

ARKANSAS REGISTER

Transmittal Sheet

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Name of Agency The Department of Arkansas State Police

Department Regulatory Division - CHCL Section

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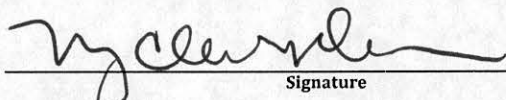
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Mary Claire McLaurin mary.claire.mclaurin@asp.arkansas.gov 12/18/2017
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



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STATE OF ARKANSAS

DEPARTMENT OF ARKANSAS STATE POLICE
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES

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

CHAPTER 1. TITLE; AUTHORITY; SCOPE

Rule 1.0 Title

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

Rule 1.1 Authority; Purpose; Scope

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

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

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

Rule 1.2 Definitions

Definitions are adopted as follows:

(a) "Active Duty Military" - any person serving full time in the active military service of the United States of America, including members of reserve components, under published orders for active duty or full-time training. "Active Duty Military" does not include a member who is performing active duty under a call or order for a specified period of less than thirty-one (31) calendar days;

(b) "Administrator" - the designee of the Director of the Department of Arkansas State Police;

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

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

(e) "Application packet" - the documentation as outlined in ASP CHCL Rule 4.2 herein;

(f) **“Committed”** - an overnight stay in a medical or other treatment facility, whether voluntary or involuntary;

(g) **“Convicted”** - a person was found guilty of or pled guilty or *nolo contendere* to a criminal offense. Unless otherwise specifically stated, a “conviction” includes offenses that have been sealed or expunged;

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

(i) **“Department”** - the Department of Arkansas State Police;

(j) **“Director”** - the Director of the Department of Arkansas State Police;

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

(l) **“Duplicate License”** - a license to carry a concealed handgun that is issued to a licensee to replace a previously-issued license;

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

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

(o) **“Firearms Safety Training Instructor”** or **“Instructor”** - any person who is registered by the Director to conduct the necessary training for a licensee to carry a concealed handgun;

(p) **“Hearing Officer”** - the Director of Arkansas State Police or his/her designated representative acting in issues of adjudication as outlined in the Arkansas Administrative Procedure Act;

(q) **“Live-fire”** – training involving the use of live ammunition, as opposed to the use of “blanks” or simunition;

(r) **“Passenger Terminal of an Airport”** – the ticketing area, lobby, and baggage claim of an airport. The “passenger terminal of an airport” does not include any

sterile area of an airport, the passenger security screening checkpoint, and all areas beyond the security checkpoint;

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

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

(D) Placement or storage of the handgun unattended in any location, not including a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law, if the licensee is not in the same room and immediate vicinity (within arm's reach) of the handgun.

(t) "Registration" - a certificate granted to an instructor permitting him or her to instruct the firearms safety training provisions outlined in these Rules;

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

(v) "Storage" - for the purposes of ACA §§ 5-73-301 et seq. and these Rules, "storage" refers to storage of a handgun in a university or college-operated student dormitory or residence hall, which is prohibited under ACA § 5-73-119(c). "Storage" means to leave a handgun unattended in any location, not including a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law, for any period of time, where the licensee is not in the same room and immediate vicinity (within arm's reach) of the handgun.

(w) "Training" - the training requirements set forth in ASP CHCL Rules 13.0 and 13.1 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 any person who meets the requirements set forth 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 five (5) years from the date of issuance, unless the license is suspended or revoked under these Rules.

Rule 1.5 Exemptions – Authorized under other laws

A person who is exempt from licensing requirements under ACA § 5-73-304 is not bound by these Rules.

Rule 1.6 Penalty for false response or document

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

- (a)** Criminal penalty - a person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, upon conviction is guilty of a Class B misdemeanor; and/or
- (b)** Non-criminal penalty - a person who knowingly submits a false answer to any question on a concealed handgun carry license application, or knowingly submits a false document when applying for a concealed handgun license, is precluded from receiving a license and is subject to immediate revocation of his or her license if it has already been issued.

Rule 1.7 Exemptions – Military and spouse

Active Duty Member

- (a)** An active duty member of the United States military is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if the active duty member submits documentation of his or her active duty status.
- (b)** The active duty member must complete the classroom portion of the concealed handgun carry training.
- (c)** The active duty member, or a former member who has recently received an honorable discharge, may substitute a form and a letter from his or her commanding officer, as outlined in ASP CHCL Rule 13.2, for the live-fire requirement or he or she may complete the entire concealed handgun carry training course with live-fire under the ASP-registered Concealed Handgun Carry License instructor.
- (d)** The active duty member shall submit with his or her initial application, and any renewal, a recent passport-style photograph in appropriate electronic format.

