



State of Arkansas



ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

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October 11, 2017

To: Whom It May Concern

From: Arkansas State Police

Subject: Proposed Rules: Arkansas Concealed Handgun Carry License Rules

NOTICE OF PROPOSED RULE CHANGES "Arkansas Concealed Handgun Carry License Rules"

Pursuant to Arkansas Code Ann. §§ 25-15-201 et seq., and other applicable Arkansas laws, NOTICE is hereby given that the Department of Arkansas State Police intends to revise the existing version of the Arkansas Concealed Handgun Carry License Rules. Specifically, the proposed Rules include updates and revisions required by Acts 562 and 859 of 2017 and other updates and revisions in conformity with changes to Arkansas law and/or current Departmental procedures.

All interested persons are encouraged to present their written comments on the Proposed Rules as soon as possible to Mary Claire McLaurin of the Arkansas State Police by email at mary.claire.mclaurin@asp.arkansas.gov or via mail at the Department, 1 State Police Plaza Drive, Little Rock, Arkansas, 72209, as soon as possible. All interested persons are asked to be responsible for notifying their personnel and employees about the Proposed Rule Changes.

A copy of the Proposed Rule Changes can be reviewed on the ASP Internet web site at: <http://www.asp.Arkansas.gov> or by contacting the Department. A public hearing for the submission of oral comments will take place on October 31, 2017 at 10:00 a.m. at Department headquarters, 1 State Police Plaza Drive, Little Rock, Arkansas, 72209. Written opinions and comments will be considered if received at the above address by 4:00 pm November 10, 2017.

DEPARTMENT OF ARKANSAS STATE POLICE
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES

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**DEPARTMENT OF ARKANSAS STATE POLICE
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES**

CHAPTER 1. TITLE; AUTHORITY; SCOPE

Rule 1.0 Title

These Rules shall be known as the Arkansas Concealed Handgun Carry License Rules ("Rules").

Rule 1.1 Authority; Purpose

(a) These Rules are issued pursuant to ~~under~~ the Director's authority under ACA §§5-73-317, and §§12-8-104, et seq., and the Arkansas Administrative Procedure Act at ACA §§25-15-201, et seq., ~~among others.~~ The purpose of these Rules is to establish the process and procedures, provide guidelines in conformity with Arkansas laws, for the licensing and as to issuance and governance of concealed handgun carry license holders; applicants for new, renewal, or transfer licenses to carry a concealed handgun in the State of Arkansas as issued by the Department of Arkansas State Police; and to provide standards and guidelines to instructors who train concealed handgun carry license applicants; and to outline the process and procedures for the establishment of firearm sensitive areas.

(b) These Rules do not address federal law concerning active and retired law enforcement concealed handgun carry authorization under 18 United States Code § 921 and § 922.

(c) These Rules do not address certified law enforcement officers' or retired law enforcement officers' concealed handgun carry authorization under the provisions of ACA §§12-15-201 and §12-15-202.

Rule 1.2 Definitions

Definitions ~~are adopted as follows; used in these Rules, unless the context otherwise requires, are adopted:~~

(a) "Active Duty Military" - ~~any person means an individual~~ serving full time in the active military service of the United States of America, ~~including and includes~~ members of ~~the~~ reserve components, ~~of the various branches of military service, while serving under published orders for active duty or full-time training.~~ "Active Duty Military" ~~The term~~ does not include ~~a:~~

~~— (1) members of the reserve component who is are performing active duty under a military calls or orders for a specified~~ periods of less than thirty-one (31) calendar days; ~~or~~

~~— (2) active duty training under military calls or orders specifying periods of less than thirty one (31) calendar days;~~

(b) "Administrator" - ~~means~~ the designee of the Director of the Department of Arkansas State Police; ~~under these Rules;~~

(c) "Applicant" - ~~means~~ any person who has submitted an application to the Department ~~a properly completed application~~ for a concealed handgun carry license and paid the statutory fees;

(d) "Application" - ~~means~~ a form of such size and design that contains the required information and documentation enabling a person to apply for a license to carry a concealed handgun, an enhanced or enhancement to a concealed handgun carry

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license, renewal of a concealed handgun carry license, or transfer of a concealed handgun carry license;

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(e) **"Application packet"** ~~- means~~ the documentation as outlined in Rule 4.2 herein;

(f) **"Committed"** ~~- an overnight stay in a medical or other treatment facility, whether voluntary or involuntary; "Chronically and habitually uses alcoholic beverages"~~ means:

- ~~— (1) That a person's normal faculties are impaired. This is presumed if the applicant has been voluntarily or involuntarily committed to a treatment facility for treatment of alcoholism within the three (3) year period immediately preceding the date on which the application, renewal, or transfer is submitted; or~~
- ~~— (2) That a person has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or of the United States within the three (3) year period immediately preceding the date on which the application, renewal, or transfer is submitted; or~~
- ~~— (3) That a person has been convicted of an alcohol related offense while a handgun was in his or her possession within the last three (3) years;~~

(g) **"Chronically and habitually abuses controlled substances"** means:

- ~~— (1) That a person's normal faculties are impaired. This is presumed if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance within the three year (3) period immediately preceding the date on which the application, renewal or transfer is submitted; or~~
- ~~— (2) has been convicted of a crime under the provisions of the Uniform Controlled Substances Act, ACA §§ 5-64-101 et seq., or similar laws of Arkansas or any other state or the United States relating to controlled substances within the three year (3) period immediately preceding the date on which the application, renewal, or transfer is submitted;~~

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(h) **"Concealed"** means to cover from observation so as to prevent public view;

~~(i) (g)~~ **"Convicted"** ~~- means that a person was found guilty of or pled pleaded guilty or nolo contendere to a criminal offense, or was found guilty of an offense; Unless otherwise specifically stated, a "conviction" includes offenses that have been sealed or expunged;~~

~~(j)~~ **"Crime of Violence"** ~~- any offense involving the threat of physical contact or actual physical contact or any offense involving an act or omission resulting in bodily injury. A "crime of violence" can include, includes but is not limited to, murder, rape, and sexual assault, robbery, terroristic threatening, disorderly conduct, resisting arrest, battery, and assault;~~

~~(k)~~ **"Department"** ~~- means~~ the Department of Arkansas State Police;

~~(l)~~ **"Director"** ~~- means~~ the Director of the Department of Arkansas State Police;

~~(m)~~ **"Documentation"** ~~- means~~ information ~~that as~~ may be required to determine the applicant's eligibility, qualifications. ~~—"Documentation" includes written materials that are able to be independently verified as true and correct by the Department. For example, -The most reliable "documentation" of a disposition from a court is a copy of the final disposition certified by the court clerk or the keeper of the record. Convictions that have been sealed or expunged may still disqualify an applicant from receiving a CHCL under certain circumstances.~~

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~~A seal or expungement order for a felony conviction in Arkansas where the crime occurred prior to April 7, 1971, will be considered void by the Department.~~

~~A valid seal or expungement order for an Arkansas felony conviction when the crime was committed after March 13, 1995, shall be reviewed by the Department, but will not restore firearms rights unless a gubernatorial or presidential pardon is received specifically restoring firearms possession rights.~~

~~A valid seal or expungement order for an Arkansas felony conviction when the crime was committed prior to March 13, 1995, shall be reviewed and, unless void or causes a prohibition under federal law, shall be honored by the Department;~~

