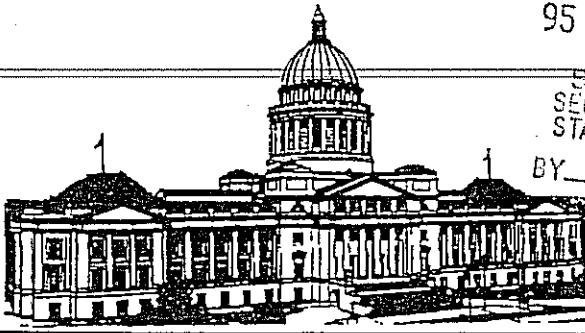


ARKANSAS REGISTER

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Transmittal Sheet



SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY

Sharon Priest
Secretary of State
State Capitol Room 017
Little Rock, AR 72201-1094

For Office Use Only: Effective Date 9/2/95 Code Number 130.00.95--003

Name of Agency Arkansas State Police

Department Special Services Section

Contact Person Captain Bill Young

Statutory Authority for Promulgating Rules Act 419 of 1995

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published May 27 thru June 2, 1995
<input checked="" type="checkbox"/> ¹⁰ 20 Days After Filing	Final Date for Public Comment July 28, 1995
<input type="checkbox"/> Other	Filed With Legislative Council May 30, 1995
	Reviewed by Legislative Council August 18, 1995
	Adopted by State Agency August 18, 1995

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Captain Bill Young
Signature
Commander, Special Services Section
Title

August 24, 1995

Date

ACT 419 OF 1995, RULES AND PROCEDURES, GENERAL PROVISIONS

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CHR 1. "DEFINITIONS" as used in these rules and procedures, unless the context otherwise requires, the following definitions are adopted:

1. A "DIRECTOR" means the Director of the Arkansas State Police or his designated representative.
1. B "HANDGUN" means any firearm as described in Section 1.b of Act 419 of 1995.
1. C "CONCEALED" means to cover from observation so as to prevent public view as defined in Section 1.c of Act 419 of 1995.
1. D "APPLICANT" means any person who has submitted to the Department a properly completed application for approval of a concealed handgun license, firearm safety training instructor approval or firearm safety training program approval.
1. E "DEPARTMENT" means the Department of Arkansas State Police.
1. F "LICENSE" means the written authorization issued by the Director to the holder entitling that person to carry a concealed handgun as prescribed by Act 419 of 1995.
1. G "LICENSEE" means any person to whom a license has been issued under the provisions of Act 419 of 1995.
1. H "INSTRUCTOR" means any person who has been approved by the Director to instruct the training requirements for a license to carry a concealed handgun under the provisions of Act 419 of 1995 and these rules.
1. I "APPLICATION" means a form of such size and design that contains the required information as prescribed by Act 419 of 1995, enabling a person to apply for a license to carry a concealed handgun or an instructor's permit as described herein.
1. J "DOCUMENTATION" means such other information as may be required under the provisions of Act 419 of 1995, only to be utilized in determining the applicant's qualifications.
1. K "REGISTRATION" means a permit granted to an instructor certifying him/her to instruct the training provisions outlined herein.
1. L "TRAINING" means the training requirements set forth in these rules and procedures for licensure to carry a concealed handgun under the provisions of Act 419 of 1995.
1. M "HEARING OFFICER" means the Director of the Arkansas State Police or his designated representative acting in cases of adjudication as outlined in the Arkansas Administrative Procedure Act, as amended.
1. N "DUPLICATE LICENSE" means a license to carry a concealed handgun that has been issued to a licensee to replace the previously issued license.

CHR 2. "APPLICATION" The application shall be of such size and design that will include relative information required by Act 419 of 1995. The Director shall have the authority to design and, if necessary, amend the application form as he deems necessary, maintaining the guidelines set forth under the provisions of Act 419 of 1995.

2. A "AVAILABILITY" Applications for a license to carry a concealed handgun, firearm safety training instructor's registration and firearm safety training program approval may be obtained at any office of the Arkansas State Police during normal business hours and at any other location as may be approved by the Director.

2. B "PROPER APPLICATION" means a properly completed application to carry a concealed handgun as described in the provisions of Act 419 of 1995, and these rules. Any person who fails to submit a properly completed application shall have the application returned with a notification of the reason. The time limitations as described in Act 419 of 1995 shall not take effect until a proper application is received by the Department.