Spouse of Active Duty Member

- (e)** Any spouse of an active duty military member is not required to be a resident of Arkansas to obtain an Arkansas concealed handgun carry license if

the spouse of the active duty member submits documentation of his or her spouse's active duty status.

(f) Any spouse of an active duty military member must meet the same training requirements as a regular concealed handgun carry license applicant.

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

CHAPTER 2. Application

Rule 2.0 Application design

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

Rule 2.1 Application availability

Applicants may apply online or obtain application forms at the Department's website or a Firearms Safety Training Instructor registered with the Arkansas State Police. Submitting an application online enables the applicant to easily check the status of his or her application and may result in faster processing.

Rule 2.2 Proper Application Packet

(a) The documentation received from an applicant shall be deemed proper and complete when it contains all the required items under Arkansas law and these Rules.

(b) In addition to the fully completed application form, the following is required:

- (1) Non-refundable license fee;
- (2) A properly completed, legible, signed waiver authorizing the Department access to the applicant's records;
- (3) At least one (1) full set of the applicant's classifiable fingerprints;
- (4) Proof of the applicant's timely, successful completion of an approved firearm safety training program; and
- (5) 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, or an electronic copy in acceptable electronic format, at all times while in possession of a handgun.

Rule 3.2 Contact with law enforcement

(a) While in possession of a handgun, if a licensee is asked for identification (driver's license or personal information, such as name and date of birth) by any law enforcement officer, the licensee shall present the original license, or an electronic copy in an acceptable electronic format, for inspection, along with an official form of photo identification. The licensee shall also notify the officer that he or she holds a concealed handgun carry license and that he or she has a handgun in his or her possession.

(b) If the licensee **IS NOT** in possession of a handgun, when a law enforcement officer asks the licensee for identification (driver's license or personal information, such as name and date of birth), the licensee is not required to present the concealed handgun carry license or notify the officer that he or she holds a concealed handgun carry license.

(c) Official forms of photo identification include, but are 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.

(d) Reproduced copies of the official form of photo identification shall not be accepted.

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

Rule 3.3 Current license validity

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

CHAPTER 4. Requirements for licensure

Rule 4.0 License – Requirements

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

Rule 4.1 Application form

The application form for a license to carry a concealed handgun 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 whether or not the applicant has been found guilty of a crime of violence or domestic abuse;
- (f) A statement that the applicant has been furnished a copy of and has reviewed the Arkansas law relevant to concealed handgun carry licensing;
- (g) A warning that a knowingly false answer to any question or the knowing submission of any false document by the applicant subjects him or her to criminal prosecution and/or precludes the applicant from receiving or retaining a license; and
- (h) 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;
 - (2) An unrestricted license which allows the person to carry any handgun; and/or
 - (3) An enhanced license which expands the areas where a concealed handgun may be carried.

Rule 4.2 Initial Application packet and procedure

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

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

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

Rule 4.3 Application packet processing by the Department

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

- (a) Forward the full set of classifiable fingerprints of the applicant to the appropriate agencies for state and national processing;
- (b) Forward notice of the person's application to the sheriff of the applicant's county of residence, and, if applicable, to the police chief of the applicant's municipality of residence, who may participate, at his or her discretion, in the

process by submitting a voluntary report to the Department containing any information that he or she feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date the notice was sent; and

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

Rule 4.4 Fingerprinting for initial application

(a) In the event a legible and classifiable set of fingerprints, as determined by the Department or the Federal Bureau of Investigation, cannot be obtained, the applicant shall be contacted and shall be required to be fingerprinted again. This determination may be made prior to the submission of a fingerprint card to the FBI or after one (1) rejection of the fingerprint card.

(b) After two (2) unsuccessful fingerprint card submissions (rejections) are completed, the applicant may again pay the FBI fingerprint background check fee and submit two (2) newly-completed fingerprint cards.

(c) The Director shall determine the applicant's eligibility for licensing after successful completion of the FBI fingerprint-based check.

(d) Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the Director is allowed.

Rule 4.5 Unresolved arrests

(a) If a check of the applicant's criminal records uncovers any unresolved arrest(s) that could lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge(s). A license will not be issued until the Department receives the final disposition or other requested information.