~~(la) "Duplicate License" - means a license to carry a concealed handgun that is which has been issued to a licensee to replace a the previously-issued license;~~

~~(me) "Enhanced Training" - the training requirements set forth in Rule 13.3 for a licensee to qualify for an enhanced concealed handgun carry license;~~

~~(n) "Firearms Safety Training Instructor" or "Instructor" - means any person who is has been registered by the Director to conduct the necessary instruct the training requirements for a licensee to carry a concealed handgun; under the provisions of Arkansas law and these Rules;~~

~~(op) "Handgun" - means any firearm, other than a fully automatic firearm, with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand;~~

~~(pq) "Hearing Officer" - means the Director of Arkansas State Police or his/her designated representative acting in issues of adjudication as outlined in the Arkansas Administrative Procedure Act; as amended;~~

~~(qr) "Licensee" - means a person who has been issued a concealed handgun carry license under the provisions of ACA §§ 5-73-301, et seq., and these Rules;~~

~~— (1) Restricted - allows the person to carry any legal handgun other than a semiautomatic handgun. The licensee must establish proficiency in the use of a handgun other than a semiautomatic handgun; or~~

~~— (2) Unrestricted - allows the person to carry any legal handgun. The licensee must establish proficiency in the use of a semiautomatic handgun;~~

~~(r) "Passenger Terminal of an Airport" - the ticketing area, lobby, and baggage claim of an airport. The "passenger terminal of an airport" does not include any sterile area of an airport, the passenger security screening checkpoint, and all areas beyond the security checkpoint;~~

~~(s) "Possession" - means, for the purposes of ACA §§ 5-73-301 et seq. and these Rules, "possession" is any actual or constructive possession on or about the person, in a vehicle occupied by the licensee (including, to include but not be limited to, areas within the passenger compartment of any vehicle, such as including glove boxes or containers), or otherwise readily available for use. "Possession" also includes "carrying a handgun" as stated in ACA § 5-73-312(c). on the person, unless excluded below.~~

~~— (1) "Possession" does not include:~~

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(A) For a passenger car, where the handgun is unloaded and locked in the trunk;

(B) For any vehicle, where the handgun is unloaded and located in a space outside the passenger compartment;

(C) For a vehicle ~~in which where~~ a space outside the passenger compartment or a trunk does not exist, ~~where the then the~~ handgun ~~is shall be~~ unloaded and in a locked container and the ammunition ~~is~~ physically separated from the handgun, so that both are not readily accessible to any occupant of the vehicle while the vehicle is in motion;

~~(D) Placement or storage of the handgun unattended in any location if the licensee is not in the same room and immediate vicinity of the handgun.~~

~~—(2) “Carrying a handgun”, as stated in ACA §5-73-312 (c), is included in the term “possession”;~~

(t) **“Registration”** ~~- means~~ a certificate granted to an instructor permitting him ~~or/~~ her to instruct the firearms safety training provisions outlined in these Rules;

(u) **“Resident”** ~~- means an individual~~ any person who possesses a valid Arkansas driver’s license ~~or ID card with an Arkansas address listed thereon~~ and ~~/or~~ who has established domicile as evidenced by the intent to make Arkansas his or her fixed and permanent home. It is presumed for the purposes of this definition that, when a person transfers his or her Arkansas driver’s license or ID card to another state for a period of thirty (30) days or longer, the person is no longer an Arkansas resident;

(v) **“Storage”** – for the purposes of ACA §§ 5-73-301 et seq. and these Rules, “storage” refers to storage of a handgun in a university or college-operated student dormitory or residence hall, which is prohibited under ACA § 5-73-119(c). “Storage” means to leave a handgun unattended in any location for any period of time, where the licensee is not in the same room and immediate vicinity of the handgun.

(w) **“Training”** ~~- means~~ the training requirements set forth in Rule 13.0 and 13.1 these Rules for licensure to carry a concealed handgun.

Rule 1.3 Authority to issue license

The Director may issue a license to carry a concealed handgun to ~~anya~~ any person ~~who meets the requirements set forth qualified as provided~~ in these Rules and other applicable laws.

Rule 1.4 Term of the license

The term of the license to carry a concealed handgun ~~is valid throughout the state for a period of~~ five (5) years from the date of issuance, unless ~~the license is~~ suspended or ~~cancelled or~~ revoked under these Rules.

Rule 1.5 Exemptions – Authorized under other laws

A ~~ny~~ person ~~who is exempt from licensing requirements under ACA § 5-73-304 legally authorized to carry a firearm under any Arkansas or federal law other than ACA §5-73-301 et seq~~ is not bound by ~~thesethe~~ the Arkansas Concealed Handgun Carry License law or ~~Rules~~.

Rule 1.6 Penalty for false response or document

Submitting ~~a~~ false answers or false documentation with an application or in other communications with the Department shall subject the applicant to the following:

(a) Criminal penalty

~~- a~~Any person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, upon conviction is guilty of a Class AB misdemeanor; and/or

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(b) Non-criminal penalty

~~a~~Any person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, is precluded from receiving any license being issued to the applicant; and is subject to immediate revocation of his or her license if itthe license has already been issued.

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Rule 1.7 Exemptions – Military and spouse

Active Duty Member

(a) An active duty member of the United States military is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the active duty member submits documentation of his or her active duty status. is able to document that at the time of their application that they are stationed in Arkansas.

(b) The active duty member must complete the classroom portion of the concealed handgun carry training. that relates to Arkansas laws and concealed handgun carry rules.

(c) The active duty member, or a former member who has recently received an honorable discharge, may substitute a form and a letter from his or hertheir commanding officer, as outlined in Rule 13.2, and 13.3 for their live-fire requirement or he or shethey may complete the entire concealed handgun carry training course with and complete live-fire under the ASP registered CHCL instructor.

(d) The active duty member shall submit with his or hertheir initial application, and any renewal, a recent passport-style photograph in appropriate electronic format.

Spouse of Active Duty Member

(e) Any spouse of an active duty military member personnel, as recognized by the branch of the United States military in which their spouse is a member, is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the spouse of the active duty member submits documentation of his or her spouse's active duty status. is able to document at the time of their application that their spouse is on active duty stationed in Arkansas.

(f) Any spouse of an active duty military member personnel must meet the same training requirements as a regular CHCL applicant.

(g) Any spouse of active duty military personnel shall submit with his or hertheir initial application, and any renewal, a recent passport-style photograph in appropriate electronic format.

CHAPTER 2. Application

Rule 2.0 Application design

The initial application form shall be of such size and design so as to that will include relevant information required by current Arkansas laws. ~~The~~ Director shall have the authority to design and, if necessary, amend the renewal, transfer, or replacement application form as he or she deems necessary.

