

5-2-601. Definitions.

As used in this subchapter:

- (1)** "Common carrier" means any vehicle used to transport for hire any member of the public;
- (2)** "Deadly physical force" means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury;
- (3)** "Dwelling" means an enclosed space that is used or intended to be used as a human habitation, home, or residence on a temporary or permanent basis;
- (4)** "Minor" means any person under eighteen (18) years of age;
- (5) (A)** "Occupiable structure" means a vehicle, building, or other structure:
 - (i)** Where any person lives or carries on a business or other calling;
 - (ii)** Where people assemble for a purpose of business, government, education, religion, entertainment, or public transportation; or
 - (iii)** That is customarily used for overnight accommodation of a person whether or not a person is actually present.
- (B)** "Occupiable structure" includes each unit of an occupiable structure divided into a separately occupied unit;
- (6)** "Physical force" means:
 - (A)** Any bodily impact, restraint, or confinement; or
 - (B)** The threat of any bodily impact, restraint, or confinement;
- (7)** "Premises" means:
 - (A)** An occupiable structure; or
 - (B)** Any real property;
- (8)** "Unlawful physical force" means 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; and
- (9)** "Vehicle" means any craft or device designed for the transportation of a person or property across land or water or through the air.

HISTORY: Acts 1975, No. 280, § 501; A.S.A. 1947, § 41-501.

5-2-604. Choice of evils.

- (a)** Conduct that would otherwise constitute an offense is justifiable when:
 - (1)** The conduct is necessary as an emergency measure to avoid an imminent public or private injury; and
 - (2)** According to ordinary standards of reasonableness, the desirability and urgency of avoiding the imminent public or private injury outweigh the injury sought to be prevented by the law proscribing the conduct.
- (b)** Justification under this section shall not rest upon a consideration pertaining to the morality or advisability of the statute defining the offense charged.
- (c)** If the actor is reckless or negligent in bringing about the situation requiring a choice of evils or in appraising the necessity for his or her conduct, the justification afforded by this section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish a culpable mental state.

HISTORY: Acts 1975, No. 280, § 504; A.S.A. 1947, § 41-504.

5-2-605. Use of physical force generally.

The use upon another person of physical force that would otherwise constitute an offense is justifiable under any of the following circumstances:

(1) A parent, teacher, guardian, or other person entrusted with care and supervision of a minor or an incompetent person may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent reasonably necessary to maintain discipline or to promote the welfare of the minor or incompetent person;

(2) A warden or other authorized official of a correctional facility may use nondeadly physical force to the extent reasonably necessary to maintain order and discipline;

(3) A person responsible for the maintenance of order in a common carrier or a person acting under the responsible person's direction may use nondeadly physical force to the extent reasonably necessary to maintain order;

(4) A person who reasonably believes that another person is about to commit suicide or to inflict serious physical injury upon himself or herself may use nondeadly physical force upon the other person to the extent reasonably necessary to thwart the suicide or infliction of serious physical injury;

(5) A duly licensed physician or a person assisting a duly licensed physician at the duly licensed physician's direction may use physical force for the purpose of administering a recognized form of treatment reasonably adapted to promoting the physical or mental health of a patient if the treatment is administered:

(A) With the consent of the patient or, if the patient is a minor who is unable to appreciate or understand the nature or possible consequences of the proposed medical treatment or is an incompetent person, with the consent of a parent, guardian, or other person entrusted with the patient's care and supervision; or

(B) In an emergency when the duly licensed physician reasonably believes that no person competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

HISTORY: Acts 1975, No. 280, § 505; A.S.A. 1947, § 41-505; [Acts 2007, No. 827, § 12](#).

5-2-606. Use of physical force in defense of a person.

(a) (1) 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.

(2) However, the person may not use deadly physical force except as provided in § 5-2-607.

(b) A person is not justified in using physical force upon another person if:

(1) With purpose to cause physical injury or death to the other person, the person provokes the use of unlawful physical force by the other person;

(2) (A) The person is the initial aggressor.

(B) However, the initial aggressor's use of physical force upon another person is justifiable if:

(i) 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

(ii) The other person continues or threatens to continue the use of unlawful physical force; or

(3) The physical force involved is the product of a combat by agreement not authorized by law.

HISTORY: Acts 1975, No. 280, § 506; A.S.A. 1947, § 41-506; [Acts 2007, No. 827, § 13](#).

5-2-607. Use of deadly physical force in defense of a person.

(a) A person is justified in using deadly physical force upon another person if the person reasonably believes that the other person is:

(1) Committing or about to commit a felony involving force or violence;

(2) Using or about to use unlawful deadly physical force; or

(3) 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.

(b) 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 with complete safety:

(1) (A) By retreating.

(B) However, a person is not required to retreat if the person is:

(i) In the person's dwelling or on the curtilage surrounding the person's dwelling and was not the original aggressor; or

(ii) A law enforcement officer or a person assisting at the direction of a law enforcement officer; or

(2) By surrendering possession of property to a person claiming a lawful right to possession of the property.

(c) As used in this section:

(1) "Curtilage" means the land adjoining a dwelling that is convenient for residential purposes and habitually used for residential purposes, but not necessarily enclosed, and includes an outbuilding that is directly and intimately connected with the dwelling and in close proximity to the dwelling; and

(2) "Domestic abuse" means:

(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or

(B) Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state.

HISTORY: Acts 1975, No. 280, § 507; A.S.A. 1947, § 41-507; [Acts 1997, No. 1257, § 1](#); [2007, No. 111, § 1](#); [2009, No. 748, § 2](#).

5-2-608. Use of physical force in defense of premises.

(a) 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.

(b) A person may use deadly physical force under the circumstances set forth in subsection (a) of this section if:

(1) Use of deadly physical force is authorized by § 5-2-607; or

(2) The person reasonably believes the use of deadly physical force is necessary to prevent the commission of arson or burglary by a trespasser.

HISTORY: Acts 1975, No. 280, § 508; A.S.A. 1947, § 41-508.

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:

- (1) Commission or attempted commission of theft or criminal mischief; or
- (2) Subsequent flight from the commission or attempted commission of theft or criminal mischief.

HISTORY: Acts 1975, No. 280, § 509; A.S.A. 1947, § 41-509; [Acts 2003, No. 1090, § 1](#).

5-2-611. Use of physical force by private person aiding law enforcement officers.

(a) A person is justified in using nondeadly physical force when and to the extent the person reasonably believes the use of nondeadly physical force is necessary to:

- (1) Effect the arrest of a person reasonably believed to be committing or to have committed a felony; or
- (2) Prevent the escape of a person reasonably believed to have committed a felony.

(b) A person who has been directed by a law enforcement officer to assist in effecting an arrest or in preventing an escape is justified in using nondeadly physical force when and to the extent that the person reasonably believes the use of nondeadly physical force is necessary to carry out the law enforcement officer's direction.