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

Rule 4.6 License – Issuance

(a) The license shall be issued within one hundred twenty (120) days after the date of receipt of a properly-completed application packet (including fingerprint cards and training certificates), as described herein. That period will be tolled pending the receipt of disposition and level or facts of any outstanding criminal charges or classifiable fingerprints for the state and national background check.

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

Rule 4.7 License denial – Initial application

If the Director denies the application, he shall notify the applicant in writing, stating the grounds for denial and appeal procedures under the Arkansas

Administrative Procedure Act, ACA §§ 25-15-201 et seq. The letter shall be sent via certified mail, return receipt requested.

CHAPTER 5. Renewal of license

Rule 5.0 Process for renewal of license

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

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

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

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

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

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

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

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

Rule 5.1 Renewal application - late fee

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

(b) Exemption from late fee – an 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 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 application form prescribed by the Department;

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

(3) A non-refundable renewal fee as prescribed by Arkansas law;

- (4) The applicable fee(s) for state and national background checks, as prescribed by law;
- (5) A certification or training form properly completed by the licensee's Firearms Safety Training Instructor or as allowed under ASP CHCL Rule 13.2, reflecting that the licensee's training was properly and successfully conducted;
- (6) If the licensee does not hold an Arkansas driver's license, a digital photograph of the licensee; and
- (7) Proof of active duty military assignment outside Arkansas on the expiration date of the license.

Rule 5.2 License expired over six (6) months

(a) A license that has been expired six (6) months or more shall be deemed "inactive". A licensee whose license has become inactive may re-apply for licensure as an initial applicant. The fees and requirements shall be the same as for an initial application.

(b) Exemption from inactive status – an 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 Arkansas may renew his or her license within thirty (30) days after the person returns to Arkansas by submitting the following renewal packet to the Department:

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

Rule 5.3 Renewal application denial

(a) The Director of Arkansas State Police may deny a renewal of a license upon the same grounds as for denial of an initial application for license, or for any ground for revocation listed in Arkansas law or these Rules.

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

CHAPTER 6. Other changes to license

Rule 6.0 Replacement license

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

- (a) Fifteen dollars (\$15.00) if the licensee is 64 years of age or younger; or
- (b) Seven dollars and fifty cents (\$7.50) if the licensee is 65 years of age or older.

Rule 6.1 Change of address of the licensee

(a) Within thirty (30) days after changing his or her mailing and/or permanent address, an applicant for a license or a current licensee shall notify the Director in writing of the change. Both the old and new address shall be furnished. A Department form shall be provided for that purpose.

(b) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under ASP CHCL Rule 6.0 and destroy the old license upon receipt of the replacement license.

Rule 6.2 Change of name of the licensee

(a) Within thirty (30) days after changing his or her legal name, an applicant for a license or a current licensee shall notify the Director in writing of the change and provide documentation that officially created the change. A Department form shall be provided for that purpose.

(b) If the licensee desires a new license printed with the updated information, he or she may apply for a replacement license under ASP CHCL Rule 6.0 and destroy the old license upon receipt of the replacement license.

Rule 6.3 Death of licensee

Upon death of a licensee, the license shall be cancelled from the date of death.

Written notice of the death of a licensee should be provided to the Department as soon as possible after the death.

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.

Rule 6.5 Upgrade to enhanced license

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

CHAPTER 7. License Restrictions

Rule 7.0 Failure to comply with concealed handgun carry license restrictions

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

Rule 7.2 General Prohibited Places

A licensee with a non-enhanced license is barred from carrying a concealed handgun in the following places:

(a) The developed property of a public or private school, kindergarten through grade twelve (K-12), in or upon any school bus, or at a designated school bus stop, except as permitted in ACA § 5-73-119(e) [**see ACA § 5-73-119(b)**];

(b) The property of any private institution of higher education or a publicly supported institution of higher education, except as permitted in ACA § 5-73-322 and ACA § 5-73-119(e) [**see ACA § 5-73-119(c)**];

(c) Any publicly owned building or facility or on the State Capitol grounds, except as permitted in ACA § 5-73-122(a)(3) [**see ACA § 5-73-122(a)(1)**];

(d) The State Capitol Building or the Justice Building in Little Rock, except as permitted in ACA § 5-73-122(a)(3) [**see ACA § 5-73-122(a)(2)**];

(e) On the grounds of a private university or private college, if the university or college adopts a policy expressly disallowing the carrying of a concealed handgun [**see ACA § 5-73-322(c)**];