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Rule 2.1 Application availability

The application forms ~~may be obtained at the Department's website or a Firearms Safety Training Instructor registered with the Arkansas State Police. for license to carry a concealed handgun may be obtained at the Department's Highway Patrol Troop Headquarters and Arkansas State Police Headquarters in Little Rock during normal business hours.~~

Rule 2.2 Proper Application Packet

- (a) The documentation received from an applicant shall be deemed proper when it contains all the required ~~items~~ under Arkansas law and these Rules.
- (b) In addition to the fully completed application form, the following is required:
 - (1) Non-refundable license fee; ~~described in Arkansas laws and these Rules;~~
 - (2) A properly completed, legible, signed waiver authorizing the Department access to the applicant's records; ~~as outlined in Arkansas law and these Rules;~~
 - (3) At least one (1) full set of the applicant's classifiable fingerprints;
 - (4) Proof of the applicant's timely successful completion of an approved firearm safety training program; and
 - (5) ~~A signed, agreed statement of allegiance to the United States Constitution and to the Arkansas Constitution; and~~
 - ~~(6) Any other information the Director may require from the applicant to determine the applicant's qualifications to hold a license under the provisions of Arkansas laws, federal laws, and these Rules.~~

Rule 2.3 Fees

Certain fees will be necessary for the proper processing of concealed handgun carry licensing paperwork. ~~Those fees are set by Arkansas law, or state and federal rules. An instruction sheet may be issued by the Department, which outlines proper application procedures and current fees.~~

CHAPTER 3. License Possession Requirements

Rule 3.0 License Usage

The concealed handgun carry license issued under these Rules shall be used solely by the licensee to whom it was issued.

Rule 3.1 Possession of license

The licensee shall carry the concealed handgun carry license at all times while in possession of a concealed handgun.

Rule 3.2 Contact with law enforcement

- (a) ~~While in possession of a concealed handgun, if a licensee 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 the original license, or an electronic copy in an acceptable electronic formate, for inspection, along with an official form of photo identification. The licensee shall also notify the officer that he or she holds a concealed handgun carry license and that he or she has a handgun in his or her possession, upon request for identification by any law enforcement officer.~~
- (b) ~~In any official contact with law enforcement, if the licensee **IS** in possession of a handgun, when the officer asks the licensee for identification (driver's license, or personal information, such as name and date of birth), the licensee shall notify the~~

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~~officer that he or she holds a concealed handgun carry license and that he or she has a handgun in his or her possession.~~

~~(e) In any official contact with law enforcement, if~~ the licensee **IS NOT** in possession of a handgun, when ~~a law enforcement~~ the officer asks the licensee for identification (driver's license, or personal information, such as name and date of birth), the licensee ~~is shall not be~~ required to present the concealed handgun carry license or to notify the officer that he or she holds a concealed handgun carry license. ~~and does not have a handgun in his or her possession.~~

~~(cd)~~ ~~An e~~Official forms of photo identification ~~includes~~shall be, but ~~are~~is not limited to, any of the following:

- (1) Current and valid Arkansas driver's license;
- (2) Current and valid military identification card; or
- (3) Current and valid United States passport.

~~(de)~~ Reproduced copies of the official form of photo identification ~~or copies of the original concealed handgun carry license~~ shall not be accepted.

(e) Acceptable electronic format for an electronic copy of the concealed handgun carry license constitutes an electronic image produced on the person's own cellular phone or other such portable electronic device that displays all the information on a concealed handgun license as clearly as an original concealed handgun license.

Rule 3.3 Current license validity

Any law enforcement officer with access to the Arkansas Crime Information Center database may query the Arkansas driver's license of the licensee for the currently validity status of the concealed handgun carry license.

CHAPTER 4. Requirements for licensure

Rule 4.0 License – Requirements

The Director of the Department shall issue a license to carry a concealed handgun if the applicant ~~meets the eligibility criteria set forth in ACA § 5-73-308 and § 5-73-309.~~ †

- ~~(a) Is a citizen of the United States of America;~~
- ~~(b) Is a resident of the state and has been a resident continuously for ninety days (90) days or longer immediately preceding the filing of the application;~~
- ~~(c) Is twenty one (21) years of age or older;~~
- ~~(d) Does not suffer from a mental or physical infirmity, which prevents the safe handling of a handgun;~~
- ~~(e) Has not threatened or attempted suicide;~~
- ~~(f) Has not been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned for same and had firearms possession rights restored;~~
- ~~(g) Is not subject to any federal or state law, which makes it unlawful to receive, possess, or transport any firearm;~~
- ~~(h) Has had his or her background check successfully completed through the Arkansas State Police and the Federal Bureau of Investigation's National Instant Check System (NICS);~~
- ~~(i) Does not chronically or habitually abuse a controlled substance;~~
- ~~(j) Does not chronically or habitually use an alcoholic beverage;~~
- ~~(k) Desires a legal means to carry a concealed handgun to defend himself or herself;~~
- ~~(l) Has not been adjudicated mentally incompetent;~~
- ~~(m) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility;~~

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- ~~(n) Is not a fugitive from justice, or does not have an active warrant for his or her arrest;~~
- ~~(o) Has satisfactorily completed a training course prescribed and approved by the Director;~~
- ~~(p) Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution; and~~
- ~~(q) Is not currently under a charge, by indictment or information, for any offense classified as a felony.~~

Rule 4.1 Application form

The application form for a license to carry a concealed handgun shall include; ~~be promulgated by the Director and shall include:~~

- (a) The name, address, place and date of birth, race, and sex of the applicant;
- (b) The driver's license number and social security number of the applicant;
- (c) Any previous address of the applicant for the two (2) years preceding the date of the application;
- (d) Questions related to the applicant's fitness for issuance of a concealed handgun carry license;
- ~~(e) A statement that the applicant has not been convicted of one (1) or more crimes of violence constituting a misdemeanor within the last five (5) years;~~
- ~~(f) A statement that the applicant has not been convicted of the offense of carrying a weapon within the last five (5) years;~~
- ~~(g) A statement~~ whether or not the applicant has been found guilty of a crime of violence or domestic abuse;
- ~~(f) (h)~~ A statement that the applicant has been furnished a copy of and has reviewed the Arkansas law relevant to concealed handgun carry licensing; ~~and is acquainted with the truth and understanding of the law;~~
- ~~(g)~~ A warning that a knowingly false answer to any question, or the knowing submission of any false document, by the applicant subjects him or her to criminal prosecution and/or precludes the applicant from receiving or retaining a license; and any future license from being issued to the applicant; and subjects the applicant to immediate revocation if the license has already been issued;
- ~~(h)~~ A statement ~~that the applicant desires a legal means to carry a concealed handgun to defend himself or herself; and~~
- ~~(i)~~ A statement as to whether the applicant is applying for:
 - (1) A restricted license, which allows the person to carry any handgun, other than a semiautomatic handgun; ~~or~~
 - (2) An unrestricted license, which allows the person to carry any handgun; and/or
 - (3) An Enhanced license which expands the areas where a concealed handgun may be carried.

Rule 4.2 Application packet and procedure

The applicant for a license to carry a concealed handgun shall submit the following items as an application packet to the Department:

- (a) A properly completed application form, as described herein;
- (b) A nonrefundable license fee as prescribed by law;
- (c) The applicable fee(s) for state and national background checks, as prescribed by law;
- (d) A full set of classifiable fingerprints of the applicant;
- (e) A properly completed certification of training; and
- (f) A signed waiver authorizing the Department access to any medical, criminal, military, or other records concerning the applicant.

An applicant who fails to submit the required items listed herein will be notified of the missing items. He or she will then have thirty (30) days to submit the missing items before the application is denied.

