

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Department of Arkansas State Police

Department Regulatory Division

Contact Mary Claire McLaurin E-mail mary.claire.mclaurin@asp.arkansas.gov Phone 501-618-8630

Statutory Authority for Promulgating Rules Act 562 of 2017; ACA 5-73-317; ACA 25-15-201 et seq

Rule Title: AR Concealed Handgun Carry Licensing Rules - Waiver Revisions

Intended Effective Date  
(Check One)

Date

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(Must be more than 10 days after filing date.)

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Adopted by State Agency ..... 6/24/18

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Mary Claire McLaurin mary.claire.mclaurin@asp.arkansas.gov

6/15/18

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.)

Signature

501-618-8630

mary.claire.mclaurin@asp.arkansas

Phone Number

E-mail Address

Attorney

Title

6/15/18

Date

DEPARTMENT OF ARKANSAS STATE POLICE  
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES

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**CHAPTER 13. Training Requirement for Concealed Handgun Carry License**

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**CHAPTER 1. TITLE; AUTHORITY; SCOPE**

**Rule 1.2 Definitions**

Definitions are adopted as follows:

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

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**CHAPTER 5. Renewal of license**

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**Rule 5.4 Renewal of enhanced license**

An enhanced concealed handgun carry license is required to be renewed under the terms outlined in this chapter.

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## **CHAPTER 7. License Restrictions**

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### **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)~~(c) Any meeting place of the governing body of any governmental entity;
- (de) Any meeting place of the General Assembly or a committee of the General Assembly;
- (ef) Any state office;
- (fg) Athletic events;
- (gh) A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises;
- (hi) A portion of an establishment where beer or light wine is consumed on the premises;
- (ij) Inside the passenger terminal of an airport;
- (jk) Any church or other place of worship;
- (kl) 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;
- (lm) 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.

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## **CHAPTER 13. Training Requirement for Concealed Handgun Carry License**

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### **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 for enhanced training:

- (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.

The Department may provide instructors with an example Syllabus for Enhanced Training to be used as a guide for its instruction.

**(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 attempt completion of the live-fire proficiency qualification again. 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.~~

### **Rule 13.4 Waiver**

A current licensee or new applicant may qualify for a waiver of a portion of the approximately eight (8) hour enhanced training course based on completion of the Arkansas basic concealed handgun carry training within the ten (10) years prior to application for an enhanced license.

Documentation demonstrating the completion of the prior training must be submitted to the Department. The waiver may be applied in one of the following ways:

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



forth in Rule 13.3(a) must be covered in the abbreviated course for the licensee to qualify for an enhanced license.

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

## **CHAPTER 14. Firearms Safety Training Instructor**

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### **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 the 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 by January 1, 2020~~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.
- (d) Instructors may conduct combined or abbreviated enhanced training courses as described in Rule 13.4 for applicants who qualify for a waiver. Instructors must require the applicant to demonstrate proof of completion of basic concealed handgun carry training completed within the ten (10) years prior to conducting the abbreviated course.

## **CHAPTER 15. Firearms Safety Training Instructor Requirements**

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### **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.

(c) An instructor may not conduct any business as a registered Arkansas Concealed Handgun Carry License Firearms Safety Training Instructor under a name other than what is shown on his or her current registration on file with the Department.

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DEPARTMENT OF ARKANSAS STATE POLICE  
ARKANSAS CONCEALED HANDGUN CARRY LICENSE RULES

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

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

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(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;

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(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;

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- (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.

#### **Rule 13.4 Waiver**

A current licensee or new applicant may qualify for a waiver of a portion of the approximately eight (8) hour enhanced training course based on completion of the Arkansas basic concealed handgun carry training within the ten (10) years prior to application for an enhanced license.

Documentation demonstrating the completion of the prior training must be submitted to the Department. The waiver may be applied in one of the following ways:

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## **CHAPTER 14. Firearms Safety Training Instructor**

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### **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 the 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.

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**(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 by January 1, 2020, 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.

**(d)** Instructors may conduct combined or abbreviated enhanced training courses as described in Rule 13.4 for applicants who qualify for a waiver. Instructors must require the applicant to demonstrate proof of completion of basic concealed handgun carry training completed within the ten (10) years prior to conducting the abbreviated course.

## **CHAPTER 15. Firearms Safety Training Instructor Requirements**

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### **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.

**(c)** An instructor may not conduct any business as a registered Arkansas Concealed Handgun Carry License Firearms Safety Training Instructor under a name other than what is shown on his or her current registration on file with the Department.

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