

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 2168

5 By: Representatives Collins, Drown, Ballinger, Bentley, Davis, Gonzales, Lowery, Lundstrum, Maddox,  
6 Pilkington, Rye, B. Smith, Sullivan, Vaught, Wardlaw, Watson, Womack  
7 By: Senators T. Garner, Collins-Smith  
8

## For An Act To Be Entitled

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10 AN ACT CONCERNING THE POSSESSION OF A CONCEALED  
11 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC COLLEGE, OR  
12 COMMUNITY COLLEGE BUILDING; CONCERNING CONCEALED  
13 HANDGUNS; AND FOR OTHER PURPOSES.  
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## Subtitle

16  
17 CONCERNING THE POSSESSION OF A CONCEALED  
18 HANDGUN IN A PUBLIC UNIVERSITY, PUBLIC  
19 COLLEGE, OR COMMUNITY COLLEGE BUILDING;  
20 AND CONCERNING CONCEALED HANDGUNS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 5-73-322 is amended to read as follows:  
26 5-73-322. Concealed handguns in a university, college, or community  
27 college building.

28 (a) As used in this section:

29 (1) "Hospital" means the facilities of an institution licensed,  
30 certified, or approved by the Division of Health Facilities Services of the  
31 Department of Health as a hospital that is primarily engaged in providing to  
32 patients diagnostic and therapeutic services for medical diagnosis,  
33 treatment, and care of persons with an injury, disability, or illness, by or  
34 under the supervision of a physician or other medical professional;

35 ~~(1)(A)~~(2)(A) "Public university, public college, or community  
36 college" means an institution that:



1 (i) Regularly receives budgetary support from the  
2 state government;

3 (ii) Is part of the University of Arkansas or  
4 Arkansas State University systems; or

5 (iii) Is required to report to the Arkansas Higher  
6 Education Coordinating Board.

7 (B) "Public university, public college, or community  
8 college" includes without limitation a public technical institute in a county  
9 with a population of at least two hundred thousand (200,000) according to the  
10 last federal decennial census and that borders another state.

11 ~~(B)(C)~~ "Public university, public college, or community  
12 college" does not include a private university or private college solely  
13 because:

14 (i) Students attending the private university or  
15 private college receive state-supported scholarships; or

16 (ii) The private university or private college  
17 voluntarily reports to the Arkansas Higher Education Coordinating Board; and

18 ~~(2)(3)(A)~~ "Staff member" means a person who is not enrolled as a  
19 full-time student at the university, college, or community college and is  
20 either employed by the university, college, or community college;

21 (i) full Full time; or is on

22 (ii) On a nine-month or twelve-month appointment at  
23 the university, college, or community college as a faculty member; or

24 (iii) As a part-time faculty member at the  
25 university, college, or community college.

26 (B) "Staff member" does not include a graduate assistant.

27 (b) A licensee may possess a concealed handgun in the buildings and on  
28 the grounds, whether owned or leased by the public university, public  
29 college, or community college, of the public university, public college, or  
30 community college where he or she is employed unless otherwise prohibited by  
31 this section or § 5-73-306 if he or she is a staff member.+

32 ~~(1) He or she is a staff member; and~~

33 ~~(2)(A) The governing board of the public university, public~~  
34 ~~college, or community college does not adopt a policy expressly disallowing~~  
35 ~~the carrying of a concealed handgun by staff members in the buildings or on~~  
36 ~~the grounds of the public university, public college, or community college~~

1 ~~and posts notices as described in § 5-73-306(18).~~

2 ~~(B) A governing board of the public university, public~~  
 3 ~~college, or community college may adopt differing policies for the carrying~~  
 4 ~~of a concealed handgun by staff members for different campuses, areas of a~~  
 5 ~~campus, or individual buildings of the public university, public college, or~~  
 6 ~~community college for which the governing board is responsible.~~

7 ~~(C) A policy disallowing the carrying of a concealed~~  
 8 ~~handgun by staff members into the public university, public college, or~~  
 9 ~~community college expires one (1) year after the date of adoption and must be~~  
 10 ~~readopted each year by the governing board of the public university, public~~  
 11 ~~college, or community college to remain in effect.~~

12 (c) A licensee may possess a concealed handgun in the buildings and on  
 13 the grounds of the private university or private college where he or she is  
 14 employed unless otherwise prohibited by this section or § 5-73-306 if:

15 (1) He or she is a staff member; and

16 (2)(A) The private university or private college does not adopt  
 17 a policy expressly disallowing the carrying of a concealed handgun in the  
 18 buildings and on the grounds of the private university or private college ~~and~~  
 19 ~~posts notices as described in § 5-73-306(18).~~

20 (B) A private university or private college that adopts a  
 21 policy expressly disallowing the carrying of a concealed handgun in the  
 22 buildings and on the grounds of the private university or private college  
 23 shall post notices as described in § 5-73-306(18).

24 (C) A private university or private college that adopts a  
 25 policy only allowing carrying of a concealed handgun under this section shall  
 26 post notices as described in § 5-73-306(18) and subsection (k) of this  
 27 section.

28 (d) The storage of a handgun in a university or college-operated  
 29 student dormitory or residence hall is prohibited under § 5-73-119(c).