(f) Any police station, sheriff's station, or Department of Arkansas State Police station [**see ACA § 5-73-306(1)**];

(g) Any Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department facility [**see ACA § 5-73-306(2)**];

(h) Any building of the Arkansas State Highway and Transportation Department or onto grounds adjacent to any building of the Arkansas State Highway and Transportation Department, except as permitted in ACA § 5-73-306(3)(B) [**see ACA § 5-73-306(3)**];

(i) Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained or otherwise controlled by the Department of Correction or Department of Community Correction [**see ACA § 5-73-306(4)**];

(j) Any courthouse, courthouse annex, or other building owned, leased, or regularly used by a county for conducting court proceedings or housing a county office, except as permitted in ACA § 5-73-306(5)(A)-(C) [**see ACA § 5-73-306(5)**];

(k) Any courtroom, except as permitted in ACA § 5-73-306(6)(B) [**see ACA § 5-73-306(6)**];

(l) Any meeting place of the governing body of any governmental entity [**see ACA § 5-73-306(7)**];

- (m)** Any meeting of the General Assembly or a committee of the General Assembly **[see ACA § 5-73-306(8)]**;
- (n)** Any state office **[see ACA § 5-73-306(9)]**;
- (o)** Any athletic event not related to firearms **[see ACA § 5-73-309(10)]**;
- (p)** Any portion of an establishment, except a restaurant as defined in ACA § 3-5-1202, licensed to dispense alcoholic beverages for consumption on the premises **[see ACA § 5-73-306(11)]**;
- (q)** A portion of an establishment, except a restaurant as defined in ACA § 3-5-1202, where beer or light wine is consumed on the premises **[see ACA § 5-73-306(12)]**;
- (r)** A school, college, community college, or university campus building or event, except as permitted in ACA § 5-73-306(13)(B) **[see ACA § 5-73-306(13)]**;
- (s)** Inside the passenger terminal of any airport **[see ACA § 5-73-306(14)]**;
- (t)** Any church or other place of worship, except as permitted in ACA § 5-73-306(15)(B) **[see ACA § 5-73-306(15)]**;
- (u)** Any place where the carrying of a firearm is prohibited by federal law **[see ACA § 5-73-306(16)]**;
- (v)** Any place where a parade or demonstration requiring a permit is being held, and the licensee is a participant in the parade or demonstration **[see ACA § 5-73-306(17)]**;
- (w)** Any place at the discretion of the person or entity exercising control over the physical location, if the location posts written notice under ACA § 5-73-306(18) **[see ACA § 5-73-306(18)]**;
- (x)** A place owned or operated by a private entity that prohibits the carrying of a concealed handgun, if the licensee receives written or verbal notice under ACA § 5-73-306(19) **[see ACA § 5-73-306(19)]**; or
- (y)** A posted firearm-sensitive area under ACA § 5-73-325, located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event **[see ACA § 5-73-306(20)]**;

Rule 7.3 Enhanced license

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

- (a)** Publicly owned buildings and facilities;
- (b)** State Capitol grounds and the State Capitol Building;
- (c)** The Arkansas Justice Building in Little Rock;
- (d)** Any meeting place of the governing body of any governmental entity;
- (e)** Any meeting place of the General Assembly or a committee of the General Assembly;
- (f)** Any state office;
- (g)** Athletic events;
- (h)** A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises;
- (i)** A portion of an establishment where beer or light wine is consumed on the premises;

- (j) Inside the passenger terminal of an airport;
- (k) Any church or other place of worship;
- (l) Any place where a parade or demonstration requiring a permit is being held, even when the licensee is a participant in the parade or demonstration;
- (m) The buildings and grounds of a public university, college, or community college.

