



UNIVERSITY OF ARKANSAS SYSTEM

Guns on Campus FAQ

This document is intended to provide general information about the recent changes to Arkansas law involving carrying concealed handguns on college campuses. Because the laws pertaining to firearms are complex, it is important to have a thorough understanding of what is allowed by both Arkansas and federal law.

At A Glance

The new laws concerning concealed handguns on college campuses **do not go into effect until Sept. 1, 2017**. The Arkansas State Police has 120 days after that effective date to promulgate rules governing additional enhanced certification training that will be required for concealed carry permit holders to carry handguns on college campuses.

Background

1. How have the concealed carry laws changed for public universities?

A. During the 2017 regular legislative session, the Arkansas General Assembly passed Act 562, commonly referred to as “campus carry.” Act 562 allows individuals with concealed handgun permits to carry concealed handguns on college campuses if they have successfully completed an additional enhanced certification-training course of up to 8 hours. As explained later in this document, there are some locations excluded in Act 562 where handguns can be completely prohibited.



Questions? Feel free to contact JoAnn Maxey, General Counsel, or anyone in the Office of General Counsel at the University of Arkansas System office, 501.686.2520.

At A Glance

This FAQ is meant to be a working document to help our campuses address immediate questions being asked, and it will be updated as we adopt policies leading up to the effective date of these laws. Some questions may be modified to fit the specific needs of each individual campus. Please work with Counsel on any modification.

Subsequent to the enactment of Act 562, the Legislature passed Act 859. This legislation allows certain locations, including collegiate athletic events and the University of Arkansas for Medical Sciences (UAMS), to be exempt from campus carry through a process that includes approval of security plans for those locations by the Arkansas State Police.

2. When do the changes become effective?

A. Acts 562 and 859 take effect on Sept. 1, 2017. However, the law requires the Arkansas State Police to develop and communicate rules for enhanced certification training that must be completed by individuals seeking to carry a handgun on campus. The State Police must complete the rule-making process within 120 days of the September 1 effective date, so the actual date upon which individuals will be able to carry a concealed handgun on campus will depend on when the State Police complete this process.

3. What does “concealed handgun” mean?

A. A handgun must be covered from observation so as to prevent public view. In other words, concealed carry licensees shall not carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person or in public view.

4. Are handguns the only type of firearm to which campus carry applies?

A. Yes. Act 562 authorizes individuals with concealed handgun licenses to carry a concealed handgun provided all the enhanced certification training has been successfully completed. Ark. Code Ann. § 5-73-309 defines a handgun as “any firearm, other than a fully automatic firearm, with a barrel length of less than twelve inches (12”) that is designed, made, or adapted to be fired with one (1) hand.”

5. Will the University develop a policy?

A. The Office of General Counsel is reviewing the new laws and existing policies and procedures to determine any new policies that may be needed at the system or campus level. Once this determination is made, the system will develop any policies that are required and work with the campuses to develop campus-level policies prior to the effective date.

6. Will there be any limitations regarding when and where a person who has the enhanced training may carry a concealed handgun?

Yes. The new laws prohibit an individual from carrying a handgun into grievance and disciplinary meetings conducted in accordance with university procedures and lasting no more than 9 hours provided (a) the meeting is held in a room that is “no larger than necessary to complete the meeting;” (b) the individual is given at least 24 hours notice of the meeting; and (c) a notice is posted on the door in which the meeting is being held that possession of a handgun is prohibited. Additionally, these laws prohibit individuals from carrying a gun into: university operated K-12, prekindergarten, or daycare programs or facilities; collegiate athletic events that have security plans approved by the Arkansas State Police; and at UAMS, provided its security plans are approved by the State Police.

Eligibility to Carry on Campus

At A Glance

Campus carry is limited only to those who have been issued a concealed handgun license and have completed necessary enhanced certification training requirements.

7. May anyone carry a handgun on an Arkansas public university campus when the new laws take effect?

A. No. Campus carry is limited to individuals who have been issued a concealed handgun license and who complete enhanced certification training of up to 8 hours developed by the Arkansas State Police as required by Act 562.

