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OPINION

Zones: crime-free or gun-free?

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Over the last decade, Arkansas has greatly expanded individuals' ability to carry firearms in self-defense. For conservatives, this restoration of our God-given right to protect ourselves reflects the intent of the founders and is good modern-day policy.

The most significant advance in contemporary gun rights in Arkansas occurred when the Legislature removed the presumption that carrying a handgun without a license evidenced criminal intent.

Act 746 from the 89th General Assembly was co-sponsored by then-Representatives Altes, Alexander, Ballinger, Barnett, Bell, Bragg, Carnine, Cozart, Dale, Deffenbaugh, C. Douglas, Hammer, Hobbs, Lea, S. Meeks, Rice, Scott, Westerman, and Word—in conjunction with then-Senators Files, A. Clark, B. King, and J. Woods. These great conservative Arkansans—several still serving in the Legislature—deserve our gratitude.

Now, anyone not otherwise prohibited from owning firearms—like convicted felons—can carry a handgun. This act, known as "Constitutional Carry," reflects the notion that absent governmental interference, citizens are inherently entitled to carry firearms, as recognized in our core legal documents. Constitutional Carry, however, doesn't alter the separate statutory prohibition on firearms in public buildings. This is where Arkansas' other firearms laws become relevant.

In addition to a specific statute granting courthouse and courtroom access with firearms to law enforcement, officers of the court, bailiffs, and any other individuals authorized by courts—all professionals routinely engaging with courts—Arkansas has a two-tiered concealed-carry license (CCL) regime available to the general public. While I'm litigating the application of both sets of these laws, this column speaks to a broader issue: critical gaps in Arkansas' CCL laws.

The first CCL tier—the basic license—unmistakably affords licensees the general ability to carry a weapon concealed. But the state nonetheless forbids, in two ways, licensees from carrying in a host of locations—including public buildings, bars, colleges, airports, and churches. Some of these prohibitions are a result of general restrictions on guns in public buildings, and others specifically apply to CCL holders through the statutes defining their entitlements.

In the higher tier of CCL—which provides a licensee with an "Enhanced" stamp on the credential —licensees are freed from the shackles of many gun proscriptions, both general and CCL-specific. As

such, enhanced licensees may carry concealed weapons in areas off-limits to basic CCL holders —including public colleges, most other government facilities, bars, airports, and churches. And both types of CCL holders possess reciprocity rights in most states, a significant value not afforded to those solely availing themselves of their Constitutional-Carry rights.

Enhanced CCLs came about because of the efforts of then-Rep. Charlie Collins, a Republican from northwest Arkansas, who believed that college campuses, like all so-called gun-free environments, were magnets for would-be murderers with guns, because these locations were literally advertising the inability of good citizens to defend themselves. Collins initially focused on carrying on college grounds. As such, the proposal was dubbed "Campus Carry." The law later came to cover many other locations.

When the first iteration of Collins' proposal was under consideration, administrators from campuses across the state flocked to the Legislature like stray dogs to the back door of a 24-hour butcher shop, begging legislators not for scraps, but for entire Wagyu porterhouses. These unelected academic managers demanded complete veto power over Campus Carry, predictably couching their authority-enhancing entreaties in the hush murmur of anodyne administrative expediency. Sadly, the Legislature naively gave these bureaucrats exactly what they wished for.

What could go wrong with that? A lot, as it turns out. Every public college opted out of Campus Carry. Voila! Arkansas had just enacted a campus-carry law that allowed precisely no one to carry on campus— an example of the tail wagging the dog.

It should be an ongoing lesson to the Legislature that its job is to make policy decisions, not to defer those judgments to bureaucrats. No law should shift substantive rule-making responsibility to the administrative state—notwithstanding that this has been the embarrassing practice of state legislatures across the country and in Congress for decades. The result has been a horror show of bad, often leftist, invariably statist actions by unelected and unaccountable bureaucrats.

To the Legislature's credit, this failure in implementation served as a lesson. After recognizing that the edicts of the educational executives excluded everyone from carrying concealed on any campus, the Legislature revised the law. The new version aptly removed from unelected administrators the authority over public facilities on university campuses and returned policy decisions over safety and security to those state officials who are accountable, through elections, directly to the people.

This modern-firearm regime has worked well for Arkansans. Contrary to the face-melting histrionics of the Second Amendment abolitionists, guns in the hands of CCL holders at universities have proven safe. And there are numerous examples from across the country of concealed-carry licensees using their handguns to stop violent criminals.

But trouble still festers in paradise. Enhanced-CCL holders still may not carry in a hodgepodge of public facilities in which the Legislature has statutorily prohibited firearms, including police facilities, locations managed by the Arkansas Department of Transportation (ArDOT), jails, courts, the state hospital, collegiate sporting events, and the University of Arkansas for Medical Sciences, absent a separate legal entitlement like that discussed above for individuals regularly doing business in courts.

Continuing to prohibit Enhanced-CCL holders from bringing firearms into at least some of these locations is idiotic, and the Legislature should fix this in the coming session. For example, why are the good citizens of Arkansas, including those working for ArDOT, precluded from defending themselves on public property managed by state officials in charge of maintaining our roads? I can conceive of no reason that Enhanced-CCL holders may carry in the state's venerated Capitol but not in some random ArDOT truck depot. Is ArDOT conducting secret, clean-room, extraterrestrial-investigating operations—a la

"Independence Day"—that we don't know about?

Similarly, why is the UAMS system exempted from concealed carry? Even if you accept the questionable notion that emergency rooms and hospital treatment areas should exclude legally armed law-abiding citizens, UAMS is a conglomerate of six colleges, seven institutes, several research centers, a statewide network of community-education centers, and a medical center. Most locations within this business enterprise do not treat patients. No valid argument exists for a blanket exemption across all of these entities.

Under the current legislative scheme, medical-school lectures are exempt from CCL-holders' protection, but Fayetteville's engineering classes aren't. This special privilege puts in danger students, nurses, interns, residents, and many others. For shame.

It takes little imagination to deduce that gated-community Joe-Six-pack-reviling medical administrators sought to further extend their general exclusion of pistol packers from their environs at the expense of the public's well-being. Hard-working Arkansans without the privileges of drivers and entrance codes deserve better.

As someone who lives in Little Rock—the murder capital of the state and currently one of the most dangerous cities in the country—I look forward to the Legislature cleaning up these leftist loopholes in our gun laws. I'll feel safer then.

This is your right to know.

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