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CHCL Class Supplement

Arkansas Code Presented in Course

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The Following Arkansas code was current at distribution. It is the licensee's responsibility to keep up-to-date with changes to the law. Any question as to the meaning or application of a particular statute should be discussed with an attorney licensed to practice in Arkansas.

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§5-2-201. Definitions generally.

As used in the Arkansas Criminal Code:

- (1) "Act" means a bodily movement and includes speech and the conscious possession or control of property;
- (2) "Act" as a verb means either to perform an act or to omit to perform an act;
- (3) "Conduct" means an act or omission and its accompanying mental state; and
- (4) "Omission" means a failure to perform an act and the performance of the act is required by law.

§5-2-605. Use of physical force generally.

The use upon another person of physical force that would otherwise constitute an offense is justifiable under any of the following circumstances:

- (1) A parent, teacher, guardian, or other person entrusted with care and supervision of a minor or an incompetent person may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent reasonably necessary to maintain discipline or to promote the welfare of the minor or incompetent person;
- (2) A warden or other authorized official of a correctional facility may use non-deadly physical force to the extent reasonably necessary to maintain order and discipline;
- (3) A person responsible for the maintenance of order in a common carrier or a person acting under the responsible person's direction may use non-deadly physical force to the extent reasonably necessary to maintain order;
- (4) A person who reasonably believes that another person is about to commit suicide or to inflict serious physical injury upon himself or herself may use non-deadly physical force upon the other person to the extent reasonably necessary to thwart the suicide or infliction of serious physical injury;
- (5) A duly licensed physician or a person assisting a duly licensed physician at the duly licensed physician's direction may use physical force for the purpose of administering a recognized form of treatment reasonably adapted to promoting the physical or mental health of a patient if the treatment is administered:
 - (A) With the consent of the patient or, if the patient is a minor who is unable to appreciate or understand the nature or possible consequences of the proposed medical treatment or is an incompetent person, with the consent of a parent, guardian, or other person entrusted with the patient's care and supervision; or
 - (B) In an emergency when the duly licensed physician reasonably believes that no person competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

§5-2-612. Use of physical force in resisting arrest.

Whether the arrest is lawful or unlawful, a person may not use physical force to resist an arrest by a person who is known or reasonably appears to be a:

- (1) Law enforcement officer; or
- (2) Private citizen directed by a law enforcement officer to assist in effecting an arrest.

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§5-73-101. Definitions.

As used in this chapter:

- (1) "Blasting agent" means any material or mixture consisting of fuel and oxidizer intended for blasting if the finished product as mixed for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined;
- (2) "Collegiate athletic event" means a sporting or athletic contest, event, or practice of an individual or team of individuals in which one (1) or more individuals or a team of individuals sponsored by, funded by, represented by, or associated with a public or private university, college, or community college competes against themselves or another individual or team of individuals;
- (3) "Contraband" means any explosive material that was used with the knowledge and consent of the owner to facilitate a violation of this subchapter, as well as any explosive material possessed under circumstances prohibited by law;
- (4) "Destructive device" means:
 - (A) Any of the following:
 - (i) Any explosive, incendiary, or poison gas;
 - (ii) Bomb;
 - (iii) Grenade;
 - (iv) Rocket having a propellant charge of more than four ounces (4 oz.);
 - (v) Missile having an explosive or incendiary charge of more than one-quarter ounce (.25 oz.);
 - (vi) Mine; or
 - (vii) Similar device; and
 - (B) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (4)(A) of this section and from which a destructive device may be readily assembled for use as a weapon;
- (5)
 - (A) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation.
 - (B) A detonator may not contain more than ten grams (10g) of total explosives by weight, excluding ignition or delay charges, and may include, without limitation, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and noninstantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric leg wires;
- (6) "Distribute" means to sell, issue, give, transfer, or otherwise dispose of explosive material;
- (7)
 - (A) "Explosive" means any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.