8. Will university faculty and staff be allowed to carry a concealed handgun?

A. Generally, yes, provided the faculty or staff member has obtained the required concealed handgun license, and has successfully completed the requisite enhanced certification training. UAMS faculty and staff working will not be able to carry concealed handguns to work if the UAMS security plan is approved by the State Police. However, Act 562 specifies that unless an employee is required to carry a firearm as part of the employee's specific job duties (i.e., Police Officer), any possession or use of a firearm by the employee is not considered to be within the scope of employment with the university. As such, any employee who chooses to possess or use a firearm is acting in the employee's individual capacity and not as an agent of the university, and is not immune from personal liability with respect to possession or use of the handgun. If the employee is injured by his or her own negligence in possessing or using a handgun in the workplace, he or she will not be entitled to worker's compensation. Additionally, employees who decide to carry a concealed handgun must plan appropriately for its legal storage. Ark. Code Ann. § 5-73-306 (13)(B)(v) specifies that storage of concealed handgun is allowed in a locked and unattended motor vehicle in a publicly owned and maintained parking lot.

9. What is the penalty for individuals who bring a concealed handgun to the campus without being properly licensed or carry a concealed handgun into a prohibited area?

At A Glance

Penalties are in place for violations of the campus carry law for employees and students, including up to termination and dismissal from the university.

A. There are criminal penalties for violating the campus carry law. Violations of the campus carry law may, for employees, result in disciplinary action, up to and including termination, and for students, result in disciplinary action, up to and including dismissal from the university.

10. I'm a concealed carry holder in another state, will I be allowed to carry my gun on campus?

A. No. Only concealed carry holders licensed in the State of Arkansas, who complete the additional enhanced certification training, will be allowed to carry on campus.

Locations and Storage

11. Are handguns permitted to be brought or stored in university owned or operated student dormitories or residence halls?

A. Concealed handguns will be permitted in university owned or operated student dormitories or residence halls or housing by individuals with the requisite certifications and endorsements, but Act 562 specifies that storage will not be allowed in university or college-operated student dormitory or residence hall. For purposes of the Act, residence halls include any university owned or operated housing, including university owned fraternity and sorority housing.

12. May a resident of a dorm or residence hall prohibit a guest from carrying a concealed weapon into his or her room?

A. Yes.

13. Are guns allowed in the child development center or K-12 classrooms located on campus?

A. No. Act 859 prohibits individuals even with requisite certifications and endorsements from carrying a concealed handgun into a public school K-12, public prekindergarten, or public daycare facility.

At A Glance

The UA System is working on necessary security plans to obtain approval to have campus athletic venues designated as firearm-sensitive areas.

14. Will concealed handguns be allowed at college-sponsored athletic venues, such as Razorback football games?

A. Act 859 prohibits individuals from carrying a concealed handgun into a collegiate athletic event, regardless of

certification, provided it is a posted firearm-sensitive area approved by the Arkansas State Police. The university will be working with the State Police and will submit security plans to obtain approval to have these venues designated as firearm-sensitive areas.

15. Will concealed handguns be allowed at UAMS?

A. Act 859 prohibits individuals from carrying a concealed handgun to UAMS provided it is a posted firearm-sensitive area approved by the Arkansas State Police. The university will be working with the State Police to submit necessary security plans to obtain approval to have UAMS designated as a firearm-sensitive area. If approved, the new laws will not change any of the policies for UAMS employees or students.

16. Where does a weapon need to be in order to be legally considered "concealed?" Can a weapon be in a backpack or purse, or does it need to be directly on a person's body or within reaching distance of the person?

A. Neither Act 562 or 859 expressly states where a handgun must be in order to be considered "concealed." The handgun cannot be in plain view or discernable by ordinary observation. Further, the handgun must be on the license holder's person or in close proximity (as to be readily accessible).

17. What responsibility does a concealed handgun licensee have to keep his or her weapon concealed? Is the licensee violating the terms of the permit if someone gets a glimpse of the licensee's handgun?

A. A person with a license to carry a concealed handgun must conceal the weapon. A violation would occur when a person knowingly and intentionally displays the handgun in plain view of another person. If a person's coat opens in the act of raising his or her arm to ask a question, for example, and a handgun can be seen, it is not a violation.

At A Glance

Handguns cannot be in plain view or discernible by ordinary observation to be considered concealed.

Law Enforcement

18. How will the university manage someone who has a gun and is exhibiting threatening behavior?

A. It is a criminal act to exhibit threatening behavior with a gun, regardless of the individual's concealed carry permit status. When a crime is committed on campus, police officers or local law enforcement will respond and take appropriate action. Additionally, if the individual is an employee or student, the university will also take appropriate disciplinary action.

