surroundings and the potential danger that may result from carrying or firing a handgun in some areas. *The licensee is responsible for anticipating these risks AND avoiding them.*

- **Hazardous Materials** – Acts 562 and 859 did not include any exceptions for areas where the simple act of carrying a firearm is potentially dangerous. If an accident occurs, the licensee could be liable for injuries and property damage.
 - Science lab settings, industrial areas, and art studios – many such areas may have hazardous materials out in the open. Some materials are pressurized or flammable and could explode, combust, oxidize, or corrode easily. In an enhanced electromagnetic field, a firearm may move or even fire spontaneously.
 - Many hazardous materials are labeled – attempt to identify and locate such risks, and be aware of dangers from proximity to more ordinary items, such as gasoline and propane.
 - Discharging a firearm in the presence of hazardous materials (even if they are located in another room or part of the building) may cause an explosion more dangerous than any “threat” the firearm is being used to defend against.

- **Alcohol + Firearms** – Act 562 permits E-CHCL holders to concealed carry in establishments that serve alcohol. Additionally, because Act 562 permits E-CHCL holders to carry concealed handguns in the buildings and on the grounds of public universities, colleges, and community colleges, licensees may find themselves at social gatherings, such as fraternity parties, where alcohol is served.
 - **Alcohol intoxication impairs a licensee’s judgment and his or her ability to reason.** This is particularly important when a firearm is carried for the purpose of self-defense. Use of deadly physical force as a defense under A.C.A. § 5-2-607 is entirely dependent on whether the shooter’s belief that the force was necessary is a *reasonable belief*. If a licensee’s senses and judgment are affected by alcohol, his or her beliefs about danger posed by other individuals may not be reasonable.
 - **Know your limits** – the severity of alcohol-induced impairment is different for everyone. Many people begin to feel the effects of alcohol after 1-2 drinks.
 - Alcohol slows the functions of the central nervous system (the brain).
 - Alcohol affects your cognitive skills, related to information-processing.

- Alcohol impairs your hand-eye coordination.
 - Alcohol reduces inhibitions – this may lead to reckless behavior with a firearm.
 - **Intoxication is not a defense.** Anticipate the risks associated with alcohol use and firearms and act accordingly:
 - Appropriately store the firearm in a secure location prior to drinking alcohol.
 - Do not drink alcohol to the point of impairment while in possession of your firearm.
 - If a situation arises unexpectedly where you become intoxicated while in possession of a firearm, take precautions to secure the firearm in an appropriate location until you regain sobriety.
- **Proper Handgun Security** – the Enhanced Concealed Handgun Carry License permits a licensee to “carry” a concealed handgun in certain locations where such carry was previously prohibited or restricted. See A.C.A. § 5-73-322(g) and (h). The E-CHCL holder remains responsible for ensuring proper security of the handgun, such that he or she reduces or eliminates the possibility of accidental injury to others.
 - Consider the possibility that other individuals, particularly children, could have access to the concealed handgun if it is not always carried on your person, such as when it is kept in a bag or outer garment.
 - RESTRICT ACCESS to the concealed handgun by other individuals.
 - DO NOT LEAVE THE HANDGUN UNATTENDED in a bag, drawer, or locker if you go elsewhere upon the premises.
 - IDENTIFY RISKS posed by other individuals who could access your firearm.
 - Children are curious and may seek out a handgun if they are aware of its existence or happen upon it accidentally.
 - A study published in the Journal of the American Academy of Pediatrics from June 2017 found that nearly 1300 children die from and 5790 are treated for gunshot wounds each year. According to the study, firearm-related deaths are the third leading cause of death overall among US children aged 1 to 17 years. See “Childhood Firearm Injuries in the United States,” *Pediatrics*, June 2017.
 - Untrained individuals may not be aware of the proper safety required for handling a firearm.
 - Certain individuals prohibited by law from possessing a firearm may pose a risk of theft or unauthorized use.
 - MAINTAIN SECURITY OF YOUR HANDGUN FROM ALL OTHERS.
 - Maintain your handgun in proper working order to avoid the possibility of accidental discharge.
- **Suicide Awareness** – According to the Center for Disease Control and Prevention (CDC), suicide was the second leading cause of death for individuals aged 15-34 as of 2014.