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(B) "Explosive" includes, without limitation:

(i) Dynamite and any other high explosive;

(ii) Black powder;

(iii) Pellet powder;

(iv) An initiating explosive;

(v) A detonator;

(vi) A safety fuse;

(vii) A squib;

(viii) A detonating cord;

(ix) An igniter cord;

(x) An igniter;

(xi) Any material determined to be within the scope of 18 U.S.C. § 841 et seq.; and

(xii) Any material classified as an explosive other than consumer fireworks, 1.4 (Class C, Common), by the hazardous materials regulations of the United States Department of Transportation;

(8) "Explosive material" means an explosive, blasting agent, or detonator;

(9) "Instrument of crime" means anything manifestly designed, made, adapted, or commonly used for a criminal purpose;

(10) "Journey" means a person has left his or her home or the curtilage of his or her home either on foot, horseback, bicycle, or in an automobile for any purpose or duration;

(11) "Minor" means any person under eighteen (18) years of age;

(12) "Vehicle" means any automobile and is considered an extension of a person's home, with any protections that conveys; and

(13) "Violent felony conviction" means a conviction for any felony offense against the person which is codified in § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-301 et seq., § 5-14-101 et seq., and § 5-14-201 et seq., or any other offense containing as an element of the offense one (1) of the following:

(A) The use of physical force;

(B) The use or threatened use of serious physical force;

(C) The infliction of physical harm; or

(D) The creation of a substantial risk of serious physical harm.

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§5-73-302. Authority to issue license.

(a) The Director of the Division of Arkansas State Police may issue a license to carry a concealed handgun to a person qualified as provided in this subchapter.

(b)

(1) For new licenses issued after July 31, 2007, the license to carry a concealed handgun is valid throughout the state for a period of five (5) years from the date of issuance.

(2) After July 31, 2007, upon renewal, an existing valid license to carry a concealed handgun shall be issued for a period of five (5) years.

(c)

(1)

(A) After July 31, 2007, a license or renewal of a license issued to a former elected or appointed sheriff of any county of this state shall be issued for a period of five (5) years.

(B) The license issued to a former elected or appointed sheriff is revocable on the same grounds as other licenses.

(2)

(A) The former elected or appointed sheriff shall meet the same qualifications as all other applicants.

(B) However, the former elected or appointed sheriff is exempt from the fee prescribed by § 5-73-311(a)(2) and from the training requirements of § 5-73-309(13) for issuance.

§5-73-304. Exemptions.

(a)

(1)

(A) A current or former certified law enforcement officer, chief of police, court bailiff, county sheriff, or retired law enforcement officer is exempt from the licensing requirements of this subchapter if otherwise authorized to carry a concealed handgun.

(B) A former certified law enforcement officer whose employment was terminated by a law enforcement agency due to disciplinary reasons or because he or she committed a disqualifying criminal offense is not exempt from the licensing requirements of this subchapter.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

(b) An employee of a local detention facility is exempt from the licensing requirements of this subchapter if the employee of a local detention facility is authorized in writing as exempt from the licensing requirements of this subchapter by the chief of police or county sheriff that employs the employee of a local detention facility.

(c) The authorization prescribed in subsection (b) of this section shall be carried on the person of the employee of a local detention facility and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § 5-73-306.

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(d) A retired law enforcement officer is exempt from the licensing requirements of this subchapter if the retired law enforcement officer is permitted to carry a concealed handgun under § 12-15-202(b).

(e) As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(A) Securing a local detention facility;

(B) Monitoring inmates in a local detention facility; and

(C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position.

§5-73-307. List of license holders.

(a) The Department of Arkansas State Police shall maintain an automated listing of license holders, and this information shall be available online, upon request, at any time, to any law enforcement agency through the Arkansas Crime Information Center.

(b) Nothing in this subchapter shall be construed to require or allow the registration, documentation, or providing of a serial number with regard to any firearm.

§5-73-316. Fees.

Any fee collected by the Department of Arkansas State Police pursuant to this subchapter shall be deposited into the Department of Arkansas State Police Fund.

§5-73-317. Rules.