(c) A person who has been directed by a law enforcement officer to assist in effecting an arrest or in preventing an escape is justified in using deadly physical force if the person reasonably believes the use of deadly physical force is necessary to defend himself or herself or a third person from what the person reasonably believes to be the use or imminent use of deadly physical force.

HISTORY: Acts 1975, No. 280, § 511; 1977, No. 474, § 2; A.S.A. 1947, § 41-511.

5-2-612. Use of physical force in resisting arrest.

Whether the arrest is lawful or unlawful, a person may not use physical force to resist an arrest by a person who is known or reasonably appears to be a:

- (1) Law enforcement officer; or
- (2) Private citizen directed by a law enforcement officer to assist in effecting an arrest.

HISTORY: Acts 1975, No. 280, § 512; A.S.A. 1947, § 41-512.

5-2-614. Use of reckless or negligent force.

(a) 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.

(b) 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 the third party.

HISTORY: Acts 1975, No. 280, § 514; A.S.A. 1947, § 41-514.

5-2-620. Use of force to defend persons and property within home.

(a) The right of an individual to defend himself or herself and the life of a person or property in the individual's home against harm, injury, or loss by a person unlawfully entering or attempting to enter or intrude into the home is reaffirmed as a fundamental right to be preserved and promoted as a public policy in this state.

(b) There is a legal presumption that any force or means used to accomplish a purpose described in subsection (a) of this section was exercised in a lawful and necessary manner, unless the presumption is overcome by clear and convincing evidence to the contrary.

(c) The public policy stated in subsection (a) of this section shall be strictly complied with by the court and an appropriate instruction of this public policy shall be given to a jury sitting in trial of criminal charges brought in connection with this public policy.

HISTORY: Acts 1981, No. 880, § 1; A.S.A. 1947, § 41-507.1.

5-2-621. 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.

HISTORY: Acts 1981, No. 884, § 1; A.S.A. 1947, § 41-507.2; [Acts 2005, No. 1994, § 480](#).

5-3-201. Conduct constituting attempt.

(a) A person attempts to commit an offense if he or she purposely engages in conduct that:

(1) Would constitute an offense if the attendant circumstances were as the person believes them to be; or

(2) Constitutes a substantial step in a course of conduct intended to culminate in the commission of an offense whether or not the attendant circumstances are as the person believes them to be.

(b) When causing a particular result is an element of the offense, a person commits the offense of criminal attempt if, acting with the kind of culpable mental state otherwise required for the commission of the offense, the person purposely engages in conduct that constitutes a substantial step in a course of conduct intended or known to cause the particular result.

(c) Conduct is not a substantial step under this section unless the conduct is strongly corroborative of the person's criminal purpose.

HISTORY: Acts 1975, No. 280, § 701; A.S.A. 1947, § 41-701.

5-3-202. Complicity.

(a) A person attempts to commit an offense if, with the purpose of aiding another person in the commission of the offense, the person engages in conduct that would establish his or her complicity under § 5-2-402 if the offense were committed by the other person.

(b) It is not a defense to a prosecution under this section that:

(1) The other person did not commit or attempt to commit an offense; or

(2) It was impossible for the actor to assist the other person in the commission of the offense if the actor could have assisted the other person had the attendant circumstances been as the actor believed them to be.

HISTORY: Acts 1975, No. 280, § 702; A.S.A. 1947, § 41-702.

5-3-203. Classification.

A criminal attempt is a:

- (1) Class Y felony if the offense attempted is capital murder;
- (2) Class A felony if the offense attempted is treason or a Class Y felony other than capital murder;
- (3) Class B felony if the offense attempted is a Class A felony;
- (4) Class C felony if the offense attempted is a Class B felony;
- (5) Class D felony if the offense attempted is a Class C felony;
- (6) Class A misdemeanor if the offense attempted is a Class D felony or an unclassified felony;
- (7) Class B misdemeanor if the offense attempted is a Class A misdemeanor;
- (8) Class C misdemeanor if the offense attempted is a Class B misdemeanor; or
- (9) Violation if the offense attempted is a Class C misdemeanor or an unclassified misdemeanor.

HISTORY: Acts 1975, No. 280, § 703; 1981, No. 620, § 3; A.S.A. 1947, § 41-703; [Acts 2005, No. 1888, § 1](#).

5-3-204. Renunciation.

(a) (1) It is an affirmative defense to a prosecution under § 5-3-201(a)(2) or (b) that the defendant abandons his or her effort to commit the offense, and by the abandonment prevents the commission of the offense, under circumstances manifesting a voluntary and complete renunciation of his or her criminal purpose.

(2) However, the establishment of the affirmative defense under subdivision (a)(1) of this section does not affect the liability of an accomplice who does not join in the abandonment or prevention.

(b) It is an affirmative defense to a prosecution under § 5-3-202 that the defendant terminates his or her complicity in the commission of the offense and:

- (1) Wholly deprives his or her complicity of effectiveness in the commission of the offense;
- (2) Gives timely warning to an appropriate law enforcement authority; or
- (3) Otherwise makes a substantial effort to prevent the commission of the offense, under circumstances manifesting a voluntary and complete renunciation of his or her criminal purpose.

HISTORY: Acts 1975, No. 280, § 704; A.S.A. 1947, § 41-704.

5-73-101. Definitions.

As used in this chapter:

(1) "Blasting agent" means any material or mixture consisting of fuel and oxidizer intended for blasting if the finished product as mixed for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined;

(2) "Contraband" means any explosive material that was used with the knowledge and consent of the owner to facilitate a violation of this subchapter, as well as any explosive material possessed under circumstances prohibited by law;

(3) "Destructive device" means:

(A) Any of the following:

- (i)** Any explosive, incendiary, or poison gas;
- (ii)** Bomb;
- (iii)** Grenade;
- (iv)** Rocket having a propellant charge of more than four ounces (4 oz.);
- (v)** Missile having an explosive or incendiary charge of more than one-quarter ounce (.25 oz.);
- (vi)** Mine; or
- (vii)** Similar device; and

(B) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (3)(A) of this section and from which a destructive device may be readily assembled for use as a weapon;

(4) (A) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation.

(B) A detonator may not contain more than ten grams (10 g) of total explosives by weight, excluding ignition or delay charges, and may include, without limitation, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and noninstantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric leg wires;

(5) "Distribute" means to sell, issue, give, transfer, or otherwise dispose of explosive material;

(6) "Explosive material" means an explosive, blasting agent, or detonator;

(7) (A) "Explosive" means any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.

(B) "Explosive" includes, without limitation:

- (i)** Dynamite and any other high explosive;
- (ii)** Black powder;
- (iii)** Pellet powder;
- (iv)** An initiating explosive;
- (v)** A detonator;
- (vi)** A safety fuse;
- (vii)** A squib;
- (viii)** A detonating cord;
- (ix)** An igniter cord;

(x) An igniter;

(xi) Any material determined to be within the scope of [18 U.S.C. § 841](#) et seq.; and

(xii) Any material classified as an explosive other than consumer fireworks, 1.4 (Class C, Common), by the hazardous materials regulations of the United States Department of Transportation;

(8) "Instrument of crime" means anything manifestly designed, made, adapted, or commonly used for a criminal purpose;

(9) "Minor" means any person under eighteen (18) years of age; and

(10) "Violent felony conviction" means a conviction for any felony offense against the person which is codified in § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-301 et seq., § 5-14-101 et seq., and § 5-14-201 et seq., or any other offense containing as an element of the offense one (1) of the following:

(A) The use of physical force;

(B) The use or threatened use of serious physical force;

(C) The infliction of physical harm; or

(D) The creation of a substantial risk of serious physical harm.