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

Rule 7.4 Enhanced Prohibited Places

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

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

- (m)** A portion of an establishment, except a restaurant as defined in ACA § 3-5-1202, where beer or light wine is consumed on the premises, if the establishment posts written notice under ACA § 5-73-306(18) or the licensee receives written or verbal notice under ACA § 5-73-306(19) **[see ACA § 5-73-306(12)]**;
- (n)** A school, college, community college, or university campus building or event, except as permitted in ACA § 5-73-306(13)(B) or ACA § 5-73-322 **[see ACA § 5-73-306(13)]**;
- (o)** Any church or other place of worship, if the location posts written notice under ACA § 5-73-306(18) or the licensee receives written or verbal notice under ACA § 5-73-306(19) **[see ACA § 5-73-306(15)]**;
- (p)** Any place where the carrying of a firearm is prohibited by federal law **[see ACA § 5-73-306(16)]**;
- (q)** Any place at the discretion of the person or entity exercising control over the physical location, if the location posts written notice under ACA § 5-73-306(18) **[see ACA § 5-73-306(18)]**;
- (r)** A place owned or operated by a private entity that prohibits the carrying of a concealed handgun, if the licensee receives written or verbal notice under ACA § 5-73-306(19) **[see ACA § 5-73-306(19)]**;
- (s)** A posted firearm-sensitive area under ACA § 5-73-325, located at the Arkansas State Hospital, the University of Arkansas for Medical Sciences, or a collegiate athletic event **[see ACA § 5-73-306(20)]**;
- (t)** On the grounds of a private university or private college, if the university or college adopts a policy expressly disallowing the carrying of a concealed handgun **[see ACA § 5-73-322(c)]**; or
- (u)** Any location where an official meeting is being conducted in accordance with documented grievance and disciplinary procedures on the grounds of a public university, public college, or community college and is in compliance with the requirements of ACA § 5-73-322(e) **[see ACA § 5-73-322(e)]**;

Rule 7.5 Terms of Enhanced License

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

Rule 7.6 Enhanced License – Restrictions

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

CHAPTER 8. Suspension of License

Rule 8.0 License suspension

- (a) If the licensee is arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the licensee shall immediately notify the Department to the attention of the Concealed Handgun Carry Licensing Section.
- (b) Any time the Department discovers that a licensee has been arrested, issued a citation, or formally charged with a crime that could disqualify the licensee from having a license, the Director may suspend a license until final disposition of the case.
- (c) Notice of license suspension shall be sent to the licensee via certified mail, return receipt requested.
- (d) The licensee shall be required to send the license to the Department as soon as possible after the arrest, unless the officer(s) confiscated the license at the time of arrest.
- (e) The licensee shall be required to notify the Department of final disposition of the charge(s) within ten (10) days of same.
- (f) If the charges are dismissed or “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 for a period of less than six (6) months, then the licensee may apply for renewal of the license under these Rules.
- (g) Suspension of a license is subject to the Arkansas Administrative Procedure Act, ACA §§ 25-15-201 et seq. The suspended license holder, upon his or her timely request in writing, shall be afforded an administrative hearing.
- (h) The Department is required by Arkansas law to suspend the license of any licensee if so ordered by the Office of Child Support Enforcement (OCSE). The licensee will be sent notice of the suspension. The license may be reinstated (if it is still within its valid issuance period) upon full payment of the amount due to OCSE and once the Department receives official notice from OCSE to release the suspension.

(i) A licensee may apply for renewal of his or her license during a period of suspension to prevent the license from expiring or becoming inactive, however, the suspension will remain in effect until the outstanding matter is otherwise resolved.

Rule 8.1 Arrest of licensee

(a) A law enforcement officer making an arrest of a licensee for a violation of Arkansas law and/or these Rules, or any other statutory violation which could lead to 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 or violation 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 Summary Suspension

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.

CHAPTER 9. Revocation of License

Rule 9.0 Revocation

(a) The Director shall revoke a concealed handgun carry license if:

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

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

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

(b) The Director may revoke a concealed handgun carry license if he or she, the Director’s designee, or the county sheriff or chief of police of the applicant’s place of residence executes an affidavit that the applicant has been, or is reasonably likely to be, a danger to himself or herself or others or to the community at large, as demonstrated by past patterns of behavior, participation in an incident

involving unlawful violence or threats of unlawful violence, or if the applicant is under a criminal investigation.

Rule 9.1 Notice

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

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

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

(c) 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) Once a concealed handgun carry license is revoked by the Director, the former licensee shall not be eligible to apply for a concealed handgun carry license for a period of at least twenty-four (24) months from the date of revocation or other exclusion period stated in the law. After that time period expires, the applicant may reapply as a new applicant.

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

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

Rule 12.0 Effect

(a) Any person in possession of a valid license to carry a concealed handgun issued by another state shall be entitled to the privileges and subject to the restrictions prescribed

by Arkansas concealed handgun carry laws, federal laws, and these Rules in order to carry a concealed handgun in the State of Arkansas.

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

Rule 12.1 Procedure for transfer of a license issued by another state to Arkansas

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

- (1) A properly completed Department transfer application form;
- (2) The person's current, original out-of-state license (if the concealed handgun carry license is contained on the driver's license of that state, then other suitable documentation as outlined by the Department will be required);
- (3) Two (2) properly completed, classifiable and legible fingerprint cards;
- (4) A nonrefundable license transfer fee as set by law; and
- (5) Any fee charged by a state or federal agency for a criminal history check.