30 (e)(1) The governing board of a public university, public college, or  
 31 public community college that operates a public medical school may adopt a  
 32 policy expressly disallowing the carrying of a concealed handgun by a staff  
 33 member in the buildings or on the grounds of the public medical school that  
 34 are adjacent to or are up to within a radius of one-half (1/2) mile of an  
 35 associated public hospital.

36 (2) This subsection does not limit the governing board of a

1 public university, public college, or public community college from tailoring  
2 its policy to permit the carrying of a concealed handgun into certain public  
3 hospital or public medical school facilities within the one-half-mile radius.

4 (3) A policy adopted under this subsection is invalid until  
5 public notices as described under § 5-73-306(18) are posted in and around the  
6 premises of the public medical school and associated public hospital that are  
7 subject to the policy.

8 (f)(1) The governing board of a public university, public college, or  
9 public community college may adopt a policy expressly disallowing the  
10 carrying of a concealed handgun by a staff member in the buildings or on the  
11 grounds of the public university, public college, or public community college  
12 that are adjacent to or are up to within a radius of one-half (1/2) mile of a  
13 federally owned and operated presidential library.

14 (2) This subsection does not limit the governing board of a  
15 public university, public college, or public community college from tailoring  
16 its policy to permit the carrying of a concealed handgun into certain  
17 facilities where carrying a concealed handgun is not otherwise prohibited by  
18 federal law within the one-half-mile radius.

19 (3) A policy adopted under this subsection is invalid until  
20 public notices as described under § 5-73-306(18) are posted in and around the  
21 premises of the public university, public college, or public community  
22 college that are adjacent to or up to within a radius of one-half (1/2) mile  
23 of a federally owned and operated presidential library that are subject to  
24 the policy.

25 (g) A policy disallowing the carrying of a concealed handgun under  
26 subsection (e) or subsection (f) of this section expires one (1) year after  
27 the date of adoption and shall be readopted each year by the governing board  
28 to remain in effect.

29 (h)(1) A staff member who is a licensee and who may carry a concealed  
30 handgun on the campus of a public university, public college, or public  
31 community college under this section may not carry a concealed handgun:

32 (A) Into a licensed daycare or childcare facility that is  
33 located on the campus of the public university, public college, or public  
34 community college;

35 (B) Into a location during which an official meeting  
36 lasting no more than (9) hours is being conducted in accordance with

1 documented grievance and disciplinary procedures as established by the public  
2 university, public college, or public community college if:

3 (i) At least twenty-four (24) hours' notice is given  
4 to participants of the official meeting; and

5 (ii) Notice is posted on the door of or entryway  
6 into the location in which the official meeting is being conducted that  
7 possession of a handgun by a licensee under this section is prohibited during  
8 the official meeting; or

9 (C) Into a location during which a special function,  
10 special event, or special meeting lasting no more than seventy-two (72)  
11 consecutive hours of a public university, public college, or community  
12 college is being conducted if:

13 (i) The governing body of the public university,  
14 public college, or community college has authorized by a majority vote the  
15 prohibition against a staff member carrying a concealed handgun into the  
16 location during which a special function, special event, or special meeting  
17 is being held;

18 (ii) There is a law enforcement presence equal to or  
19 greater than the larger of:

20 (a) One (1) law enforcement officer per one  
21 hundred (100) people attending, or, if over ten thousand (10,000) people  
22 attending, one (1) law enforcement officer per five hundred (500) people  
23 attending, the official function, special event, or special meeting; or

24 (b) One (1) law enforcement officer per seven  
25 thousand five hundred square feet (7,500 sq. ft.) of building or event area;

26 (iii) At least twenty-four (24) hours' notice is  
27 given to participants of the official function, special event, or special  
28 meeting; and

29 (iv) Temporary notice is posted on the door or  
30 entryway into the location in which the official function, special event, or  
31 special meeting is held that possession of a concealed handgun by a licensee  
32 under this section is prohibited during the official function, special event,  
33 or special meeting.

34 (2) As used in this subsection, "special function, special  
35 event, or special meeting" does not include a regularly scheduled or ongoing  
36 event, such as a class at a public university, public college, or public

1 community college.

2 (3) A person who knowingly violates subdivision (h)(1) of this  
3 section upon conviction is guilty of a Class A misdemeanor.

4 (i) The governing board of a public university, public college, or  
5 public community college may prohibit a person possessing an out-of-state  
6 concealed handgun license that otherwise is valid in this state from carrying  
7 a concealed handgun on the property or in a building of a public university,  
8 public college, or public community college under this section.

9 (j) This section does not affect a licensee's ability to store a  
10 concealed handgun in his or her vehicle under § 5-73-306(13)(B)(v).

11 (k)(1) If a private university or private college permits carrying a  
12 concealed handgun under this section, the private university or private  
13 college may revise any sign or notice required to be posted under § 5-73-  
14 306(18) to indicate that carrying a concealed handgun under this section is  
15 permitted.

16 (2) If a public university, public college, or community college  
17 permits the carrying of a concealed handgun under this section, the public  
18 university, public college, or community college shall place at each roadway  
19 entrance to the public university, public college, or community college a  
20 written notice clearly readable at a distance of not less than ten feet (10')  
21 that "carrying a concealed handgun in the buildings of this campus other than  
22 by licensed employees is prohibited".

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24 SECTION 2. DO NOT CODIFY. Effective date.

25 The effective date of this act is September 1, 2017.  
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