HISTORY: Acts 1975, No. 280, § 3101; A.S.A. 1947, § 41-3101; [Acts 2001, No. 1430, § 1](#); [2005, No. 1226, § 1](#).

5-73-103. Possession of firearms by certain persons.

(a) Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his or her designee, or the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice, or other bureau or office designated by the United States Department of Justice, no person shall possess or own any firearm who has been:

(1) Convicted of a felony;

(2) Adjudicated mentally ill; or

(3) Committed involuntarily to any mental institution.

(b) (1) Except as provided in subdivisions (b)(2) and (3) of this section, a determination by a jury or a court that a person committed a felony constitutes a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.

(2) Subdivision (b)(1) of this section does not apply to a person whose case was dismissed and expunged under § 16-93-301 et seq. or § 16-98-303(g).

(3) The determination by the jury or court that the person committed a felony does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

(c) (1) A person who violates this section commits a Class B felony if:

(A) The person has a prior violent felony conviction;

(B) The person's current possession of a firearm involves the commission of another crime; or

(C) The person has been previously convicted under this section or a similar provision from another jurisdiction.

(2) A person who violates this section commits a Class D felony if he or she has been previously convicted of a felony and his or her present conduct or the prior felony conviction does not fall within subdivision (c)(1) of this section.

(3) Otherwise, the person commits a Class A misdemeanor.

(d) The Governor may restore without granting a pardon the right of a convicted felon or an adjudicated delinquent to own and possess a firearm upon the recommendation of the chief law enforcement officer in the jurisdiction in which the person resides, so long as the underlying felony or delinquency adjudication:

(1) Did not involve the use of a weapon; and

(2) Occurred more than eight (8) years ago.

HISTORY: Acts 1975, No. 280, § 3103; 1977, No. 360, § 18; A.S.A. 1947, § 41-3103; Acts 1987, No. 74, § 1; [1994 \(2nd Ex. Sess.\), No. 63, § 1](#); [1995, No. 595, § 1](#); [1995, No. 1325, § 1](#); [2001, No. 1429, § 1](#); [2009, No. 1491, § 1](#).

5-73-119. Handguns -- Possession by minor or possession on school property.

(a) (1) No person in this state under eighteen (18) years of age shall possess a handgun.

(2) (A) A violation of subdivision (a)(1) of this section is a Class A misdemeanor.

(B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:

(i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;

(ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or

(iii) Pled guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.

(b) (1) No person in this state shall possess a firearm:

(A) Upon the developed property of a public or private school, K-12;

(B) In or upon any school bus; or

(C) At a designated bus stop as identified on the route list published by a school district each year.

(2) (A) A violation of subdivision (b)(1) of this section is a Class D felony.

(B) No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.

(c) (1) No person in this state shall possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.

(2) A violation of subdivision (c)(1) of this section is a Class D felony.

(d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.

(e) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:

(1) The person is in his or her own dwelling 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;

(2) 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;

(3) 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;

(4) The person is a licensed security guard acting in the course and scope of his or her duties;

(5) 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;

(6) The person is a certified law enforcement officer;

(7) The person is on a journey, unless the person is eighteen (18) years of age or less;

(8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;

(9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms; or

(10) The person is a minor engaged in 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 or is traveling to or from this activity with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis.

HISTORY: Acts 1989, No. 649, §§ 1-4; [1993, No. 1166, § 1](#); [1993, No. 1189, § 4](#); [1994 \(2nd Ex. Sess.\), No. 57, § 1](#); [1994 \(2nd Ex. Sess.\), No. 58, § 1](#); [1999, No. 1282, § 1](#); [2001, No. 592, § 1](#); [2005, No. 1994, § 476](#).

5-73-120. Carrying a weapon.

(a) A person commits the offense of carrying a weapon if he or she possesses a handgun, knife, or club on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun, knife, or club as a weapon against a person.

(b) As used in this section:

(1) "Club" means any instrument that is specially designed, made, or adapted for the purpose of inflicting serious physical injury or death by striking, including a blackjack, billie, and sap;

(2) "Handgun" means any firearm with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand; and

(3) (A) "Knife" means any bladed hand instrument that is capable of inflicting serious physical injury or death by cutting or stabbing.

(B) "Knife" includes a dirk, sword or spear in a cane, razor, ice pick, throwing star, switchblade, and butterfly knife.

(c) It is a defense to a prosecution under this section that at the time of the act of carrying a weapon:

(1) The person is in his or her own dwelling, place of business, or on property in which he or she has a possessory or proprietary interest;

(2) 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;

(3) 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;

(4) The person is carrying a weapon when upon a journey, unless the journey is through a commercial airport when presenting at the security checkpoint in the airport or is in the person's checked baggage and is not a lawfully

declared weapon;

(5) The person is a licensed security guard acting in the course and scope of his or her duties;

(6) The person is hunting game with a handgun that may be hunted with a handgun under 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;

(7) The person is a certified law enforcement officer; or

(8) The person is in a motor vehicle and the person has a license to carry a concealed weapon pursuant to § 5-73-301 et seq.

(d) (1) Any person who carries a weapon into an establishment that sells alcoholic beverages is guilty of a misdemeanor and subject to a fine of not more than two thousand five hundred dollars (\$2,500) or imprisonment for not more than one (1) year, or both.

(2) Otherwise, carrying a weapon is a Class A misdemeanor.

HISTORY: Acts 1975, No. 696, § 1; 1981, No. 813, § 1; A.S.A. 1947, § 41-3151; Acts 1987, No. 266, § 1; 1987, No. 556, § 1; 1987, No. 734, § 1; [1995, No. 832, § 1](#); [2003, No. 1267, § 2](#); [2005, No. 1994, § 293](#).

5-73-122. Carrying a firearm in publicly owned buildings or facilities.

(a) (1) It is unlawful for any person other than a law enforcement officer or a security guard in the employ of the state or an agency of the state, or any city or county, or any state or federal military personnel, to knowingly carry or possess a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.

(2) It is unlawful for any person other than a law enforcement officer or a security guard in the employ of the state or an agency of the state, or any city or county, or any state or federal military personnel, to knowingly carry or possess a firearm, whether loaded or unloaded, in the State Capitol Building or the Justice Building in Little Rock.

(3) However, the provisions of this subsection do not apply to a person carrying or possessing a firearm or other deadly weapon in a publicly owned building or facility or on the State Capitol grounds for the purpose of participating in a shooting match or target practice under the auspices of the agency responsible for the building or facility or grounds or if necessary to participate in a trade show, exhibit, or educational course conducted in the building or facility or on the grounds.