- Many mental illnesses associated with a risk of suicide, such as depression, bipolar disorder, and schizophrenia, develop first onset symptoms during an individual’s late teens or early 20s. This is a time when many young people are attending college.
- Also according to the CDC, more gun deaths result from suicide than all other causes put together (including homicides and accidental injuries).
- RESOURCES:
 - **National Suicide Prevention Lifeline** 1-800-273-TALK (1-800-273-8255) or www.suicidepreventionlifeline.org
 - **American Foundation for Suicide Prevention** www.afsp.org
- **Non-violent dispute resolution** – *the optimal resolution to any altercation or conflict does not involve the use of a handgun.*
 - Texas requires a course module on Non-Violent Dispute Resolution (“NVDR”). If the instructor chooses to develop a portion of the Enhanced Training to cover NVDR, he or she may use the course program provided by the Division that is currently taught in Texas.
- **Identification – A.C.A. § 5-73-315 – Possession of License – Identification of Licensee.** Like regular CHCL holders, an E-CHCL holder is required to carry the physical license (or an acceptable electronic copy) with him or her at all times when in possession of a concealed handgun. If requested by law enforcement, the E-CHCL holder must display both the license and proper ID.
 - **Rule 3.2 Contact with Law Enforcement** – if the licensee is in possession of a handgun and is asked for identification (driver’s license OR personal information, such as name and date of birth) by any law enforcement officer, the licensee shall present BOTH the license (or an acceptable electronic copy) and proper ID for inspection by the officer.

CHCL RULES

The Concealed Handgun Carry Licensing Rules were significantly revised on January 1, 2018. Rule 13.3(a)(2) requires the Enhanced Training Course to cover the terms of the Enhanced License, including all rights and responsibilities of an Enhanced License holder. Accordingly, *instruction should include a review of all CHCL Rules that address Enhanced Licensees and the process to obtain an E-CHCL.* Rules are revised on a regular basis. Accordingly, it is also recommended that instructors periodically update the course of instruction with any revised Rules.

Rule 1.2 Definitions

Definitions are adopted as follows:

(m) “Enhanced License” – the status of a concealed handgun carry license when a licensee or applicant has completed enhanced training and received an endorsement to his or her license pursuant to ACA § 5-73-322(g)(3);

(n) “**Enhanced Training**” - the training requirements set forth in ASP CHCL Rule 13.3 for a licensee to qualify for an enhanced concealed handgun carry license;

Rule 6.5 Upgrade to enhanced license

A licensee may upgrade his or her basic concealed handgun carry license to an enhanced license by completion of the training described in ASP CHCL Rule 13.3, submission of a properly completed enhanced training form, and payment of the replacement fees described in ASP CHCL Rule 6.0 to the Division. A Division form shall be provided for that purpose.

Rule 7.3 Enhanced license

An enhanced license expands the areas where a licensee may carry a concealed handgun. A current licensee or new applicant who obtains an enhanced license is exempt from the prohibitions and restrictions on carrying a concealed handgun in a publicly owned building or facility under ACA § 5-73-122 and in a prohibited place listed under ACA § 5-73-306(7)-(12), (14), (15), and (17). Those locations are listed as follows:

- (a) Publicly owned buildings and facilities;
- (b) State Capitol grounds and the State Capitol Building;

NOTE: The Arkansas Justice Building in Little Rock is a courthouse and remains a prohibited place under A.C.A. § 5-73-306(5). Additionally, the Justice Building contains courtrooms where concealed carry by an enhanced licensee is prohibited by A.C.A. § 5-73-122(a)(3)(D)(i). *Justice Building security **WILL NOT** permit the carry of firearms by any individual, regardless of licensure status, in the Justice Building.* The Rules will be changed accordingly as soon as possible.

- (c) Any meeting place of the governing body of any governmental entity;
- (d) Any meeting place of the General Assembly or a committee of the General Assembly;
- (e) Any state office;
- (f) Athletic events;
- (g) A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises;
- (h) A portion of an establishment where beer or light wine is consumed on the premises;
- (i) Inside the passenger terminal of an airport;
- (j) Any church or other place of worship;
- (k) Any place where a parade or demonstration requiring a permit is being held, even when the licensee is a participant in the parade or demonstration;
- (l) The buildings and grounds of a public university, college, or community college.

Carrying a concealed firearm in the listed locations may be restricted or prohibited by other applicable law.

