

Arkansas State Police
Concealed Handgun Carry License Rules (which were effective 1/1/2009)

Amends Rule 1.5

PURPOSE - Implements Acts 415 and 539 of 2013 regarding who is not bound by the Arkansas concealed handgun carry laws and rules.

EXPLANATION - Acts 415 and 539 of 2013 allows authorized individuals to carry a firearm under ACA §12-15-201 and 202 and §16-21-147. Those persons legally authorized to carry a firearm under those provisions of the law are not bound by the Arkansas Concealed Handgun Carry law or rules.

Rule 1.5 Exemptions - ~~Law Enforcement Authorized under other laws~~

~~(a) Any person legally authorized to carry a firearm under any Arkansas or federal law other than ACA §5-73-301 et seq is not bound by the Arkansas Concealed Handgun Carry License law or rules. 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 §§5-73-301 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.~~

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Adds New Rule 1.7

PURPOSE - This change implements Act 989 of 2013. That Act allows the spouse of active duty military to present the spouse's active duty orders and then apply for an Arkansas Concealed Handgun Carry License without being an Arkansas resident. Basically extends the Arkansas residence exemption for active duty military members to the spouse of active duty military.

EXPLANATION - The purpose of this rule is to clarify what documentation must be provided to take advantage of this provision.

Rule 1.7 Exemptions – Military and spouse

Active Duty Member

- (a) An active duty member of the United States military is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the active duty member is able to document that at the time of their application that they are stationed in Arkansas.
- (b) The active duty member must complete the classroom portion of the concealed handgun carry training that relates to Arkansas laws and concealed handgun carry rules.
- (c) The active duty member may substitute the letter from their commanding officer as outlined in Rule 13.2 and 13.3 for their live-fire requirement or they may complete the entire concealed handgun carry training course and complete live fire under the ASP registered CHCL instructor.
- (d) The active duty member shall submit with their initial application and any renewal, a recent passport style photograph in appropriate electronic format.

Spouse of Active Duty Member

- (e) Any spouse of active duty military personnel, as recognized by the branch of the United States military in which their spouse is a member, is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the spouse of the active duty member is able to document at the time of their application that their spouse is on active duty stationed in Arkansas.
- (f) Any spouse of active duty military personnel must meet the same training requirements as a regular CHCL applicant.
- (g) Any spouse of active duty military personnel shall submit with their initial application and any renewal, a recent passport style photograph in appropriate electronic format.

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Amends Rule 4.2

PURPOSE - This revision is merely clean up from changes that occurred during the promulgation process in 2008, which now cause confusion and need to be deleted.

EXPLANATION – When the promulgation process was begun in 2008 the release was necessary. Later it was determined that the release was not necessary.

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**~~

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Amends Chapter 12 – Rules 12.0, 12.1, 12.2, 12.3 and 12.4

PURPOSE - Implements the provisions of Act 1089 of 2013

EXPLANATION – The new Act requires Arkansas to accept all other states' concealed carry licenses. Reciprocity is no longer allowed under the law. These changes in the rules reflect the changes in the law.

CHAPTER 12. Honoring of other states' license to carry a concealed handgun
~~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 another 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 has the responsibility to determine if the Arkansas Concealed Handgun Carry License is honored in that state and any requirements that may be imposed by that state.

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

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

- (1) A properly completed Department transfer application form;
- (2) The person's current original ~~reciprocal~~ out of state license (if the concealed handgun carry license is contained on the driver's license of that state, then other suitable documentation as outlined by the Department will be required);
- (3) Two (2) properly completed, classifiable and legible fingerprint cards;
- (4) A nonrefundable license 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~~ another 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.~~