(4) As used in this section, "facility" means a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.

(b) (1) Any person other than a law enforcement officer, officer of the court, or bailiff, acting in the line of duty, or any other person authorized by the court, who possesses a handgun in the courtroom of any court of this state is guilty of a Class D felony.

(2) Otherwise, any person violating a provision of this section is guilty of a Class A misdemeanor.

HISTORY: Acts 1977, No. 549, §§ 1, 2; A.S.A. 1947, §§ 41-3113, 41-3114; [Acts 1991, No. 1044, § 1](#); [1995, No. 1223, § 1](#); [1997, No. 910, § 1](#).

5-73-129. Furnishing a handgun or a prohibited weapon to a felon.

(a) A person commits the offense of furnishing a handgun to a felon if he or she sells, barter, leases, gives, rents, or otherwise furnishes a handgun to a person who he or she knows has been found guilty of or pleaded guilty or nolo contendere to a felony.

(b) A person commits the offense of furnishing a prohibited weapon to a felon if he or she sells, barter, leases, gives, rents, or otherwise furnishes:

- (1) A sawed-off shotgun or rifle;
 - (2) A firearm that has been specially made or specially adapted for silent discharge;
 - (3) A machine gun;
 - (4) A bomb;
 - (5) Metal knuckles;
 - (6) A defaced firearm, as defined in § 5-73-107; or
 - (7) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose, to a person who has been found guilty of or who has pleaded guilty or nolo contendere to a felony.
- (c) Furnishing a handgun or a prohibited weapon to a felon is a Class B felony.

HISTORY: [Acts 1994 \(2nd Ex. Sess.\), No. 41, § 1](#); [1994 \(2nd Ex. Sess.\), No. 42, § 1](#).

5-73-132. Sale, rental, or transfer of firearm to person prohibited from possessing firearms.

(a) A person shall not sell, rent, or transfer a firearm to any person who he or she knows is prohibited by state or federal law from possessing the firearm.

(b) (1) Violation of this section is a Class A misdemeanor, unless the firearm is:

- (A) A handgun;
- (B) A sawed-off or short-barrelled shotgun, as defined in § 5-1-102;
- (C) A sawed-off or short-barrelled rifle, as defined in § 5-1-102;
- (D) A firearm that has been specially made or specially adapted for silent discharge;
- (E) A machine gun;
- (F) An explosive or incendiary device, as defined in § 5-71-301;
- (G) A defaced firearm, as defined in § 5-73-107; or
- (H) Other implement for the infliction of serious physical injury or death that serves no common lawful purpose.

(2) If the firearm is listed in subdivision (b)(1) of this section, a violation of this section is a Class B felony.

HISTORY: [Acts 1999, No. 1558, § 3](#).

Arkansas Code Annotated

§5-73-301. Definitions.

As used in this subchapter:

(1) “Concealed” means to cover from observation so as to prevent public view;

(2) “Convicted” means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense;

(3) “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; and.

(4) “Licensee” means a person granted a valid license to carry a concealed handgun pursuant to this subchapter.

History. Acts 1995, No. 411, § 1; 1995, No. 419, § 1; 1997, No. 1239, § 1; 2007, No. 664, § 1; 2007, No. 827, §§ 98, 99.

§5-73-302. Authority to issue license.

(a) The Director of the Department of Arkansas State Police may issue a license to carry a concealed handgun to a person qualified as provided in this subchapter.

(b) (1) For new licenses issued after July 31, 2007, the license to carry a concealed handgun is valid throughout the state for a period of five (5) years from the date of issuance.

(2) After July 31, 2007, upon renewal, an existing valid license to carry a concealed handgun shall be issued for a period of five (5) years.

(c) (1) (A) After July 31, 2007, a license or renewal of a license issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of five (5) years.

(B) The license issued to a former elected or appointed sheriff is revocable on the same grounds as other licenses.

(2) (A) The former elected or appointed sheriff shall meet the same qualifications as all other applicants.

(B) However, the former elected or appointed sheriff is exempt from the fee prescribed by § [5-73-311](#)(a)(2) and from the training requirements of § [5-73-309](#)(13) for issuance.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 389, § 1; 2007, No. 1014, §§ 1, 3.

§5-73-303. Immunity from civil damages.

The state, a county or city, or any employee of the state, county, or city is not liable for any civil damages resulting from the issuance of a license pursuant to a provision of this subchapter.

History. Acts 1995, No. 411, § 3; 1995, No. 419, § 3.

§5-73-304. Exemptions.

(a) (1) A certified law enforcement officer, chief of police, or sheriff is exempt from the licensing requirements of this subchapter, if otherwise authorized to carry a concealed handgun.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the sheriff of the county is deemed to be a certified law enforcement officer.

(b) An auxiliary law enforcement officer is exempt from the licensing requirements of this subchapter when:

(1) The auxiliary law enforcement officer has completed the minimum training requirements and is certified as an auxiliary law enforcement officer in accordance with the commission; and

(2) Specifically authorized in writing by the auxiliary law enforcement officer's chief of police or sheriff.

(c) The authorization prescribed in (b)(2) of this section shall be carried on the person of the auxiliary law enforcement officer and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § [5-73-306](#).

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 696, § 1; 1997, No. 1239, § 8; 1999, No. 1508, §§ 1, 7.

§5-73-305. Criminal penalty.

Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this subchapter, or who knowingly submits a false document when applying for a license issued pursuant to this subchapter upon conviction is guilty of a Class B misdemeanor.

History. Acts 1995, No. 411, § 2; 1995, No. 419, §

§5-73-306. Prohibited places.

No license to carry a concealed handgun issued pursuant to this subchapter authorizes any person to carry a concealed handgun into:

(1) Any police station, sheriff's station, or Department of Arkansas State Police station;

(2) Any Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department facility;

(3) (A) 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.

(B) However, subdivision (3)(A) of this section does not apply to a rest area or weigh station of the Arkansas State Highway and Transportation Department;

(4) Any detention facility, prison, or jail;

(5) Any courthouse;

(6) (A) Any courtroom.

(B) However, nothing in this subchapter precludes a judge from carrying a concealed weapon or determining who will carry a concealed weapon into his or her courtroom;

(7) Any polling place;

(8) Any meeting place of the governing body of any governmental entity;

(9) Any meeting of the General Assembly or a committee of the General Assembly;

(10) Any state office;

(11) Any athletic event not related to firearms;

(12) Any portion of an establishment, except a restaurant as defined in § [3-9-402](#), licensed to dispense alcoholic beverages for consumption on the premises;

(13) Any portion of an establishment, except a restaurant as defined in § [3-9-402](#), where beer or light wine is consumed on the premises;

(14) Any school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearms-related activity;

(15) Inside the passenger terminal of any airport, except that no person is prohibited from carrying any legal firearm into the passenger terminal if the firearm is encased for shipment for purposes of checking the firearm as baggage to be lawfully transported on any aircraft;

(16) Any church or other place of worship;

(17) Any place where the carrying of a firearm is prohibited by federal law;

(18) Any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration; or

(19) (A) 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 feet (10) that “carrying a handgun is prohibited”.