2. C "DOCUMENTATION" means, in addition to the application as described in Act 419 of 1995, the following information:

1. A full face photograph accurately depicting the appearance of the applicant at the time the application is submitted.
2. Non-refundable application fees as described in the provisions of Act 419 of 1995 and these rules.
3. A properly completed, signed and notarized waiver authorizing the Department access to the applicant's records as outlined in the provisions of Act 419 of 1995. The waiver shall be of such size and design as may be determined by the Director.
4. A full set of classifiable fingerprints as described in Act 419 of 1995.
5. Proof of the applicant's successful completion of the firearm safety training program as described in these rules.
6. A statement of allegiance to the United States Constitution, the Arkansas Constitution, and all Federal and State Courts.
7. Any other information the Director may require from the applicant to determine his/her qualifications to hold a license under the provisions of Act 419 of 1995 and these rules.

2. D A licensee may apply for a duplicate license on a form of such size and design as may be determined by the Director under the following conditions:

1. Is in compliance with Section 2, subsection h of Act 419 of 1995.
2. Is in compliance with Section 2, subsection i of Act 419 of 1995.
3. Is in compliance with rule 4 of these rules and regulations.
4. Pay all applicable fees.

2. E An applicant who applies for a duplicate license shall complete the range firing as described in rule 7.B-6 if he/she is applying for the duplicate license to carry a handgun which is significantly different than that which he/she was previously licensed to carry.

CHR 3. "FEES": The Director of the Arkansas State Police, in accordance with the authority given him under the provision of Act 419 of 1995, hereby establishes the following fees:

3. A "ORIGINAL LICENSE"	\$ 100.00
3. B "RENEWAL LICENSE"	\$ 100.00
3. C "STATE POLICE BACKGROUND"	\$ 15.00
3. D "DUPLICATE LICENSE"	\$ 15.00
3. E "LATE FEE"	\$ 15.00
3. F "F. B. I. FINGERPRINT CHECK"	\$ 24.00

The fees as described in 3.A, 3.C and 3.F must accompany all applications for an original license.

The fees as described in 3.B and 3. C must accompany all applications for a renewal license if the application is submitted in a timely manner. If the renewal application is submitted after the license expiration date, the fee as outlined in 3.E must also accompany the application.

The fee as outlined in 3.D must accompany all applications for a duplicate license.

If an applicant for an instructor's registration has not applied for a license to carry a concealed handgun under the provisions of Act 419 of 1995, then he/she must submit the fees as outlined in 3.C and 3.F with his/her application.

(ATTENTION): The fee as described in 3. F above must be submitted by a separate check as outlined below.

All fees described herein are non-refundable and are to be paid to the "Arkansas State Police". All fees outlined herein shall be submitted only by cashiers check, certified check or money order.

CHR 4. "LICENSE DESIGN AND ISSUE"

4. A The license to carry a concealed handgun as provided by Act 419 of 1995 shall be of such size and design as may be determined by the Director, and when issued shall contain the following information of the licensee;
1. Name as shown on the application for a license;
 2. Licensee's date of birth;
 3. Licensee's physical description;
 4. License number;
 5. Expiration date of the license; and
 6. Serial number (s) of the handgun (s) the licensee is authorized to carry.
4. B Each licensee shall be assigned a specific number by the Director. Once assigned, the license number and license shall not be assigned or transferred to another person.
4. C A license, when surrendered to the Department for any reason whatsoever prior to the expiration date, may be returned to the holder only after said holder provides proof of meeting all the qualifications to hold such license as outlined in the provisions of Act 419 of 1995 and these rules. In no event shall the license fee or any portion thereof be refunded.
4. D The licensee shall notify the Department, in writing, within thirty (30) calendar days of the discovery of a lost or stolen license. The Director shall cancel the original license and a duplicate license shall be issued upon payment of the fee prescribed herein.
4. E The license shall be renewed in accordance with the provisions of Act 419 of 1995 and these rules.
4. F The licensee shall notify the Department, in writing, within thirty (30) calendar days of any name or address change.

CHR 5. "LICENSEE REQUIREMENTS"

5. A The license shall be used solely by the licensee.
5. B The licensee shall at all times, while in possession of a concealed handgun, carry the license on his/her person.
5. C While in actual possession of a concealed handgun, the licensee shall present the original license (or valid issued duplicate) for inspection, along with an official form of photo identification, upon request by any peace officer. An official form of photo identification shall be, but is not limited to, any of the following:
1. Current and valid Arkansas drivers license denoting the same address as shown on the concealed handgun license;
 2. Current and valid military identification card;
 3. Valid identification card issued by the State of Arkansas denoting the same address as shown on the concealed handgun license;
 4. Valid passport.
- or
5. D Reproduced copies shall not be substituted for the original license.
5. E Reproduced copies shall not be accepted for the second form of identification as described in rule 5. C.