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

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

CHAPTER 13. Training Requirement for Concealed Handgun Carry License

Rule 13.0 Training requirements upon initial application

(a) A person shall, prior to submitting an initial application for a concealed handgun carry license, successfully complete a Department approved firearm safety training program. The training must be conducted and attested to by a registered Firearms Safety Training Instructor as defined in these Rules. The program shall consist of a minimum of five (5) hours of instruction on the following topics:

- (1) Administrative matters, including the application process and explanation of criteria for passing the course;
- (2) Avoiding victimization;
- (3) Laws regarding use of a handgun;
- (4) Arkansas Concealed Handgun Carry Licensing laws and Rules;
- (5) Encounters with law enforcement;
- (6) Inspection of the handgun;
- (7) Types of handguns;
- (8) Ammunition;
- (9) Cleaning and storage of a handgun;
- (10) Carrying "concealed;"
- (11) Classroom preparation for range instruction.

(b) The required training for an initial license may be completed at any time within six (6) months prior to the Department's receipt of a properly completed application packet.

- (c) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by “live-fire.”
- (d) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license initial application.
- (e) A valid, current firearm safety training instructor registration issued by the Department may be substituted as the training requirement for an initial concealed handgun carry license.

Rule 13.1 Training requirements upon renewal of license

- (a) The required training as established by the Department for renewal shall be completed at any time within six (6) months prior to the expiration of the license until six (6) months after expiration. Timely renewal is determined by the Department’s receipt date of the completed renewal application packet.
- (b) The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range by “live-fire.” Renewal training may also address updates and changes in the concealed handgun carry licensing laws and Rules.
- (c) An applicant who desires to obtain an enhanced license upon renewal may substitute an enhanced training certificate for the renewal training requirement.
- (d) An instructor may not provide his or her own training certification for his or her own Arkansas concealed handgun carry license renewal application; however, the instructor may substitute his or her valid, current firearms safety training instruction registration issued by the Department for the renewal training requirement.

Rule 13.2 Substitution of “live-fire” training

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

- (a) A letter dated and personally signed by a commanding officer or his or her designee stating that the applicant is of good character and sound judgment;
- (b) A form, as designated by the Department, showing that the applicant has met the military qualification requirements for issuance and operation of a handgun within one (1) year of the application date.
- (c) A copy of the face or photograph side of a current United States Uniformed Services military identification card, if the applicant is a member of the United States Armed Forces; and
- (d) A copy of the active duty orders, if the applicant is on active duty.

Rule 13.3 Training Requirements for Enhanced License

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

- (1) ACA §§ 5-73-101 to -325 and all significant changes to these chapters as they occur;

(2) The terms of an Enhanced License, including the rights and responsibilities of an Enhanced License holder and all locations where the carry of concealed firearms remains prohibited;

(3) Self-Defense under Arkansas law, the use of deadly physical force, the subchapter of Arkansas Code on “Justification” (ACA §§ 5-2-601 to -622), and the potential criminal penalties that may be imposed when the use of deadly physical force is not justified;

(4) Techniques for weapon retention;

(5) General civil liability for personal injury or property damage resulting from use of a firearm;

(6) Emergent situations in public locations, including the proper response to law enforcement and the duty to avoid injury to innocent bystanders;

(7) Issues related to campus carry, to include, but not be limited to:

(A) Responsibility of the licensee to know and obey the campus’s weapons policies;

(B) Distinction between “possession” of a firearm, which is permissible, and “storage” which is not permissible; and

(C) Requirement to carry concealed and potential penalties for violation;

(8) Other considerations for expanded carry, to include, but not be limited to:

(A) Dangers of carrying or deploying a firearm in proximity to hazardous materials;

(B) Possible ramifications of alcohol use while in possession of a firearm; and

(C) Identification as an Enhanced License holder in contact with law enforcement.

(b) A new applicant for a concealed handgun carry license or a current licensee may apply to the Department to receive an Enhanced License. The enhanced training must be conducted and attested to by a registered Firearms Safety Training Instructor as defined in these Rules. To qualify for the Enhanced License:

(1) A new applicant must successfully complete the Department approved initial training requirements for licensure in ASP CHCL Rule 13.0 and the Department approved enhanced firearm safety training program.