(B) (i) If the place does not have a roadway entrance, there shall be a written notice placed anywhere upon the premises of the place.

(ii) In addition to the requirement of subdivision (19)(B)(i) of this section, there shall be at least one (1) written notice posted within every three (3) acres of a place with no roadway entrance.

(C) A written notice as described in subdivision (19)(A) of this section is not required for a private home.

(D) Any licensee entering a private home shall notify the occupant that the licensee is carrying a concealed handgun.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 2; 2003, No. 1110, § 1; 2007, No. 664, § 2.

§5-73-307. List of license holders.

(a) The Department of Arkansas State Police shall maintain an automated listing of license holders and this information shall be available on-line, upon request, at any time, to any law enforcement agency through the Arkansas Crime Information Center.

(b) Nothing in this subchapter shall be construed to require or allow the registration, documentation, or providing of a serial number with regard to any firearm.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 3; 2007, No. 827, § 100.

§5-73-308. License — Issuance or denial.

(a) (1) (A) The Director of the Department of Arkansas State Police may deny a license if within the preceding five (5) years the applicant has been found guilty of one (1) or more crimes of violence constituting a misdemeanor or for the offense of carrying a weapon.

(B) The director may revoke a license if the licensee has been found guilty of one (1) or more crimes of violence within the preceding three (3) years.

(2) Subdivision (a)(1) of this section does not apply to a misdemeanor that has been expunged or for which the imposition of sentence was suspended.

(3) Upon notification by any law enforcement agency or a court and subsequent written verification, the director shall suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify the licensee or applicant from having a license under this subchapter until final disposition of the case.

(b) (1) The director may deny a license if the sheriff or chief of police, if applicable, of the applicant's place of residence submits an affidavit that the applicant has been or is reasonably likely to be a danger to himself or herself or others or to the community at large as the result of the applicant's mental or psychological state, as demonstrated by past patterns of behavior or participation in an incident involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation at the time of applying for a license.

(2) Within one hundred twenty (120) days after the date of receipt of the items listed in § [5-73-311](#)(a), the director shall:

(A) Issue the license; or

(B) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in this subchapter.

(3) (A) If the director denies the application, the director shall notify the applicant in writing, stating the grounds for denial.

(B) The decision of the director is final.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 4.

§5-73-309. License — Requirements.

The Director of the Department of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant:

(1) Is a citizen of the United States;

(2) (A) Is a resident of the state and has been a resident continuously for ninety (90) days or longer immediately preceding the filing of the application.

(B) However, subdivision (2)(A) of this section does not apply to any:

(i) Retired city, county, state, or federal law enforcement officer; or

(ii) Active duty military personnel who submit documentation of their active duty status;

(3) Is twenty-one (21) years of age or older;

(4) Does not suffer from a mental or physical infirmity that prevents the safe handling of a handgun and has not threatened or attempted suicide;

(5) (A) 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 conviction and had firearms possession rights restored.

(B) A record of a conviction that has been sealed or expunged under Arkansas law does not render an applicant ineligible to receive a concealed handgun license if:

(i) The applicant was sentenced prior to March 13, 1995; or

(ii) The order sealing or expunging the applicant's record of conviction complies with § [16-90-605](#);

(6) Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background check successfully completed through the Department of Arkansas State Police and the Federal Bureau of Investigation's National Instant Check System;

(7) (A) Does not chronically or habitually abuse a controlled substance to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses a controlled substance to the extent that his or her faculties are impaired if the applicant has been:

(i) Voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance; or

(ii) Found guilty of a crime under the provisions of the Uniform Controlled Substances Act, § [5-64-101](#) et seq., or a similar law of any other state or the United States relating to a controlled substance within the three-year period immediately preceding the date on which the application is submitted;

(8) (A) Does not chronically or habitually use an alcoholic beverage to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses an alcoholic beverage to the extent that his or her normal faculties are impaired if the applicant has been:

(i) Voluntarily or involuntarily committed as an alcoholic to a treatment facility; or

(ii) Convicted of two (2) or more offenses related to the use of alcohol under a law of this state or similar law of any other state or the United States

within the three-year period immediately preceding the date on which the application is submitted;

(9) Desires a legal means to carry a concealed handgun to defend himself or herself;

(10) Has not been adjudicated mentally incompetent;

(11) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility;

(12) Is not a fugitive from justice or does not have an active warrant for his or her arrest;

(13) Has satisfactorily completed a training course as prescribed and approved by the director; and

(14) Signs a statement of allegiance to the United States Constitution and the Arkansas Constitution.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 368, § 1; 1997, No. 1239, § 10; 1999, No. 51, § 1; 2003, No. 545, §§ 1, 5; 2007, No. 198, § 1; 2007, No. 664, § 3.

§5-73-310. Application form.

The application for a license to carry a concealed handgun shall be completed, under oath, on a form promulgated by the Director of the Department of Arkansas State Police and shall include only:

(1) The name, address, place and date of birth, race, and sex of the applicant;

(2) The driver's license number or social security number of the applicant;

(3) Any previous address of the applicant for the two (2) years preceding the date of the application;

(4) A statement that the applicant is in compliance with criteria contained within §§ [5-73-308\(a\)](#) and [5-73-309](#);

(5) A statement that the applicant has been furnished a copy of this subchapter and is acquainted with the truth and understanding of this subchapter;

(6) A conspicuous warning that the application is executed under oath, and that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects the applicant to:

(A) Criminal prosecution and precludes any future license's being issued to the applicant; and

(B) Immediate revocation if the license has already been issued;

(7) A statement that the applicant desires a legal means to carry a concealed handgun to defend himself or herself;

(8) (A) A statement of whether the applicant is applying for:

(i) An unrestricted license, that allows the person to carry any handgun; or

(ii) A restricted license, that allows the person to carry any handgun other than a semiautomatic handgun.

(B) (i) An applicant requesting an unrestricted license shall establish proficiency in the use of a semiautomatic handgun.

(ii) An applicant requesting a restricted license shall establish proficiency in the use of a handgun and may use any kind of handgun when establishing proficiency; and

(9) A statement of whether or not the applicant has been found guilty of a crime of violence or domestic abuse.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 5; 1999, No. 786, § 1.

§5-73-311. Application procedure.

(a) The applicant for a license to carry a concealed handgun shall submit the following to the Department of Arkansas State Police:

(1) A completed application, as described in § [5-73-310](#);

(2) A nonrefundable license fee of one hundred dollars (\$100);

(3) (A) A full set of fingerprints of the applicant.

(B) In the event a legible set of fingerprints, as determined by the department and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Director of the Department of Arkansas State Police shall determine eligibility in accordance with criteria that the department shall establish by promulgating rules.