CHR 6. "LICENSE RENEWAL"

6. A The license shall expire four (4) years from the date of issuance. The licensee must renew the license on or before the date it would otherwise expire and failure to do so shall result in the expiration of the license.
6. B The licensee shall renew the license upon proper completion of a renewal application of which size and design shall be determined by the Director.
6. C All applications for a renewal license shall be accompanied by a renewal fee as outlined in these rules, and a notarized affidavit stating the applicant remains qualified pursuant to the criteria set forth by Act 419 of 1995 and these rules.
6. D If the holder of an expired license applies for a renewal within six (6) months following the expiration of the license, the applicant shall be processed as a renewal, providing the requirements set forth in rule 6. C have been met. If the holder of an expired license applies for renewal after more than six (6) months have elapsed after expiration of his/her license, the applicant shall be considered ineligible for renewal and shall be required to meet all the standards and requirements of a new license applicant.
6. E The Director shall verify that the applicant meets the requirements set forth and failure to meet such requirements shall result in the denial of the application.
6. F An application for renewal of a license to carry a concealed handgun may be submitted to the Department no earlier than ninety (90) calendar days prior to the expiration date of the license. Applications submitted to the Department for renewal after sixty (60) calendar days prior to the expiration date may result in a lapse of continuity.

CHR 7. "TRAINING"

7. A A person shall, prior to submitting an application for a concealed handgun license or renewal, successfully complete an approved firearm safety training program. The training must be conducted and attested to by an approved registered instructor as defined in these rules. The required training for an original application may be completed at any time within six (6) months prior to applying for a license. The required training for renewal shall be completed at any time within twelve (12) months prior to expiration, and may consist of demonstrated proficiency in a live course of fire as described in 7.B.3.
7. B The required minimum standards for the firearm safety training for licensure and renewal shall be:
1. A course of instruction developed by and provided by the Director;
 2. The National Rifle Association Personal Protection Course;
 3. The applicant must successfully demonstrate proficiency with the use of a handgun on the firing range. The proficiency standard shall be submitted to and approved by the Director and shall include utilizing "LIVE" ammunition and firing. The instructor must record the amount of time used by the applicant to demonstrate proficiency with the handgun. The Director shall not accept the training requirements of an applicant unless the instructor has submitted and gained approval of the required standards.
7. C No instructor shall certify the successful completion of the training requirements of an individual unless the individual successfully meets the required standards of proficiency. The instructor may, at the instructor's discretion, refuse to instruct any person if in the opinion of the instructor that person is incapable of successfully completing the required standards of training.
7. D Instructors shall maintain all training records of every individual they have instructed for the purpose of obtaining a concealed handgun license, for a period of not less than five (5) years from the date of training.
7. E An instructor may utilize guest instructors or lecturers provided the following conditions are met:
1. The guest instructor must be knowledgeable in the subject matter of the instruction.
 2. A course outline detailing the subject matter the guest instructor will cover must be submitted to and approved by the Director.
 3. The Director shall be notified, in writing, a minimum of ten (10) calendar days prior to the date the guest instructor will be utilized, of the guest instructor's qualifications in addition to the material outlined in rule 7.E.2.
7. F An approved registered firearm safety training instructor shall be present in the instruction area during the guest instructor's period to verify the subject matter was properly covered.

CHR 8. "TRAINING INSTRUCTORS"

8. A In addition to the qualifications set forth in Act 419 of 1995 for a person to carry a concealed handgun, an applicant to become registered as a firearm safety training instructor shall have received an instructor certification in at least one (1) of the following:

1. An individual employed as a police officer who holds a current and valid firearms instructor's certificate issued by the Arkansas Law Enforcement Training Academy;

2. An individual who holds a current and valid certification and has successfully completed the Police Firearms Instructor Development School or Law Enforcement Security Firearms Instructor Development School as certified by the National Rifle Association or who holds a current and valid Personal Protection Instructor rating from the National Rifle Association;

3. Have one (1) year experience as a firearm instructor for, and currently employed by a security services contractor or the security department of a private business that is licensed by the State of Arkansas, having been certified by the Arkansas Board of Private Security Agencies as an instructor.

8. B The Director may require applicants for registration as instructors to demonstrate their qualifications by examination. The examination shall consist only of the provisions of Act 419 of 1995, and these rules.