Rule 7.4 Enhanced Prohibited Places

A licensee with an enhanced license remains subject to other criminal prohibitions and restrictions and is barred from carrying a concealed handgun in the following places:

- (a) The developed property of a public or private school, kindergarten through grade twelve (K-12), in or upon any school bus, or at a designated school bus stop, except as permitted in ACA § 5-73-119(e) [see ACA § 5-73-119(b)];
- (b) The property of any private institution of higher education or a publicly supported institution of higher education, except as permitted in ACA § 5-73-322 and ACA § 5-73-119(e) [see ACA § 5-73-119(c)];
- (c) Any courtroom or the location of an administrative hearing conducted by a state agency, except as permitted in ACA § 5-73-306(5) or (6) [see ACA § 5-73-122(a)(3)(D)(i)];
- (d) Public school kindergarten through grade twelve (K-12), a public prekindergarten, or a public daycare facility, except as permitted in ACA § 5-73-122(a)(3)(C) [see ACA § 5-73-122(a)(3)(D)(ii)];
- (e) A facility operated by the Division of Correction or the Division of Community Correction [see ACA § 5-73-122(a)(3)(D)(iii)];
- (f) Any police station, sheriff's station, or Division of Arkansas State Police station [see ACA § 5-73-306(1)];
- (g) Any Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department facility [see ACA § 5-73-306(2)];
- (h) Any building of the Arkansas State Highway and Transportation Department or onto grounds adjacent to any building of the Arkansas State Highway and Transportation Department, except as permitted in ACA § 5-73-306(3)(B) [see ACA § 5-73-306(3)];
- (i) Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained or otherwise controlled by the Division of Correction or Division of Community Correction [see ACA § 5-73-306(4)];
- (j) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, except as permitted in ACA § 5-73-306(5)(A)-(C) [see ACA § 5-73-306(5)];
- (k) Any courtroom, except as permitted in ACA § 5-73-306(6)(B) [see ACA § 5-73-306(6)];
- (l) Any portion of an establishment, except a restaurant as defined in ACA § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises, if the establishment posts written notice under ACA § 5-73-306(18) or the licensee receives written or verbal notice under ACA § 5-73-306(19) [see ACA § 5-73-306(11)];
- (m) A portion of an establishment, except a restaurant as defined in ACA § 3-5-1202, where beer or light wine is consumed on the premises, if the establishment posts written notice under ACA § 5-73-306(18) or the licensee receives written or verbal notice under ACA § 5-73-306(19) [see ACA § 5-73-306(12)];
- (n) A school, college, community college, or university campus building or event, except as permitted in ACA § 5-73-306(13)(B) or ACA § 5-73-322 [see ACA § 5-73-306(13)];
- (o) Any church or other place of worship, if the location posts written notice under ACA § 5-73-306(18) or the licensee receives written or verbal notice under ACA § 5-73-306(19) [see ACA § 5-73-306(15)];
- (p) Any place where the carrying of a firearm is prohibited by federal law [see ACA § 5-73-306(16)];
- (q) Any place at the discretion of the person or entity exercising control over the physical location, if the location posts written notice under ACA § 5-73-306(18) [see ACA § 5-73-306(18)];

- (r) A place owned or operated by a private entity that prohibits the carrying of a concealed handgun, if the licensee receives written or verbal notice under ACA § 5-73-306(19) [see ACA § 5-73-306(19)];
- (s) A posted firearm-sensitive area under ACA § 5-73-325, located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event [see ACA § 5-73-306(20)];
- (t) On the grounds of a private university or private college, if the university or college adopts a policy expressly disallowing the carrying of a concealed handgun [see ACA § 5-73-322(c)]; or
- (u) Any location where an official meeting is being conducted in accordance with documented grievance and disciplinary procedures on the grounds of a public university, public college, or community college and is in compliance with the requirements of ACA § 5-73-322(e) [see ACA § 5-73-322(e)];

Rule 7.5 Terms of Enhanced License

- (a) Once an applicant or licensee obtains the enhancement to his or her concealed handgun carry license, the enhancement will remain on his or her license until the license is revoked or becomes inactive (expiration beyond six (6) months).
- (b) The enhanced license is subject to denial, suspension, and revocation on the same terms as a non-enhanced concealed handgun carry license.
- (c) A licensee who completes the enhanced training course and obtains the enhanced license shall not be required to complete renewal enhanced training when he or she renews his or her license. However, if the license is ever revoked, surrendered, or becomes inactive (expiration beyond six (6) months), the former licensee will be required to complete the standard concealed handgun carry license training course and the enhanced training course to be eligible to obtain a new enhanced license.
- (d) A licensee must obtain an Arkansas concealed handgun carry license to receive an enhanced license. The Division will not extend an enhanced certification to a weapons permit issued by another state; nor will enhanced or advanced weapons permits issued by other states entitle the holder to the benefits of the Arkansas enhanced license.