Rule 4.3 Application packet processing by the Department

Upon receipt of the properly completed application packet as described herein, the Department shall:

- (a) Forward the full set of classifiable fingerprints of the applicant to the appropriate agencies for state and national processing; ~~and~~
- (b) Forward notice of the ~~person's individual's~~ application to the sheriff of the applicant's county of residence, and, if applicable, to the police chief of the applicant's municipality of residence, who may participate, at his or her discretion, in the process by submitting a voluntary report to the Department containing any information that he or she feels may be pertinent to the licensing of any applicant. -The reporting shall be made within thirty (30) days after the date the notice was sent; ~~and-~~
- (c) Notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history. An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of the request by the Department or the application will be denied.

Rule 4.4 Fingerprinting for initial application

- (a) In the event a legible and classifiable set of fingerprints, as determined by the Department or the Federal Bureau of Investigation, cannot be obtained, the applicant shall be contacted and shall be required to be fingerprinted again. -This determination may be made prior to the submission of a fingerprint card to the FBI or after one (1) rejection of the fingerprint card.
- (b) After two (2) unsuccessful fingerprint card submissions (rejections) are completed, the applicant may again pay the FBI fingerprint background check fee and submit two (2) newly-completed fingerprint cards.
- (c) The Director shall determine the applicant's eligibility for licensing after successful completion of the FBI fingerprint-based check.
- (d) Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the Director is allowed.

Rule 4.5 Unresolved arrests

- (a) If a check of the applicant's criminal records uncovers any unresolved arrest(s) that could lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge(s). A license will not be issued until the Department receives the final disposition or other requested information.
- (b) If a check of the applicant's criminal records uncovers an unresolved felony arrest over ten (10) years old, then the applicant shall may obtain a letter of reference, from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides, which states that, to the best of his or her knowledge, the applicant is of good character and free of any felony convictions.
- ~~(b) If a check of the applicant's criminal records uncovers any unresolved arrest that may lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge. The application will not be processed to completion without the Department having received the disposition information.~~

Rule 4.6 License - Issuance

- (a) The license shall be issued within one hundred twenty (120) days after the date of receipt of a properly-completed application packet (including fingerprint cards and training certificates), as described herein.- That period ~~will~~ be tolled pending the

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receipt of disposition and level ~~or facts~~ of ~~any certain~~ outstanding criminal charges or ~~the lack of~~ classifiable fingerprints for the state and national background check.

(b) The Director shall issue the license or deny the application based solely on the ground that the applicant fails to qualify under the criteria established in law and these Rules. -Notice of denial shall be sent to the applicant according to these Rules.

Rule 4.7 License denial – Initial application

(a) If the Director denies the application, he or she shall notify the applicant in writing, stating the grounds for denial ~~and~~ -

~~(b) If the Director denies the application, he shall notify the applicant in writing, stating the grounds for denial and~~ appeal procedures under the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq. -The letter shall be sent via certified mail, return receipt requested.

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CHAPTER 5. Renewal of license

Rule 5.0 Process for renewal of license

(a) The licensee may renew his or her license no more than ninety (90) days prior to ~~its~~the expiration date by submitting the following renewal packet to the Department:

(1) A completed renewal form prescribed by the Department, including a verified statement that the licensee remains qualified pursuant to the criteria specified in ACA § 5-73-308(a) and § 5-73-309;

(2) The applicable fee(s) for state and national background checks, as prescribed by law;

~~(3) A non-refundable~~A renewal fee in the amount prescribed by law;

~~(4)~~ A certification of training form properly completed by the licensee's Firearms Safety Training Instructor and reflecting that the licensee has successfully completed the renewal Training Course including "live-fire" within the last six (6) months as required by the Department; and

~~(5) —~~(4) A digital photograph of the licensee (if an Arkansas driver's license photo is not available) within Department standardized requirements; or a release authorization to allow the Department to obtain a qualifying digital photograph of the licensee from another source.

(b) The license shall be processed for renewal ~~renewed~~ upon ~~timely~~ receipt of the items listed herein, subject to a background investigation conducted pursuant to law that ~~does~~id not reveal any disqualifying factor or offense or unresolved arrest which would disqualify a licensee under state or federal law.

(c) The Department will notify the applicant of any unresolved, potentially disqualifying factor discovered in his or her criminal history. An applicant must provide the documentation or other items necessary to resolve the potentially disqualifying factor within sixty (60) days of request by the Department or the application will be denied.

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Rule 5.1 Renewal application - late fee

(a) A licensee who fails to ~~file~~properly submit a renewal application packet on or before its expiration date, but before six (6) months after the license has expired, may renew his or her license by paying a late fee as prescribed by law. -Receipt of the renewal packet is determined by the receipt date of the Department.

(b) Exemption from late fee – ~~an~~ for active duty members of the armed forces of the United States, a member of the National Guard, or a member of a reserve component of the armed forces of the United States who is on active duty outside Arkansas— may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following properly-completed renewal packet to the Department:

- (1) A completed renewal form prescribed by the Department;
- (2) A verified statement that the licensee remains qualified pursuant to the criteria specified in ACA § 5-73-308(a) and § 5-73-309;
- (3) A non-refundable renewal fee as prescribed by Arkansas law;
- (4) The applicable fee(s) for state and national background checks, as prescribed by law;
- (4)5 A certification or training form properly completed by the licensee's Firearms Safety Training Instructor or as allowed under ASP CHCL Rule 13.2, reflecting that the licensee's training was properly and successfully conducted;
- (6)5 If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; or a release authorization to allow the Department to obtain a digital photograph of the licensee from another source; and
- (7)6 Proof of active duty military assignment outside Arkansas on the expiration date of the license.

Rule 5.2 License expired over six (6) months

- (a)** ~~A license~~ that ~~has~~ been expired six (6) months or more shall be deemed "inactive."- A licensee whose license has become inactive may re-apply for licensure as an initial applicant. The fees and requirements shall be the same as for an initial application.
- (b)** Exemption from inactive status – ~~an~~ ~~for~~ active duty members of the armed forces of the United States, ~~or~~ a member of the National Guard, or a member of a reserve component of the armed forces of the United States who is on active duty outside Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following renewal packet to the Department:
 - (1) A completed renewal application form prescribed by the Department;
 - (2) A verified statement that the licensee remains qualified pursuant to the criteria specified in ACA § 5-73-308(a) and ACA § 5-73-309;
 - (3) A non-refundable renewal fee as prescribed by Arkansas law;
 - (4) The applicable fee(s) for state and national background checks, as prescribed by law;
 - (5)4 A certification or training form properly completed by the licensee's Firearms Safety Training Instructor, or as allowed under ASP CHCL Rule 13.2, reflecting that the licensee's training was properly and successfully conducted;
 - (6)5 If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; and or a release authorization to allow the Department to obtain a digital photograph of the licensee from another source; and
 - (7)6 Proof of active duty military assignment outside Arkansas on the expiration date of the license.

Rule 5.3 Renewal application denial

- (a)** The Director of Arkansas State Police may deny a renewal of a license upon the same grounds as for denial of an initial application for license, or for any ground for revocation listed in Arkansas law or these Rules.
- (b)** If the Director denies the renewal application, he shall notify the applicant in writing, stating the grounds for denial and appeal procedures under the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq. -The letter shall be sent via certified mail, return receipt requested.