8. C A person may apply to be an instructor on a form of such size and design as may be determined by the Director. It shall be the applicant's responsibility to show his/her qualifications for registration as an instructor.

8. D The Director shall make a decision within sixty (60) calendar days after the receipt of all requested information from the applicant. In the event the applicant is denied the Director shall notify the applicant of his decision in writing stating the reason for the denial. Approved applicants shall be assigned a firearm safety training instructor registration number.

8. E The Director may, at his discretion, establish apprenticeship programs for individuals failing to meet the qualifications as outlined in rule 8.A.

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

8. G 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 as outlined in rule 7.D to the Director.

8. H An instructor shall notify the Department within thirty (30) calendar days of any change in his/her name or address that is shown on his/her application, and may not conduct any business under the provisions of Act 419 of 1995 and these rules under a name other than what is shown on his/her application for registration.

8. I Instructors must include the registration number assigned to them by the Director on all matters of advertising their services as described in these rules.

8. J The Director may, at his discretion, approve an applicant who fails to meet the qualifications as outlined in rule 8. A if it is deemed the applicant is qualified by experience, education, etc.

8. K An instructor shall, at all times, maintain a current and valid certificate as outlined in rule 8. A on file with the Department. Failure to comply with this requirement shall result in the automatic suspension of the registration.

8. L An applicant for an instructor's registration shall be exempt from the training requirements as set forth in rule 7. A and 7. B provided the applicant qualifies pursuant to rule 8. A and 8. B of these rules.

8. M An applicant for an instructor's registration who is not licensed to carry a concealed handgun under the provisions of Act 419 of 1995 shall submit with his/her application the required fees as outlined in Rule 3. C and 3. F.

CHR 9. "SUSPENSIONS, REVOCATIONS AND HEARINGS"

9. A In any hearing held for the purpose of affording any applicant the opportunity to demonstrate his/her qualifications under the provisions of Act 419 of 1995 and these rules, the burden of proof shall be on the applicant.

9. B In any hearing held for the purpose of revoking or suspending a licensee who has qualified under the provisions of Act 419 of 1995 and these rules, the burden of proof shall be on the Director or complainant.

9. C 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 shall be afforded a hearing in a prompt and timely manner.

9. D The Director shall issue an order of suspension if any licensee becomes ineligible under the criteria set forth in the provisions of Act 419 of 1995 and these rules, and the license shall remain suspended until a hearing is held to determine revocation or other action.

9. E The Director has the authority to deny the application of any applicant, or to suspend and/or revoke the registration of any instructor who has qualified under the provisions of Act 419 of 1995 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 training instructor under the provisions of Act 419 of 1995 and these rules;

3. Demonstrated incompetence or untrustworthiness in his/her actions;

4. Failed to comply with the provisions of Act 419 of 1995 and these rules;

5. Committed any act which if committed by a licensee would subject the license to suspension or revocation.

9. F Upon notification of suspension or revocation, the licensee shall immediately return the concealed handgun license to the Director. Any license under suspension or revocation is subject to seizure by any peace officer.

9. G If a license that has been issued under the provisions of Act 419 of 1995 and these rules is revoked by the Director, the former licensee shall not be eligible to apply for a concealed handgun license for a period of twenty-four (24) months from the date of revocation, at which time the applicant must meet all qualifications which apply to a new applicant.

9. H Upon the denial, suspension or revocation of a license, registration of a firearm safety training instructor or a firearm safety training program, the affected party shall be afforded the opportunity for a hearing. The affected party shall notify the Director of his/her intent within ten (10) calendar days of notice of suspension, denial or revocation.

9. I The party shall be notified of the date, time and location of the hearing in accordance with the Arkansas Administrative Procedure Act.

9. J Hearings shall be conducted in an informal manner and without necessity of adherence to the rules of evidence required in judicial proceedings.

9. K Hearings shall be conducted by the hearing officer appointed by the Director as outlined in rule 1.M of these rules.

9. L Hearings shall be held at a location to be determined by the Department.

9. M Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the hearing officer.

9. N Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

9. O The Department will cause to be made an official record of the proceedings.

9. P Parties shall have the right to be represented by counsel, to submit evidence in open hearing, compel the attendance of witnesses and to require the presentation of pertinent written documents and to cross examine any witness at the hearing.

9. Q If the party does not appear at the hearing, the party will be notified, in writing, of the hearing findings. All notices shall include the findings of fact, conclusions of law and the final order.

9. R The decision of the Director shall be final.