19. May a police officer ask an individual to display their concealed carry license?

A. Yes. Ark. Code Ann. § 5-73-315 (b)(2) requires a licensee to display their license if asked by law enforcement.

20. Does a law enforcement officer have the right to disarm an individual?

A. Yes. If a law enforcement officer reasonably believes a safety risk exists, the officer may disarm an individual.

21. Will students, faculty and staff members who have a license to carry a concealed handgun and who have successfully completed the enhanced training be required to register with campus security/police departments?

A. No.

22. Will the university provide employees or students with safety training on how to properly use a handgun?

A. No. Concealed carry licensees are required to complete mandatory safety courses to acquire concealed carry licenses, and they will be required to complete up to 8 hours of enhanced certification training provided by the Arkansas State Police before being authorized to carry on a campus.

At A Glance

Campuses **will not** provide employees or students with the required safety training. Up to eight hours of enhanced certification training to acquire a license will be provided by the Arkansas State Police.

23. What should I do if someone takes a handgun out of a backpack or briefcase?

A. Students, staff members, faculty members and visitors may not display a handgun on University of Arkansas System campuses. Handguns must be concealed at all times, barring life-threatening emergencies. If you observe someone displaying a handgun on campus, it should be reported to campus police or security.

24. May I use my weapon as a means of defense if there are shots being fired?

A. A handgun may be used in self-defense only as allowed by Arkansas law. By so doing, the person is acting as a private citizen and not as an authorized agent of the university.

25. What should I do if I suspect or know there is an active shooter on campus?

A. Follow the directions that have been provided by campus police or security during active shooter training. If you are outside and hear gunshots, immediately seek shelter in another building or escape to a safe area away from the sounds of the gunshots. Call 911 as safely as you can. If you are present where a shooter is active, follow these general principles:

Avoid: Leave the area immediately. If necessary, break windows or glass to get out of the area. Run in the opposite direction of the disturbance or shots; cover your head with books or other items for protection. DO NOT stop running until you are in a safe area. If police officers are in the area, listen and comply with all of their commands. Raise your hands or keep them in plain sight so you are not perceived as a threat to the police.

Deny: If you choose to stay in your room, lock your door and do not leave until instructed to do so by a police officer. Stay away from and below any window. Position furniture or other items in front of the door. Turn off the lights and call 911.

At A Glance

If an active shooting threat is identified on campus, employees and students should follow active shooter training protocols put in place by their campus, including calling 911 as quickly as possible and following the general "avoid, deny and defend" principles.

Defend: If the first two options do not work, defend yourself. Utilize any objects available to you to distract or interrupt the actions of the shooter.

General Questions

At A Glance

The law prohibits the visible display of handguns. If students or employees feel threatened, contact campus police or security immediately.

26. What should I do if I see a handgun on campus and feel threatened?

A. If you see someone carrying a handgun on campus and feel threatened, you should contact campus police or security. The law prohibits the visible display of handguns.

27. May I ask someone if they have a concealed carry permit?

A. Yes, but the individual being asked has no obligation to answer. An individual with a concealed carry permit who has completed the additional enhanced certification training under Act 562 is not required to reveal their permit status unless asked by a law enforcement officer in accordance with Ark. Code Ann. § 5-73-315. No action may be taken against an employee or student because of their status as a concealed carry permit holder.

28. May a student carry a handgun to a meeting with a professor or staff member? May an employee carry a handgun to a meeting with a staff member or supervisor?

A. Generally, yes, provided the student or employee (a) is age 21 or over and has a concealed carry license and (b) has successfully completed the enhanced certification training. However, neither a student nor an employee is permitted to carry a concealed handgun into a location where an official meeting is being conducted in accordance with documented grievance and disciplinary procedures as established by the university, provided that certain other requirements are met (see answer to No. 6).

29. May a student who legally possesses a concealed handgun be excluded from the classroom or a university office on the grounds that the student's presence and his or her concealed weapon constitute a class disruption?

At A Glance

A lawfully certified licensee carrying a concealed handgun is **not considered a disruption** and cannot be excluded solely on that premise.

A. No. The mere act of carrying a concealed handgun (with a license and enhanced training as authorized by law) is not in and of itself a disruption of class activity or other university operations. Likewise, another person's adverse reaction to someone carrying a handgun in accordance with Arkansas law is not grounds to eject a licensee from the classroom.

30. Can a supervisor request a list of employees who have a concealed carry permit?

A. No. This information is not a matter of public record under Ark. Code Ann. § 25-19-105 (19)..