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CHAPTER 6. Other changes to license

Rule 6.0 Replacement ~~Lost or destroyed~~ license

A licensee may obtain a replacement license upon submission of a properly completed replacement form and payment to the Department of a fee of;

- (a) Fifteen dollars (\$15.00) if the licensee is 64 years of age or younger; or
- (b) Seven dollars and fifty cents (\$7.50) if the licensee is 65 years of age or older. Within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Director in writing, by notarized statement, of the loss or destruction. A Department form shall be provided for that purpose.
- (b) If a licensee complies with the provisions of subsection (a) of this section, he or she may obtain a replacement license with up to date information upon the payment to the Department of a fee as established by law.

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Rule 6.1 Change of address of the licensee

- (a) Within thirty (30) days after ~~the~~ changing his or her of a mailing and/or permanent address, an applicant for a license or a current the licensee shall notify the Director in writing of the change. -Both the old and new address shall be furnished. -A Department form shall be provided for that purpose.
- (b) If the licensee ~~desires would like~~ a new license printed with the updated information, he or she may apply for a replacement license under Rule 6.0 and destroy the old license upon receipt of the replacement license. and apply for a replacement license under Rule 6.0.

Rule 6.2 Change of name of the licensee

- (a) Within thirty (30) days after ~~the~~ changing his or her of a legal name, an applicant for a license or a current the licensee shall notify the Director in writing of the change and provide ~~court~~ documentation that officially created the change. -A Department form shall be provided for that purpose.
- (b) If the licensee ~~desires would like~~ a new license printed with updated information, he or she may apply for a replacement license under Rule 6.0 and destroy the old license upon receipt of the replacement license. and apply for a replacement license under Rule 6.0.

Rule 6.3 Death of licensee

Upon death of a licensee, the license shall be cancelled from the date of death. -Written notice of the death of a licensee should be provided to the Department filed as soon as possible after the death. ~~on a form prescribed by the Department.~~

Rule 6.4 Voluntary surrender of a license

If a licensee voluntarily surrenders his or her license to the Department in the absence of suspension or revocation proceedings, the Department will accept the license and cancel it.

CHAPTER 7. License Restrictions

Rule 7.0 Failure to comply with concealed handgun carry license restrictions

Failure to comply with the provisions of ACA §§ 5-73-301 et seq. and/or these Rules is a ground(s) for suspension and/or revocation of the Arkansas concealed handgun carry license.

Rule 7.1 Restrictions as to type of handgun

- (a) A restricted license allows the licensee to carry concealed any legal handgun, other than a semiautomatic handgun.

(b) An unrestricted license ~~shall~~ allows the licensee to carry concealed any legal handgun.

Rule 7.2 Prohibited Places

A licensee with a non-enhanced license 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 publicly owned building or facility or on the State Capitol grounds, except as permitted in ACA § 5-73-122(a)(3) [see ACA § 5-73-122(a)(1)];
- (d) The State Capitol Building or the Justice Building in Little Rock, except as permitted in ACA § 5-73-122(a)(3) [see ACA § 5-73-122(a)(2)];
- (e) 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)];
- (f) Any police station, sheriff's station, or Department 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 Department of Correction or Department 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 meeting place of the governing body of any governmental entity [see ACA § 5-73-306(7)];
- (m) Any meeting of the General Assembly or a committee of the General Assembly [see ACA § 5-73-306(8)];
- (n) Any state office [see ACA § 5-73-306(9)];
- (o) Any athletic event not related to firearms [see ACA § 5-73-309(10)];
- (p) 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 [see ACA § 5-73-306(11)];
- (q) 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 [see ACA § 5-73-306(12)];
- (r) A school, college, community college, or university campus building or event, except as permitted in ACA § 5-73-306(13)(B) [see ACA § 5-73-306(13)];
- (s) Inside the passenger terminal of any airport [see ACA § 5-73-306(14)];
- (t) Any church or other place of worship, except as permitted in ACA § 5-73-306(15)(B) [see ACA § 5-73-306(15)];
- (u) Any place where the carrying of a firearm is prohibited by federal law [see ACA § 5-73-306(16)];

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- (v) Any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration [see ACA § 5-73-306(17)];
- (w) 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)];
- (x) 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)]; or
- (y) 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)].

Rule 7.3 Enhanced license

An enhanced license expands the areas where a licensee may carry a concealed handgun. However, a licensee with an enhanced license 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)(iii)];
- (e) A facility operated by the Department of Correction or the Department of Community Correction [see ACA § 5-73-122(a)(3)(D)(iii)];
- (f) Any police station, sheriff's station, or Department 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 Department of Correction or Department 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)].

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- (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 lasting no more than nine (9) hours is being conducted on the grounds of a public university, public college, or community college [see ACA § 5-73-322(e)];

Rule 7.4 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 CHCL to receive an enhanced license. The Department 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 7.5 Enhanced License – Restrictions

- (a) An enhanced license authorizes the licensee to “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. A licensee is not authorized to leave the handgun unattended in a separate location for safekeeping or future use.
- (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.

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CHAPTER 8. Suspension of License

Rule 8.0 License suspension

- (a) If the licensee is arrested, issued a citation, or formally charged with a crime that ~~w~~ould disqualify the licensee from having a license, the licensee shall immediately notify the Department to the attention of the Concealed Handgun Carry Licensing Section, ~~and the Director shall suspend a license until final disposition of the case.~~
- (b) ~~Any time the Department discovers that a licensee has been~~ issued a citation, or formally charged with a crime that ~~w~~ould disqualify the licensee from having a license, ~~upon notification by any law enforcement agency or a court and subsequent written verification,~~ the Director ~~may~~ shall suspend a license until final disposition of the case.
- (c) Notice of license suspension shall be sent to the licensee ~~via~~ by certified mail, return receipt requested.
- (d) The licensee shall be required to send the license to the Department as soon as possible after the arrest, unless the officer(s) confiscated the license at the time of arrest.
- ~~(e) The licensee shall be required to notify the Department of final disposition of the charge(s) within ten (10) days of same.~~
- ~~(f) If the charges are dismissed or "not prossecd," or the licensee is found "not guilty," then the license will be returned to the licensee, if it has not expired. - If the license has expired for a period of less than six (6) months,~~ then the licensee may apply for renewal of the license under these Rules.
- ~~(g) Suspension of a license is subject to the Arkansas Administrative Procedure Act, ACA §§ 25-15-201, et seq. The suspended license holder, upon his or her timely request in writing, shall be afforded an administrative hearing.~~
- ~~(h) The Department is required by Arkansas law to suspend the license of any licensee if so ordered by the Office of Child Support Enforcement (OCSE). - The licensee will be sent notice of the suspension. -The license may be reinstated (if it is still within its valid issuance period) ~~upon~~ after full payment of ~~the~~ amount due ~~to OCSE through the Office of Child Support Enforcement and once the Department receives official notice from OCSE that office officially notifies the Department~~ to release the suspension.~~
- ~~(i) A licensee may apply for renewal of his or her license during a period of suspension to prevent the license from expiring or becoming inactive, however, the suspension will remain in effect until the outstanding matter is otherwise resolved.~~

Rule 8.1 Arrest of licensee

- (a) Any law enforcement officer making an arrest of a licensee for a violation of Arkansas law and/or these Rules, or any other statutory violation which could lead to ~~requires~~ revocation of a license to carry a concealed handgun, shall confiscate the license and forward it immediately to the Director.
- (b) The license shall be held by the Department until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.
- (c) If the licensee is not in possession of his or her concealed handgun carry license at the time of the arrest, the officer is not required to take possession of the license, but must forward the supporting paperwork to the Arkansas State Police, Concealed Handgun Carry Licensing Section, for further Department action on the license and retention in Department records.
- (d) Any non-Arkansas concealed handgun carry license may be confiscated in a similar manner and be immediately forwarded to the Arkansas State Police, Concealed

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Handgun Carry Licensing Section, along with any supporting paperwork, for proper action and disposition by Department personnel.