(2) A current licensee must successfully complete the Department approved enhanced firearm safety training program.

(c) The required training for an Enhanced License may be completed at any time within six (6) months prior to the Department’s receipt of an application for an Enhanced License, but such enhanced training is not required to be renewed.

(d) The applicant must complete a live-fire proficiency qualification and obtain a score of 35/50 or 70% overall. The instructor may permit the applicant to re-fire the course three (3) times. If the applicant fails to obtain the required score after three (3) attempts at shooting the course, the instructor must wait ninety (90) days prior to allowing the applicant to re-take the enhanced training course. The fundamentals of the live-fire course are as follows:

(1) Stage 1: 3 yard line – 20 Rounds

(A) 5 shots fired in a “one shot exercise” – 2 seconds allowed for each shot;

(B) 10 shots fired in a “two shot exercise” – 3 seconds allowed for each 2 shot sequence;

- (C) 5 shots fired in 10 seconds;
 - (2) Stage 2: 7 yard line – 20 rounds
 - (A) 5 shots fired in 10 seconds
 - (B) 5 shots fired in 2 stages:
 - (i) 2 shots fired in 4 seconds;
 - (ii) 3 shots fired in 6 seconds;
 - (C) 5 shots fired in a “one shot exercise” – 3 seconds allowed for each shot;
 - (D) 5 shots fired in 15 seconds;
 - (3) Stage 3: 15 yard line – 10 rounds
 - (A) 5 shots fired in 2 stages:
 - (i) 2 shots fired in 6 seconds;
 - (ii) 3 shots fired in 9 seconds;
 - (B) 5 shots fired in 15 seconds;
 - (4) All shooting is from the “ready” position;
 - (5) The target utilized will be a B-27 target. The shooter will be scored “hit” or “miss.”
- A successful hit will be scored if the round fired cuts the line of the 7 ring or is within the 7 ring of the B-27 target.
- (e) An instructor may not provide his or her own training certification for his or her own Enhanced License; however, the instructor may substitute his or her valid, current enhanced training registration issued by the Department for the enhanced training requirement.
 - (f) A licensee or applicant may seek a waiver of up to four (4) hours of enhanced training based on prior training on appropriate topics completed by the licensee within the ten (10) years prior to application for an enhanced license. Documentation demonstrating the similarity of the prior training to enhanced training requirements must be submitted by the applicant for review.

CHAPTER 14. Firearms Safety Training Instructor

Rule 14.0 Purpose

- (a) One of the main purposes of the Firearms Safety Training Instructor is to train and evaluate the level of competence of a prospective applicant or licensee to ensure that the person meets a basic level of knowledge, understanding, and practical operation for safe handling of a handgun.
- (b) Instructors shall not certify the successful completion of the training requirements of a prospective applicant or licensee unless the person successfully meets the required standards of training.
- (c) The instructor may, at the instructor's discretion, refuse to instruct or refuse to provide firearms course completion certification for any person if, in the opinion of the instructor, that person is incapable of successfully completing the required standards of training or enhanced training.
- (d) Training must be conducted in person. Online training is not allowed and will not be accepted.

Rule 14.1 Maintenance of Records

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

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

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

Rule 14.2 Application for approval of registration

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

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

(2) Within six (6) months of application, successfully complete the examination administered by the Department. The examination shall consist of the provisions of ACA §§ 5-73-101 et seq., federal firearms laws, enhanced training topics, and these Rules;

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

(4) Offer enhanced training; and

(5) 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;

(2) Completion of a Certified Pistol Instructor Course that is recognized by the Department and completion of a Range Officer Safety Course that is recognized by the Department; or

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

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

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

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

14.3 Approval to teach Enhanced Training

(a) ACA § 5-73-322(g)(2)(A)(iii) requires that enhanced training be offered by all training instructors and at all concealed carry training courses. Enhanced training is a separate class from the class required to obtain an initial, non-enhanced concealed handgun carry license. Instructors are only required to teach enhanced training to students who desire an enhanced license. However, all instructors and entities that offer concealed carry training classes must also offer enhanced training classes.

(b) All instructors who have a current registration as of January 1, 2018 must successfully complete an exam administered by the Department covering the updated provisions of ACA §§ 5-73-101 et seq., federal firearms laws, the enhanced training topics, and these Rules to be approved to offer enhanced training. If an instructor fails to successfully complete the exam within six (6) months of its implementation by the Department, his or her registration will be revoked.