(C) Costs for processing the set of fingerprints as required in subdivision (a)(3)(A) of this section shall be borne by the applicant;

(4) (A) A waiver authorizing the department access to any medical, criminal, or other records concerning the applicant and permitting access to all of the applicant's criminal records.

(B) If a check of the applicant's criminal records uncovers any unresolved felony arrests over ten (10) years old, then the applicant shall obtain a letter of reference from the county sheriff, prosecuting attorney, or circuit judge of the county where the applicant resides that states that to the best of the county sheriff's, prosecuting attorney's, or circuit judge's knowledge that the applicant is of good character and free of any felony convictions.

(C) The department shall maintain the confidentiality of the medical, criminal, or other records; and

(5) A digital photograph of the applicant or a release authorization to obtain a digital photograph of the applicant from another source.

(b) (1) Upon receipt of the items listed in subsection (a) of this section, the department shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(2) (A) The department shall forward a notice of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence.

(B) (i) The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may participate, at his or her discretion, in the process by submitting a voluntary report to the department containing any readily discoverable information that he or she feels may be pertinent to the licensing of any applicant.

(ii) The reporting shall be made within thirty (30) days after the date the notice of the application was sent by the department.

(c) A concealed handgun license issued, renewed, or obtained under § [5-73-314](#) or § [5-73-319](#) after December 31, 2007, shall bear a digital photograph of the licensee.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, § 9; 1997, No. 1251, § 1; 1999, No. 487, § 1; 2007, No. 664, § 4.

§5-73-312. Revocation.

(a) (1) A license to carry a concealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § [5-73-308](#)(a) or § [5-73-309](#).

(2) (A) Any law enforcement officer making an arrest of a licensee for a violation of this subchapter or any other statutory violation that requires revocation of a license to carry a concealed handgun shall confiscate the license and forward it to the Director of the Department of Arkansas State Police.

(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.

(b) When the Department of Arkansas State Police receives notification from any law enforcement agency or court that a licensee has been found guilty or has pleaded guilty or nolo contendere to any crime involving the use of a weapon, the license issued under this subchapter is immediately revoked.

(c) The director shall revoke the license of any licensee who has pleaded guilty or nolo contendere to or been found guilty of an alcohol-related offense committed while carrying a handgun.

History. Acts 1995, No. 411, §§ 2, 4, 5; 1995, No. 419, §§ 2, 4, 5; 1997, No. 1239, § 11; 2003, No. 545, § 4; 2007, No. 827, § 101.

§5-73-313. Expiration and renewal.

(a) Except as provided in subdivision (f)(1) of this section, the licensee may renew his or her license no more than ninety (90) days prior to the expiration date by submitting to the Department of Arkansas State Police:

(1) A renewal form prescribed by the department;

(2) A verified statement that the licensee remains qualified pursuant to the criteria specified in §§ [5-73-308\(a\)](#) and [5-73-309](#);

(3) A renewal fee of thirty-five dollars (\$35.00);

(4) A certification or training form properly completed by the licensee's training instructor reflecting that the licensee's training was conducted; and

(5) A digital photograph of the licensee or a release authorization to obtain a digital photograph of the licensee from another source.

(b) The license shall be renewed upon receipt of the completed renewal application, a digital photograph of the licensee, and appropriate payment of fees subject to a background investigation conducted pursuant to this subchapter that did not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under this subchapter.

(c) Additionally, a licensee who fails to file a renewal application on or before the expiration date shall renew his or her license by paying a late fee of fifteen dollars (\$15.00).

(d) (1) No license shall be renewed six (6) months or more after its expiration date, and the license is deemed to be permanently expired.

(2) (A) A person whose license has been permanently expired may reapply for licensure.

(B) An application for licensure and fees pursuant to §§ [5-73-308\(a\)](#), [5-73-309](#), and [5-73-311\(a\)](#) shall be submitted, and a new background investigation shall be conducted.

(e) A new criminal background investigation shall be conducted when an applicant applies for renewal of a license. Costs for processing a new background check shall be paid by the applicant.

(f) (1) An active duty member 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 this state may renew his or her license within thirty (30) days after the person returns to this state by submitting to the department:

(A) Proof of assignment outside of this state on the expiration date of the license; and

(B) The items listed in subdivisions (a)(1)-(5) of this section.

(2) Subsections (c) and (d) of this section shall not apply to a person who renews his or her license under subdivision (f)(1) of this section.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 1239, §§ 6, 12; 1999, No. 487, § 2; 2003, No. 545, § 2; 2005, No. 881, § 1; 2007, No. 664, § 5.

§5-73-314. Lost or destroyed license — Change of address.

(a) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license or handgun lost or disposed of, the licensee shall notify the Director of the Department of Arkansas State Police in writing of the change or loss or disposition.

(b) If a concealed handgun license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (a) of this section and may obtain a duplicate license or substitute license upon:

(1) Payment to the Department of Arkansas State Police of a fee established by the director under the Arkansas Administrative Procedure Act, § [25-15-201](#) et seq.; and

(2) Furnishing a notarized statement to the department that the handgun or license has been lost or disposed of.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2.

§5-73-315. Possession of license — Identification of licensee.

(a) Any licensee possessing a valid license issued pursuant to this subchapter may carry a concealed handgun.

(b) The licensee shall:

(1) Carry the license, together with valid identification, at any time when the licensee is carrying a concealed handgun; and

(2) Display both the license and proper identification upon demand by a law enforcement officer.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 2007, No. 827, § 102.

5-73-316. Fees.

Any fee collected by the Department of Arkansas State Police pursuant to this subchapter shall be deposited into the Department of Arkansas State Police Fund.

History. Acts 1995, No. 411, § 2; 1995, No. 419, § 2.

§5-73-317. Rules and regulations.

The Director of the Department of Arkansas State Police may promulgate rules and regulations to permit the efficient administration of this subchapter.

History. Acts 1995, No. 411, § 8; 1995, No. 419, § 8.

§5-73-318. Instructor review of applications.

(a) An instructor authorized to conduct a training course required by this subchapter shall check the application of a student for completeness, accuracy, and legibility.

(b) An instructor who repeatedly fails to comply with subsection (a) of this section may have his or her license to conduct a training course revoked.

History. Acts 1997, No. 1239, § 7.

§5-73-319. Transfer of a license to Arkansas.

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

(1) The person's current reciprocal state license;

(2) Two (2) properly completed fingerprint cards;

(3) A nonrefundable license fee of thirty-five dollars (\$35.00);

(4) Any fee charged by a state or federal agency for a criminal history check; and

(5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.

(b) After July 31, 2007, the newly transferred license is valid for a period of five (5) years from the date of issuance and binds the holder to all Arkansas laws and regulations regarding the carrying of the concealed handgun.

History. Acts 2003, No. 545, § 3; 2007, No. 664, § 26; 2007, No. 1014, § 2.

§5-73-320. License for certain members of the Arkansas National Guard or a reserve component or active duty military personnel.