Rule 8.2 Order of Summary Suspension

(a) The Director may issue a written order of summary suspension of a license if it is determined that the public health, safety, or welfare requires emergency action. The suspended license holder, upon timely request in writing, shall be afforded an administrative hearing.

~~(b) The Director shall issue an order of suspension if any concealed handgun carry licensee becomes ineligible under the criteria set forth in the provisions of Arkansas law, federal law, or these Rules. Appeal procedures shall be given in writing to the licensee by the Department.~~

CHAPTER 9. Revocation of License

Rule 9.0 Revocation

(a) The Director shall revoke a concealed handgun carry license, if ~~during the license period:~~

(1) ~~The licensee, at any time during the license period,~~ becomes ineligible under the criteria set forth in state or federal law or these Rules; ~~or~~

(2) ~~The Department receives notification from any law enforcement agency, court, or the licensee that a licensee has been found guilty or has pleaded guilty or “nolo contendere” to any crime involving the use of a weapon; or~~

(3) ~~The Department receives notification from any law enforcement agency, or court, or the licensee that a licensee has been found guilty or has pleaded guilty or “nolo contendere” to an alcohol-related offense committed while carrying a handgun.~~

~~(b) The Director may revoke a concealed handgun carry license if he or she, the Director’s designee, or the county sheriff or chief of police of the applicant’s place of residence executes an affidavit that the applicant has been, or is reasonably likely to be, a danger to himself or others or to the community at large, as demonstrated by past patterns of behavior, participation in an incident involving violence or threats of unlawful violence, or if the applicant is under a criminal investigation. issue instructions for possible reapplication for a license after the license has been revoked.~~

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Rule 9.1 Notice

(a) Notice of ~~the concealed handgun carry license~~ revocation of a concealed handgun carry license shall be sent to the licensee ~~via~~ certified mail, return receipt requested, to the last address ~~provided as indicated~~ by the licensee in the ~~Department records file.~~

(b) ~~An appeal~~ Appeals from the decision ~~to revoke of revocation of~~ a concealed handgun carry license shall be made in accordance with the appeal procedure established by the Department and the Arkansas Administrative Procedure Act, ACA §§ 25-15-201, et seq.

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CHAPTER 10. Administrative Hearings

Rule 10.0 Appeal hearings

(a) ~~The Director or the hearing officer appointed by the Director is authorized to administer an oath or affirmation in conjunction with the administrative hearing.~~

(b) In any hearing held for the purpose of affording a ~~person any licensee~~ the opportunity to demonstrate his ~~or~~ her qualifications after the ~~initial~~ denial of a license, the burden of proof shall be on the applicant.

(be) In any hearing held for the purpose of affording ~~a person~~~~any licensee~~ the opportunity to demonstrate his ~~or~~ her qualifications after a suspension or revocation of a license, the burden of proof shall be on the Department.

(d) The hearing shall be conducted in accordance with the Arkansas Administrative Procedure Act, ACA §§ 25-15-201, et seq.

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Rule 10.1 Possession of license pending appeal

Upon notification of suspension or revocation, the concealed handgun carry licensee shall return the concealed handgun carry license to the Director. ~~Any~~ concealed handgun carry license under suspension or revocation is subject to seizure at any time by any law enforcement officer.

CHAPTER 11. Re-application after License Revocation

Rule 11.0 Re-application procedures

(a) ~~Once a concealed handgun carry license~~~~If a license, which has been issued in accordance with Arkansas law and these Rules,~~ is revoked by the Director, the former licensee shall not be eligible to apply for a concealed handgun carry license for a period of twenty-four (24) months from the date of revocation or other exclusion period stated in the law. ~~After that time period expires, the applicant may reapply~~ as a new applicant. ~~At that time, applicant must meet all qualifications and comply with the application process as it applies to a new applicant.~~

(b) The re-application shall be treated as an initial application by the Department.

CHAPTER 12. Honoring ~~of~~ other states' license to carry a concealed handgun

Rule 12.1 Effect

(a) Any person in possession of a valid license to carry a concealed handgun issued by another state shall be entitled to the privileges and subject to the restrictions prescribed by Arkansas concealed handgun carry laws, federal laws, and these Rules in order to carry a concealed handgun in the State of Arkansas.

(b) Any Arkansas licensee who is present in ~~a~~ another state has the responsibility to determine if the Arkansas Concealed Handgun Carry License is honored in that state and any requirements that may be imposed by that state.

Rule 12.2 Procedure for transfer of a license issued by another state to Arkansas

(a) Any person who becomes a resident of Arkansas and who has a valid license to carry a concealed handgun issued by ~~a reciprocal~~ another state may apply to transfer his or her license to Arkansas by submitting the following packet to the Department:

(1) A properly completed Department transfer application form;

(2) The person's current ~~original out-~~~~of-~~state license (if the concealed handgun carry license is contained on the driver's license of that state, then other suitable documentation as outlined by the Department will be required);

(3) Two (2) properly completed, classifiable and legible fingerprint cards;

(4) A nonrefundable license transfer fee as set by law; and

(5) Any fee charged by a state or federal agency for a criminal history check.

(b) ~~The Any~~ license is valid for a period of five (5) years from the date of issuance and binds the holder to compliance with all Arkansas laws and Rules regarding the carrying of the concealed handgun.

(c) The minimum Arkansas residency requirement of ninety (90) days does not apply to applicants for a transfer of a license to carry a concealed handgun from another ~~-~~state.

CHAPTER 13. Training Requirement for Concealed Handgun Carry License

Rule 13.0 Training requirements upon initial application

- (a) A person shall, prior to submitting an initial application for a concealed handgun carry license, successfully complete a ~~an~~ Department approved firearm safety training program. The training must be conducted and attested to by a registered Firearm Safety Training Instructor ~~n approved registered Firearms Safety Training Instructor~~ as defined in these Rules.
- (b) The required training for an initial license may be completed at any time within six (6) months prior to the Department's receipt of a properly completed application packet.
- (c) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by "live fire".
- (d) ~~An instructor~~ ~~Instructors~~ may not provide his or her~~their~~ own training certification for his or her~~their~~ own Arkansas concealed handgun carry license initial application.
- (e) A valid, current firearm safety training instructor registration issued by the Department may be substituted as the training requirement for an initial concealed handgun carry license.