(c) The enhanced training offered by the instructor must consist of approximately eight (8) hours – five to six (5-6) hours in-class and maximum two (2) hours live-fire. The instructor must cover the topics contained in ASP CHCL Rule 13.3. Failure to comply with these requirements could result in the rejection of the instructor's students' training certificates and/or suspension or revocation of the registration.

CHAPTER 15. Firearms Safety Training Instructor Requirements

Rule 15.0 Training of Applicants

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

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

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

Rule 15.1 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 for any reason whatsoever, the Director shall be notified, in writing, of the cessation within five (5) calendar days and, if requested, provide all records to the Director.

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

Rule 15.2 Instructor Change of Address

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

Rule 15.3 Instructor – Other requirements

(a) An instructor must include the registration number assigned to him or her by the Director on all matters of advertising for teaching Arkansas Concealed Handgun Carry License classes or offering services as a Firearms Safety Training Instructor registered with the Department. Advertising includes print, electronic or social media, such as Facebook, twitter, linkedin, etc. The instructor is not required to include the registration number on each posting from a social media account, so long as the posting is linked to account of the instructor with the registration number.

(b) An instructor may not use the Arkansas State Police star or indicate any other association with the Arkansas State Police other than they are registered with the Arkansas State Police as an Arkansas Concealed Handgun Carry License Firearms Safety Training Instructor.

Rule 15.4 Death of a registered instructor

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

Rule 15.5 Voluntary surrender of a registration

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

Rule 15.6 Notification of Department of arrest of a registrant

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

CHAPTER 16. Denial, suspension, or revocation of a Firearms Safety Training Instructor registration**Rule 16.0 Grounds for denial, suspension, or revocation of a Firearms Safety Training Instructor registration**

The Director has the authority to:

(a) Deny the application for registration under provisions of state or federal law 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;
- (3) Demonstrated incompetence or untrustworthiness in his or her actions;
- (4) Failed to comply with the provisions of Arkansas law and/or these Rules;
- (5) Committed any act which, if committed by a licensee, would subject the concealed handgun carry licensee to denial, suspension, or revocation;
- (6) Repeatedly failed to check the non-electronic applications of trainees for completeness, accuracy, and legibility;
- (7) Not at all times legally operated in accordance with these Rules, and with all Federal, State, County, and City laws and ordinances;
- (8) Not at all times maintained a current and valid Firearms Safety Training Instructor registration on file with the Department as required in these Rules;
- (9) Been the subject of a request on file with the Department from the Office of Child Support Enforcement to suspend the registration; or
- (10) Otherwise becomes ineligible to hold a concealed handgun carry license.

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

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

CHAPTER 17. Firearm-Sensitive Areas

Rule 17.0 Posted firearm-sensitive areas - Restriction

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

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

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

- (a) Submit a security plan to the Regulatory Division of the Department, including the following information:
 - (1) Total projected attendance/capacity;
 - (2) Number of entrances and exits;
 - (3) Number of on-site private security personnel;
 - (4) Number of on-site law enforcement officers

- (5) Number of on-site first responders;
 - (6) Location of parking areas and number of motor vehicles projected to use the parking areas;
 - (7) Routes for emergency vehicles;
 - (8) Locations of all restrooms, stairs, and elevators;
 - (9) Evacuation procedures;
 - (10) Security communication protocol;
 - (11) Location of emergency vehicles;
 - (12) Public communication protocol;
 - (13) Bomb threat and active shooter procedures; and
 - (14) Corresponding security measures.
- (b)** Indicate the area(s) and/or event(s) to be designated “firearm-sensitive.”
- (c)** State whether the area will be designated “firearm-sensitive” at all times, or if only on certain dates and times, list the dates, times, and purposes for which the area will be designated “firearm-sensitive.”
- (d)** List the name, title, telephone number, address, and email for the entity’s preferred contact.
- (e)** The security plan may be submitted annually, or no later than five (5) days before a scheduled collegiate athletic event.
- (f)** If the security plan is submitted for a scheduled collegiate athletic event, the Department will approve or disapprove the plan within seventy-two (72) hours of receipt of the security plan.
- (g)** If the security plan is submitted annually, the Department will approve or disapprove the plan within ten (10) business days.
- (h)** Once the security plan has been approved, the entity shall post a notification at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

CHAPTER 18. Effective Date of these Rules

Rule 18.0 Effective date

These Rules shall be effective on and after Thursday, January 1, 2009. *(Certain revisions were effective January 1, 2018.)*