(a) The Department of Arkansas State Police may issue a license under this subchapter to a person who:

(1) Is currently serving as a federally recognized commissioned or noncommissioned officer of the National Guard or a reserve component of the armed forces of the United States or an active duty member of the armed forces of the United States;

(2) Submits the following documents:

(A) A completed concealed handgun license application as prescribed by the department;

(B) A form specified by the Director of the Department of Arkansas State Police reflecting the fingerprints of the soldier or airman;

(C) A dated letter personally signed by a commanding officer or his or her designee stating that the soldier or airman:

(i) Is a current member of the National Guard or a reserve component of the armed forces of the United States or an active duty member of the armed forces of the United States;

(ii) Is of good character and sound judgment;

(iii) Is not disqualified by state or federal law from possessing a firearm;

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

(v) Has been a resident of the State of Arkansas for the ninety-day period preceding the application date according to the military and pay records of the soldier or airman;

(D) A copy of the military range qualification score card signed and dated within one (1) year of the application date by a range officer or noncommissioned officer in charge of the range; and

(E) A copy of the face or photograph side of a current United States Uniformed Services military identification card for a member of the armed forces; and

(3) Submits any required application fee.

(b) (1) After July 31, 2007, a license issued under this section expires five (5) years from the date of issuance or upon the expiration date of the military identification card of the soldier or airman, whichever occurs first.

(2) (A) A license issued under this section is renewable for a period of five (5) years under the provisions of § [5-73-313](#) upon satisfaction of the requirements described in subsection (a) of this section.

(B) After December 31, 2007, a license issued under this section is required to bear a digital photograph of the soldier or airman.

(c) Except as otherwise specifically stated in this section, the license issued under this section is subject to the provisions of this subchapter and any rules promulgated under § [5-73-317](#).

History. Acts 2005, No. 1868, § 1; 2007, No. 664, § 7; 2007, No. 1014, § 3.

§5-73-402. Recognition of other states' permits.

(a) Any person in possession of a valid license issued by another state to carry a concealed handgun shall be entitled to the privileges and subject to the restrictions prescribed by Arkansas concealed handgun law, § [5-73-301](#) et seq., provided that the state that issued the license recognizes concealed handgun licenses issued under § [5-73-301](#) et seq.

(b) The Director of the Department of Arkansas State Police shall:

(1) Make a determination as to which states' permits will be recognized in Arkansas and provide that list to every law enforcement agency within the state; and

(2) Revise the list from time to time and provide the revised list to every law enforcement agency in this state.

History. Acts 1997, No. 1239, § 13; 2007, No. 198, § 3; 2007, No. 827, § 104.

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

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 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 provide guidelines in conformity with Arkansas laws as to issuance and governance of 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.

(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 used in these Rules, unless the context otherwise requires, are adopted:

(a) "Active Duty Military" means an individual serving full time in the active military service of the United States of America, 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. The term does not include:

- (1) members of the reserve component who are performing active duty under military calls or orders specifying 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 to the Department a properly-completed application for a concealed handgun carry license;

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

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

(f) "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;

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

(i) "Convicted" means that a person pleaded guilty or *nolo contendere* to or was found guilty of an offense;

(j) "Crime of Violence" includes but is not limited to murder, rape and sexual assault, robbery, 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 as may be required to determine the applicant's qualifications. Documentation includes written materials that are able to be independently verified as true and correct by the Department. The most reliable documentation of a disposition from a court is a copy certified by the court clerk or the keeper of the record.

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;

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

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

(p) "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;

(q) "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;

(r) "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;

(s) "Possession" means, for the purposes of these Rules, any actual or constructive possession, to include but not be limited to areas within the passenger compartment of any vehicle, including glove boxes, containers, or on the person, unless excluded below.

(1) "Possession" does not include:

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

(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/her to instruct the firearms safety training provisions outlined in these Rules;

(u) "Resident" means an individual who possesses a valid Arkansas driver's license with an Arkansas address listed thereon and who has established domicile as evidenced by the intent to make Arkansas his or her fixed and permanent home;

(v) "Training" means the training requirements set forth in 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 a person 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 suspended, cancelled or revoked under these Rules.

Rule 1.5 Exemptions - Law Enforcement

(a) If a certified law enforcement officer, chief of police, or sheriff is authorized to carry a handgun under ACA §12-15-201 and §12-15-202, the provisions of the concealed handgun carry license law (ACA §§5-73-301 *et seq.*) and these Rules do not apply to those persons carrying concealed under those sections.

(b) An auxiliary law enforcement officer shall not fall within the provisions of the concealed handgun carry license law (ACA §§5-7-301 *et seq.*) and these Rules when:

(1) The auxiliary law enforcement officer has completed the minimum training requirements; and

(2) He or she is certified as an auxiliary law enforcement officer in accordance with the Arkansas Law Enforcement Standards and Training Commission; and

(3) He or she is specifically authorized in writing by the auxiliary law enforcement officer's chief of police or sheriff. The authorization prescribed herein shall be carried on the person of the auxiliary law enforcement officer and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out herein.

(c) Concealed handgun carry licenses issued to a former elected or appointed sheriff of any county of this state shall:

(1) Be renewed every five (5) years; and

(2) Be revocable on the same grounds as other licenses; and

(3) Meet the same qualifications as all other applicants, other than the fee prescribed by ACA §5-73-311 (a)(2) and other than the training requirements of ACA §5-73-309 (11) for issuance.

(d) Retired city, county, state, or federal law enforcement officers shall be exempt from the length of residence requirement.

Rule 1.6 Penalty for false response or document

Submitting false answers or false documentation shall subject the applicant to the following:

(a) Criminal penalty

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, upon conviction is guilty of a Class B misdemeanor; or

(b) Non-criminal penalty

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, is precluded from any license being issued to the applicant; and is subject to immediate revocation if the license has already been issued.

CHAPTER 2. Application

Rule 2.0 Application design

The initial application form shall be of such size and design 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.

Rule 2.1 Application availability

The application form 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 requirements under Arkansas law and these Rules.

(b) In addition to the 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 classifiable fingerprints;
- (4) Proof of the applicant's successful completion of an approved firearm safety training program;
- (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, the licensee shall present the original license for inspection, along with an official form of photo identification, 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 officer that he or she holds a concealed handgun carry license and that he or she has a handgun in his or her possession.

(c) In any official contact with law enforcement, if the licensee **IS NOT** 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 not be required 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.

(d) An official form of photo identification shall be, but 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.

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

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:

- (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;
- (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 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;
- (h) A statement that the applicant has been furnished a copy of Arkansas law relevant to concealed handgun carry licensing and is acquainted with the truth and understanding of the law;
- (i) 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 precludes any future license from being issued to the applicant; and subjects the applicant to immediate revocation if the license has already been issued;
- (j) A statement that the applicant desires a legal means to carry a concealed handgun to defend himself or herself; and
- (k) 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.