The Director of the Division of Arkansas State Police may promulgate rules to permit the efficient administration of this subchapter.

§5-73-319. Transfer of a license to Arkansas.

(a) Any person who becomes a resident of Arkansas who has a valid license to carry a concealed handgun issued by a reciprocal state may apply to transfer his or her license to Arkansas by submitting the following to the Division of Arkansas State Police:

(1) The person's current reciprocal state license;

(2) Two (2) properly completed fingerprint cards;

(3) A nonrefundable license fee of thirty-five dollars (\$35.00);

(4) Any fee charged by a state or federal agency for a criminal history check; and

(5) A digital photograph of the person or a release authorization to obtain a digital photograph of the person from another source.

(b) After July 31, 2007, the newly transferred license is valid for a period of five (5) years from the date of issuance and binds the holder to all Arkansas laws and rules regarding the carrying of the concealed handgun.

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§11-5-117. Possession of firearm in private employer parking lot.

(a)

(1) As used in this section, "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles.

(2)

(A) "Parking lot" does not include a parking lot owned, maintained or otherwise controlled by the Department of Corrections or an entity contracting with a division of the department to provide work release or post-incarceration housing services.

(B) The department will notify annually any entity subject to this provision of its applicability.

(b) A private employer shall not prohibit an employee from transporting or storing a legally owned firearm in the employee's private motor vehicle in the private employer's parking lot when the firearm is:

(1) Lawfully possessed; and

(2) Stored out of sight inside a locked private motor vehicle.

(c) A private employer shall not prohibit or attempt to prevent an employee from entering the parking lot of the private employer's place of business because the employee's private motor vehicle contains a firearm if the firearm is:

(1) Kept for lawful purposes; and

(2) Stored out of sight inside a locked private motor vehicle.

(d) An employer has the right to:

(1) Prohibit a person who is not an employee from storing a firearm in an employee's motor vehicle in the private employer's parking lot; and

(2) Prohibit an employee entering the private employer's place of business or parking lot because the employee's private motor vehicle contains a firearm in the following circumstances:

(A) The parking lot is on the grounds of an owner-occupied single-family detached residence or a tenant-occupied single-family detached residence and the single-family detached residence or tenant-occupied single-family detached residence is being used as a residence;

(B) The private employer reasonably believes that the employee is in illegal possession of the firearm;

(C) The employee is operating a private employer-owned motor vehicle during and in the course of the employee's duties on behalf of the private employer, unless the employee is required to transport or store a firearm as part of the employee's duties;

(D) The private motor vehicle is not permitted in the parking lot for reasons unrelated to the employee's transportation, storage, or possession of a firearm;

(E) The employee is the subject of an active or pending employment disciplinary proceeding; or

(F) The employee has been adjudicated mentally incompetent or not guilty in a legal proceeding by reason of mental disease or defect.

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(e) This section does not prevent a private employer from prohibiting a person who fails to transport or store the firearm in accordance with subsection (b) of this section from transporting or storing a firearm in the private employer's parking lot or from entering the private employer's place of business or the private employer's parking lot.

(f) A former employee who possesses a firearm in his or her private motor vehicle under this section is not criminally liable for possessing the firearm in his or her private motor vehicle in his or her former private employer's parking lot while the former employee is physically leaving the private employer's parking lot immediately following his or her termination or other reason for ceasing employment with the former private employer.



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Arkansas State Police CHCL Rules

Arkansas Weapons Laws: (5-73-101 through 133)

Attorney General Opinion

Non-Violent Dispute Resolution

Arkansas CHCL Code: (5-73-301 through 327)

Prohibited Places Table



GTBR Training Courses

Medical

Reloading

Refuse To Be a Victim

Home Firearm Safety

Instructor Development

Armed Home Defense

Church Safety and Security

Ladies Only Classes

Armed School Security

De-Escalation

Concealed Carry

Corporate Training

Introductory Handgun

Hosting Opportunities

Defensive Pistol

Private Instruction

Basic RifleDefensive Carbine

... And More