Rule 7.6 Enhanced License – Restrictions

- (a) An enhanced license authorizes the licensee to “carry” or “possess” a concealed handgun in the buildings and on the grounds of certain locations. Possession is limited to carrying of the handgun on or about the licensee’s person, in a vehicle occupied by licensee, or otherwise readily available for use. At all times, the licensee must retain the firearm in his or her immediate vicinity (within arm’s reach). A licensee is not authorized to leave the handgun unattended in a separate location for safekeeping or future use, except when the handgun is placed in a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law.
- (b) When carrying a handgun in a location authorized by the enhanced license, the handgun must be concealed from observation so as to prevent public view. Inadvertent exposure of a handgun does not constitute a violation of this section unless the licensee repeatedly engages in careless behavior that results in exposure.

Rule 13.1 Training requirements upon renewal of license

(a) The required training as established by the Division for renewal shall be completed at any time within six (6) months prior to the expiration of the license until six (6) months after expiration. Timely renewal is determined by the Division's receipt date of the completed renewal application packet.

(b) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by "live-fire." Renewal training may also address updates and changes in the concealed handgun carry licensing laws and Rules.

(c) An applicant who desires to obtain an enhanced license upon renewal may substitute an enhanced training certificate for the renewal training requirement.

(d) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license renewal application; however, the instructor may substitute his or her valid, current firearms safety training instruction registration issued by the Division for the renewal training requirement.

Rule 13.3 Training Requirements for Enhanced License

(a) The program shall consist of approximately eight (8) hours instruction – five to six (5-6) hours in-class and a maximum two (2) hours of range qualification. The Division may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction. The following topics must be covered in detail as part of the in-class instruction:

- (1) ACA §§ 5-73-101 to -327 and all significant changes to these chapters as they occur;
- (2) The terms of an Enhanced License, including the rights and responsibilities of an Enhanced License holder and all locations where the carry of concealed firearms remains prohibited;
- (3) Self-Defense under Arkansas law, the use of deadly physical force, the subchapter of Arkansas Code on "Justification" (ACA §§ 5-2-601 to -622), and the potential criminal penalties that may be imposed when the use of deadly physical force is not justified;
- (4) Techniques for weapon retention;
- (5) General civil liability for personal injury or property damage resulting from use of a firearm;
- (6) Emergent situations in public locations, including the proper response to law enforcement and the duty to avoid injury to innocent bystanders;
- (7) Issues related to campus carry, to include, but not be limited to:
 - (A) Responsibility of the licensee to know and obey the campus's weapons policies;
 - (B) Distinction between "possession" of a firearm, which is permissible, and "storage" which is not permissible; and
 - (C) Requirement to carry concealed and potential penalties for violation;
- (8) Other considerations for expanded carry, to include, but not be limited to:
 - (A) Dangers of carrying or deploying a firearm in proximity to hazardous materials;
 - (B) Possible ramifications of alcohol use while in possession of a firearm; and
 - (C) Identification as an Enhanced License holder in contact with law enforcement.

(b) A new applicant for a concealed handgun carry license or a current licensee may apply to the Division to receive an Enhanced License. The enhanced training must be conducted and

attested to by a registered Firearms Safety Training Instructor as defined in these Rules. To qualify for the Enhanced License:

- (1) A new applicant must successfully complete the Division approved initial training requirements for licensure in ASP CHCL Rule 13.0 and the Division approved enhanced firearm safety training program.
- (2) A current licensee must successfully complete the Division approved enhanced firearm safety training program.
- (c) The required training for an Enhanced License may be completed at any time within six (6) months prior to the Division's receipt of an application for an Enhanced License, but such enhanced training is not required to be renewed.
- (d) The applicant must complete a live-fire proficiency qualification and obtain a score of 35/50 or 70% overall. The instructor may permit the applicant to re-fire the course three (3) times. If the applicant fails to obtain the required score after three (3) attempts at shooting the course, the instructor must wait ninety (90) days prior to allowing the applicant to re-take the enhanced training course. The fundamentals of the live-fire course are as follows:
 - (1) Stage 1: 3 yard line – 20 Rounds
 - (A) 5 shots fired in a “one shot exercise” – 2 seconds allowed for each shot;
 - (B) 10 shots fired in a “two shot exercise” – 3 seconds allowed for each 2 shot sequence;
 - (C) 5 shots fired in 10 seconds;
 - (2) Stage 2: 7 yard line – 20 rounds
 - (A) 5 shots fired in 10 seconds
 - (B) 5 shots fired in 2 stages:
 - (i) 2 shots fired in 4 seconds;
 - (ii) 3 shots fired in 6 seconds;
 - (C) 5 shots fired in a “one shot exercise” – 3 seconds allowed for each shot;
 - (D) 5 shots fired in 15 seconds;
 - (3) Stage 3: 15 yard line – 10 rounds
 - (A) 5 shots fired in 2 stages:
 - (i) 2 shots fired in 6 seconds;
 - (ii) 3 shots fired in 9 seconds;
 - (B) 5 shots fired in 15 seconds;
 - (4) All shooting is from the “ready” position;
 - (5) The target utilized will be a B-27 target. The shooter will be scored “hit” or “miss.” A successful hit will be scored if the round fired cuts the line of the 7 ring or is within the 7 ring of the B-27 target.
- (e) An instructor may not provide his or her own training certification for his or her own Enhanced License; however, the instructor may substitute his or her valid, current enhanced training registration issued by the Division for the enhanced training requirement.