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;
- (f) A signed waiver authorizing the Department access to any medical, criminal, military, or other records concerning the applicant; and
- (g) A signed release to allow the Department to use the Arkansas driver's license photograph on the concealed handgun carry license. ***THE SIGNED RELEASE WAS DETERMINED (AFTER THE RULES PROMULGATION PROCESS HAD BEGUN) NOT TO BE NECESSARY - DO NOT SUBMIT AFTER 1-1-2009]***

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 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.

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 felony arrest over ten (10) years old, then the applicant shall 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, as described herein. That period shall be tolled pending the receipt of disposition and level of 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 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.
- (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 certified mail, return receipt requested.

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 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) A renewal fee in the amount prescribed by law;
 - (3) A certification of training form properly completed by the licensee's Firearms Safety Training Instructor and reflecting that the licensee has successfully completed the Training Course as required by the Department; and
 - (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 renewed upon timely receipt of the items listed herein, subject to a background investigation conducted pursuant to law that did not reveal any disqualifying offense or unresolved arrest which would disqualify a licensee under state or federal law.

Rule 5.1 Renewal application - late fee

(a) A licensee who fails to file properly 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 – 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 renewal fee as prescribed by Arkansas law;
- (4) A certification or training form properly completed by the licensee's Firearms Safety Training Instructor, reflecting that the licensee's training was properly and successfully conducted;
- (5) 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
- (6) Proof of military assignment outside Arkansas on the expiration date of the license.

Rule 5.2 License expired over six (6) months

(a) Licenses that have 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 – 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 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 renewal fee as prescribed by Arkansas law;
- (4) A certification or training form properly completed by the licensee's Firearms Safety Training Instructor reflecting that the licensee's training was properly and successfully conducted;
- (5) 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
- (6) Proof of 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.

(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 certified mail, return receipt requested.

CHAPTER 6. Other changes to license

Rule 6.0 Lost or destroyed license

(a) 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.

Rule 6.1 Change of address of the licensee

(a) Within thirty (30) days after the changing of a permanent address, 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 would like a new license printed with the updated information, he or she may destroy the old 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 of a legal name, 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 would like a new license printed with updated information, he or she may destroy the old 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 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 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 allow the licensee to carry any legal handgun.

CHAPTER 8. Suspension of License

Rule 8.0 License suspension

(a) If the licensee is arrested or formally charged with a crime that would 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) If the licensee is arrested or formally charged with a crime that would disqualify the licensee from having a license, upon notification by any law enforcement agency or a court and subsequent written verification, the Director shall suspend a license until final disposition of the case.

(c) Notice of license suspension shall be sent to the licensee 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 officers confiscated the license at the time of arrest.

(e) If the charges are dismissed or “nol prossed”, 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, then the licensee may apply for renewal of the license under these Rules.

(f) 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.

(g) The Department is required by Arkansas law to suspend the license of any licensee if so ordered by the Office of Child Support Enforcement. The licensee will be sent notice of the suspension. The license may be reinstated (if it is still within its valid issuance period) after full payment of amount due through the Office of Child Support Enforcement and that office officially notifies the Department to release the suspension.

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

Rule 8.2 Order of 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 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 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 issue instructions for possible reapplication for a license after the license has been revoked.

Rule 9.1 Notice

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

(b) Appeals from the decision 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.*

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 any licensee the opportunity to demonstrate his/her qualifications after the initial denial of a license, the burden of proof shall be on the applicant.

(c) In any hearing held for the purpose of affording any licensee the opportunity to demonstrate his/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.*

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) 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. 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. Concealed Handgun Carry License Reciprocity with other states

Rule 12.0 How reciprocity is granted

The Director shall determine which states will honor the Arkansas concealed handgun carry license. The standard shall be that reciprocity shall be granted to another state if that state honors the Arkansas concealed handgun carry license. A written agreement between the states may be made, but is not required.

Rule 12.1 Effect of reciprocity

(a) Any person in possession of a valid license to carry a concealed handgun issued by another state which has established reciprocity with Arkansas 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 state which has established reciprocity with Arkansas shall be entitled to the privileges and subject to the restrictions prescribed by that state's law and rules or federal law.

Rule 12.2 Procedure for transfer of a license issued by a reciprocal 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 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 reciprocal 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 fee as set by law; and
- (5) Any fee charged by a state or federal agency for a criminal history check.

(b) Any license is valid for a period of five (5) years from the date of issuance and binds the holder to comply 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 a reciprocal state.

Rule 12.3 Listing of reciprocal states

The Director shall make a determination as to which states' licenses will be recognized in Arkansas, revise the list from time to time, and provide the list to every law enforcement agency within this state. The Department shall maintain a list of reciprocal states for public access.

Rule 12.4 Treatment of licenses from non-reciprocal states

Any person who becomes a resident of Arkansas, who has a valid license to carry a concealed handgun issued by a non-reciprocal state, may not apply to transfer his or her license to Arkansas and must submit an initial application packet to obtain an Arkansas concealed handgun carry license. Persons who hold a concealed handgun

carry license issued from a non-reciprocal state may not carry a concealed weapon in this state under ACA §§5-73-301 *et seq.*, or these Rules.

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 an approved firearm safety training program. The training must be conducted and attested to by an 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) Instructors may not provide their own training certification for 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 a 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 twelve (12) months prior to the expiration of the license. Timely renewal is determined by the Department's receipt date of the completed renewal application packet.
- (b) Instructors may not provide their own training certification for their own Arkansas concealed handgun carry license renewal application.
- (c) A valid, current firearms safety training instructor registration issued by the Department 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 military personnel may substitute the following documentation, in a properly completed application packet, in place of the "live-fire" training requirement:

- (a) A dated letter personally signed by a commanding officer or his or her designee stating that the 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 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 for the service member as a member of the armed forces; and
- (d) A copy of the active duty orders.

Rule 13.3 Substitution of live-fire training - National Guard or a reserve component of the Armed Forces of the United States

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 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 individual successfully meets the required standards of proficiency.

(c) The instructor may, at the instructor's discretion, refuse to instruct or refuse to provide firearms course completion certification for any individual if, in the opinion of the instructor, that individual is incapable of successfully completing the required standards of training.

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

(2) successfully complete the examination administered by the Department. The examination shall consist of the provisions of ACA §§5-73-301 *et seq.* and ACA §5-73-402, federal firearms laws, and these Rules; and

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

(4) submit, a:

(A) properly completed registration application,

(B) the background check fees required for state and national background checks, and

(C) 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 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 instructor's certification issued by a federal law enforcement 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 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.

(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.

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

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

CHAPTER 15. 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 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 is not currently registered with the Department.

Rule 15.1 Requirements for 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.

(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 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 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) Instructors must include the registration number assigned to them by the Director on all matters of advertising for services as a Firearms Safety Training Instructor registered with the Department.

(b) 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 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 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.

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/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 suspension or revocation;
 - (6) Repeatedly failed to check the non-electronic application 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.

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

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

CHAPTER 17. Effective Date of these Rules

Rule 17.0 Effective date

These Rules shall be effective on and after Thursday, January 1, 2009.