Rule 13.1 Training requirements upon renewal of license

- (a) The required training as established by the Department for renewal shall be completed at any time within ~~six~~~~twelve~~ ~~(6-12)~~ months prior to the expiration of the license until six (6) months after expiration. Timely renewal is determined by the Department's receipt date of the completed renewal application packet.
- (b) ~~An instructor~~ ~~Instructors~~ may not provide his or her~~their~~ own training certification for his or her~~their~~ own Arkansas concealed handgun carry license renewal application; ~~however, the instructor may substitute his or her -~~
- ~~(e) A valid, current firearms safety training instructor registration issued by the Department for the renewal training requirement. may be substituted as the training requirement for concealed handgun carry license renewal.~~

Rule 13.2 Substitution of live-fire training - Active Duty Military

~~Any~~ active duty member of, or person who has recently been honorably discharged from, the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces~~military personnel~~ may substitute the following documentation, in a properly completed application packet, in place of the "live-fire" training requirement:

- (a) A letter dated ~~and letter~~ personally signed by a commanding officer or his or her designee stating that the applicant is service member:
- ~~— (1) Is an active duty member of the armed forces of the United States;~~
 - ~~— (2) Is of good character and sound judgment;~~
 - ~~— (3) Is not disqualified by state or federal law from possessing a firearm;~~
 - ~~— (4) Has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date; and~~
 - ~~— (5) Has been a resident of the State of Arkansas for the ninety (90) day period preceding the application date according to the military and pay records of the service member;~~
- (b) A form, as designated by the Department, showing that the applicant has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date; copy of the service member's military range qualification score card signed and dated within one (1) year of the application date by a range officer or non-commissioned officer in charge of the range;

- (c) A copy of the face or photograph side of a current United States Uniformed Services military identification card, if the applicant is a member of the United States Armed Forces; and for the service member as a member of the armed forces; and
- (d) A copy of the active duty orders, if the applicant is on active duty.

Rule 13.3 Substitution of live fire training – National Guard or a reserve component of the Armed Forces of the United States Training Requirements for Enhanced License

(a) The program shall consist of eight (8) hours instruction – six (6) hours in-class and two (2) hours range qualification. The Department 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 -325 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) An applicant for a concealed handgun carry license or a current licensee may apply to the Department to receive an Enhanced License. To qualify for the Enhanced License, the applicant or licensee must successfully complete the Department approved Enhanced Firearm Safety Training Program. The enhanced training must be conducted and attested to by a registered Firearm Safety Training Instructor as defined in these Rules.

(c) The required training for an Enhanced License may be completed at any time within six (6) months prior to the Department’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%. 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 six (6) months prior to allowing the applicant to re-take 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.~~

~~(e) An instructor may not provide his or her own training certification for his or her own Enhanced License.~~

~~Any current member of the National Guard or a reserve component of the armed forces of the United States may substitute the following documentation in place of the “live fire” training requirement in the properly completed concealed handgun carry license application packet:~~

~~(a) A dated letter personally signed by a commanding officer or his or her designee stating that the service member:~~

~~— (1) Is a current member of the National Guard or a reserve component of the armed forces of the United States;~~

~~— (2) Is of good character and sound judgment;~~

~~— (3) Is not disqualified by state or federal law from possessing a firearm;~~

~~— (4) Has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date; and~~

~~— (5) Has been a resident of the State of Arkansas for the ninety (90) day period preceding the application date according to the military and pay records of the member;~~

~~(b) a copy of the face or photograph side of a United States Uniformed Services military identification card; and~~

~~(c) a copy of the service member’s military range qualification scorecard signed and dated within one (1) year of the application date by a range officer or non-commissioned officer in charge of the range.~~

CHAPTER 14. Firearms Safety Training Instructor

Rule 14.0 Purpose

(a) One of the main purposes of the Firearms Safety Training Instructor is to train and evaluate the level of competence of a prospective applicant or licensee to ensure that the ~~person~~individual meets a basic level of knowledge, understanding, and practical operation for safe handling of a handgun.

(b) Instructors shall not certify the successful completion of the training requirements of a prospective applicant or licensee unless the ~~person~~individual successfully meets the required standards of ~~training~~proficiency.

(c) The instructor may, at the instructor’s discretion, refuse to instruct or refuse to provide firearms course completion certification for any ~~person~~individual if, in the

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opinion of the instructor, that ~~person~~individual is incapable of successfully completing the required standards of training.

~~(d) Training must be conducted in person. Online training is not allowed and will not be accepted.~~

Rule 14.1 Maintenance of Records

(a) Instructors shall maintain all training records of every individual they have instructed for the purpose of obtaining an Arkansas concealed handgun carry license for a period of not less than five (5) years from the date of training.

(b) The Department shall have audit privileges of the training records of all Firearms Safety Training Instructors.

(c) A registered Firearm Safety Training Instructor shall be present in the instruction area during any guest instructor's period to verify that the subject matter was properly covered.

Rule 14.2 Application for approval of registration

(a) The burden shall be on the Firearms Safety Training Instructor applicant for registration to bring himself or herself within the Department requirements as set out below. -The applicant for registration is required to:

(1) ~~Continuously~~ meet the qualification requirements set forth in Arkansas law for a person to be licensed to carry a concealed handgun; ~~and~~

(2) ~~Within six (6) months of application,~~ successfully complete the examination administered by the Department. The examination shall consist of the provisions of ACA §§ 5-73-1301 et seq., ~~and ACA §§ 5-73-402,~~ federal firearms laws, ~~enhanced training topics,~~ and these Rules; ~~and~~

(3) ~~Hold~~hold a firearms instructor training certificate from a department recognized instruction course; ~~and~~

(4) ~~Offer enhanced training; and~~

(5) ~~Submit~~submit, a:

(A) ~~A~~ properly completed registration application; ~~;~~

(B) ~~The~~the background check fees required for state and national background checks; ~~;~~ and

(C) ~~One~~one (1) set of legible, classifiable fingerprints, however the requirement for fingerprints is waived if the applicant holds a current and valid Arkansas Concealed Handgun Carry License.

(b) Department recognized firearms instructor training certificates include:

(1) ~~Firearm~~firearm instructor's certificate issued by the Arkansas Law Enforcement Standards and Training Commission; ~~or~~

(2) Completion of a Certified Pistol Instructor ~~-Basic Pistol Shooting~~ Course that is recognized by the Department; and completion of a Range Officer Safety Course ~~as a Certified Chief Range Safety Officer Instructor~~ that is recognized by the Department; or

(3) ~~Firearm~~firearm instructor's certification issued by a federal law enforcement ~~or~~ military agency; ~~or~~

~~— (4) a valid instructor registration issued by the Department to an instructor that has taught, as the primary instructor, the concealed handgun carry license firearm safety training course at least three (3) times within the previous calendar year; with a minimum teaching of one (1) new application class and one (1) renewal application class.~~

(c) The Director ~~shall~~may require applicants for registration as instructors to demonstrate their qualifications by examination. -The examinations are given in Little Rock at the Arkansas State Police Headquarters and only with prior approval.

~~(d) A person may apply to be an instructor on a form of such size and design as prescribed by the Director.~~

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~~(e)~~ The Director may, at his or her discretion, approve an application for registration for a person who fails to meet the qualifications as outlined in this Rule, if it is determined that applicant is qualified by experience, education, etc. The registration applicant will still be required to successfully complete the examination administered by the Department.

~~(f)~~ Approved applicants for registration shall be assigned a Firearm Safety Training Instructor registration number by the Department.