Rule 13.4 Waiver

A current licensee or new applicant may qualify for a waiver of a portion of the approximately eight (8) hour enhanced training course based on completion of the Arkansas basic concealed handgun carry training within the ten (10) years prior to application for an enhanced license. Documentation demonstrating the completion of the prior training must be submitted to the Department. The waiver may be applied in one of the following ways:

(a) A current licensee must complete an abbreviated course of enhanced training instruction of approximately four (4) hours of instruction and complete the live-fire proficiency qualification in Rule 13.3(d). All topics set forth in Rule 13.3(a) must be covered in the abbreviated course for the licensee to qualify for an enhanced license.

(b) A new applicant must complete a combined basic firearm safety training program and enhanced training of approximately eight (8) hours of instruction and complete the live-fire proficiency qualification in Rule 13.3(d). All topics set forth in both Rule 13.0(a) and Rule 13.3(a) must be covered in the combined course for the new applicant to qualify for an enhanced license.

CHAPTER 17. Firearm-Sensitive Areas

Rule 17.0 Posted firearm-sensitive areas - Restriction

All concealed handgun carry licensees, including those with an Enhanced License, are barred from carrying a concealed handgun into Division approved, posted firearm-sensitive areas located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event.

Rule 17.1 Establishment of a firearm-sensitive area – Security Plan

The Arkansas State Hospital, the University of Arkansas for Medical Sciences, or any institution of higher education that hosts or sponsors a collegiate athletic event may designate certain areas “firearm-sensitive,” where possession of a concealed handgun by a licensee is prohibited. To obtain approval for the designation of a “firearm-sensitive area” the entity must:

(a) Submit a security plan to the Regulatory Division of the Division, including the following information:

- (1) Total projected attendance/capacity;
- (2) Number of entrances and exits;
- (3) Number of on-site private security personnel;
- (4) Number of on-site law enforcement officers;
- (5) Number of on-site first responders;
- (6) Location of parking areas and number of motor vehicles projected to use the parking areas;
- (7) Routes for emergency vehicles;
- (8) Locations of all restrooms, stairs, and elevators;
- (9) Evacuation procedures;
- (10) Security communication protocol;
- (11) Location of emergency vehicles;
- (12) Public communication protocol;
- (13) Bomb threat and active shooter procedures; and
- (14) Corresponding security measures.

(b) Indicate the area(s) and/or event(s) to be designated “firearm-sensitive.”

(c) State whether the area will be designated “firearm-sensitive” at all times, or if only on certain dates and times, list the dates, times, and purposes for which the area will be designated “firearm-sensitive.”

(d) List the name, title, telephone number, address, and email for the entity’s preferred contact.

- (e) The security plan may be submitted annually, or no later than five (5) days before a scheduled collegiate athletic event.
- (f) If the security plan is submitted for a scheduled collegiate athletic event, the Division will approve or disapprove the plan within seventy-two (72) hours of receipt of the security plan.
- (g) If the security plan is submitted annually, the Division will approve or disapprove the plan within ten (10) business days.
- (h) Once the security plan has been approved, the entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

RANGE: LIVE-FIRE QUALIFICATION

- **2 hours MAXIMUM range time**
- **Objective:** Ensure that all enhanced CHCL holders are **safe and competent** firearm handlers. It is the licensee's responsibility to conduct his or herself in a mature manner and always use common sense when handling firearms. A safety briefing should always be conducted *prior to* training or use of the range.
- **Proficiency requirement – Rule 13.3(d):** The applicant must complete the course with a score of 35/50 rounds or 70%. The instructor may permit the applicant to re-fire the course three (3) times. If the applicant fails to score 70% after 3 tries of shooting the course, the instructor must wait three (3) months prior to allowing the applicant to re-take the Enhanced Concealed Handgun Carry Course.
- **Course – See attached Live-Fire Qualification Power Point.**
- **Cardinal Rules for Firearms Safety**
 - Treat all firearms as though they are loaded.
 - Do not put your finger on the trigger until you are ready to engage the target.
 - Point the muzzle in a safe direction at all times.
 - Keep aware of your target and what is beyond it.