~~(g)~~ ~~(e)~~ Instructors are not required to obtain an Arkansas concealed handgun carry license, although it is recommended.

~~(h)~~ A valid, current registration as listed in subsection (b) above may be substituted as the training requirement for the concealed handgun carry licensing of the registered instructor.

~~(i)~~ The Director shall make and issue a written decision within sixty (60) calendar days after the Department receipt date of all necessary requested information from the applicant for Firearms Safety Training Instructor registration.

~~(j)~~ ~~(f)~~ In the event the applicant is denied, the Director shall promptly notify the applicant of his or her decision in writing, via certified mail, return receipt requested, stating the reason for the denial.

14.3 Approval to teach Enhanced Training

(a) Enhanced training shall be offered by all training instructors and at all concealed carry training courses. Current registered instructors, as of January 1, 2018, must successfully complete an exam administered by the Department covering the updated provisions of ACA §§ 5-73-101 et seq., federal firearms laws, the enhanced training topics, and these Rules to be approved to offer enhanced training. If an instructor fails to successfully complete the exam within three (3) months of its implementation by the Department, his or her registration will be revoked.

(b) The enhanced training offered by the instructor must consist of eight (8) hours – six (6) hours in-class and two (2) hours live-fire. The instructor must cover the topics contained in Rule 13.3. Failure to comply with these requirements could result in the rejection of the instructor's students' training certificates and/or suspension or revocation of the registration.

CHAPTER 15. Firearms Safety Training Instructor Requirements **Training course requirements to obtain and maintain registration as a Firearms Safety Training Instructor**

Rule 15.0 Instructor Training of Applicants

(a) The required minimum standards for the firearm safety training course for applicants for an initial concealed handgun carry license, ~~or~~ renewal license, or Enhanced License shall be a course of instruction developed, prescribed, and acceptable to the Director and shall include utilizing "LIVE" ammunition and firing, ~~and~~

(b) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range, ~~and~~

(c) The Director shall not accept the training certificate of an applicant if the instructor did not hold a valid instructor registration with the Department at the time the training took place, ~~is not currently registered with the Department.~~

Rule 15.1 Requirements for a Administration of firearms safety training instruction

(a) An instructor shall at all times legally operate in accordance with all Federal, State, County, and City laws and ordinances.

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(b) If the instructor ceases to be an instructor ~~under these Rules~~ for any reason whatsoever, the Director shall be notified, in writing, of the cessation within five (5) calendar days and, if requested, provide all records to the Director.

(c) An instructor, authorized to conduct a training course required by these Rules, shall check the application of a student for completeness, accuracy, and legibility. ~~This requirement does not apply if the student has submitted~~ or will submit an electronic application to the Department.

~~(d) As stated above, an instructor is not required to hold a valid concealed handgun carry license to be registered as a Firearms Safety Training Instructor; however, the instructor must continually be able to meet the requirements for a valid Arkansas concealed handgun carry license. The registration to train students under these Rules may be suspended or revoked for instructors who subsequently become ineligible to hold a valid Arkansas concealed handgun carry license.~~

Rule 15.2 Instructor Change of Address

An instructor or applicant for instructor registration shall notify the Department in writing within thirty (30) calendar days of any change in his or her name, ~~or~~ address, electronic mail address (if any), and telephone number shown ~~on his or her application~~.

Rule 15.3 Instructor – Other requirements

(a) ~~An instructor~~ must include the registration number assigned to him or her by the Director on all matters of advertising for teaching Arkansas Concealed Handgun Carry License classes or offering services as a Firearms Safety Training Instructor registered with the Department. Advertising includes print, electronic or social media, such as Facebook, twitter, linkedIn, etc.

(b) An instructor may not use the Arkansas State Police star or indicate any other association with the Arkansas State Police other than they are registered with the Arkansas State Police as an Arkansas CHCL Firearms Safety Training Instructor. Instructors may not conduct any business under the provisions of Arkansas law and these Rules under a name other than what is shown on his or her current registration as an instructor on file with the Department.

(c) ~~An instructor shall at all times maintain on file with the Department a current and valid certification as outlined in these Rules. Failure to comply with this requirement shall result in the automatic suspension or revocation of the registration.~~

Rule 15.4 Death of a registered instructor

Upon the death of a registered instructor, the registration shall be cancelled from the date of death. ~~Written notice of the death of a registered instructor should be~~ provided to the Department filed as soon as possible ~~on a form prescribed by the Department~~.

Rule 15.5 Voluntary surrender of a registration

If a registrant voluntarily surrenders his or her registration in writing to the Department in the absence of suspension or revocation proceedings, the Department will accept the registration and cancel it.

Rule 15.6 Notification of Department of arrest of a registrant

If a registrant is arrested, issued a citation, or formally charged with a crime or violation of Arkansas law and/or these Rules which could lead to revocation of a license to carry a concealed handgun, the registrant shall promptly notify the Department in writing.

CHAPTER 16. Denial, suspension, or revocation of a Firearms Safety Training Instructor registration

Rule 16.0 Grounds for denial, suspension, or revocation of a Firearms Safety Training Instructor registration

The Director has the authority to:

- (a) ~~Deny~~ the application for registration under provisions of state or federal laws and these Rules; or
- (b) ~~Suspend~~ or revoke the firearms safety training instructor registration of any instructor who has qualified under the provisions of Arkansas law and these Rules, if it is determined that the applicant or instructor has:
- (1) Practiced fraud, deceit, or misrepresentation;
 - (2) Made a material misstatement in the application for registration as a firearms safety training instructor; ~~under the provision of Arkansas law and these Rules;~~
 - (3) Demonstrated incompetence or untrustworthiness in his ~~or~~ her actions;
 - (4) Failed to comply with the provisions of Arkansas law and/or these Rules;
 - (5) Committed any act which, if committed by a licensee, would subject the concealed handgun carry licensee to denial, suspension, or revocation;
 - (6) Repeatedly failed to check the non-electronic applications of trainees for completeness, accuracy, and legibility;
 - (7) Not at all times legally operated in accordance with these Rules, and with all Federal, State, County, and City laws and ordinances;
 - (8) Not at all times maintained a current and valid Firearms Safety Training Instructor registration on file with the Department as required in these Rules; ~~or~~
 - (9) Been the subject of a request on file with the Department from the Office of Child Support Enforcement to suspend the registration; or
 - (10) Otherwise becomes ineligible to hold a concealed handgun carry license.

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Rule 16.1 Appeal of the denial, suspension, or revocation of a Firearms Safety Training Instructor registration

- (a) Upon the denial, suspension, or revocation of registration of a Firearm Safety Training Instructor, the ~~Instructor affected party~~ shall be afforded the opportunity for an administrative hearing. ~~The Instructor affected party~~ shall be sent notice via, certified mail, return receipt requested, and be advised in writing of his or her appeal rights.
- (b) For denial of a Firearms Safety Training Instructor registration, the burden of proof in administrative proceedings shall be on the applicant for registration.
- (c) For suspension or revocation of an existing Firearms Safety Training Instructor registration, the burden of proof in administrative proceedings shall be on the Department.

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 Department 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 Department, 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 Department 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 Department 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.

CHAPTER 18. Effective Date of these Rules

Rule 187.0 Effective date

These Rules shall be effective on and after Thursday, January 1, 2009. *(Certain revisions were effective November 2013)*
