



STATE OF ARKANSAS  
ATTORNEY GENERAL  
LESLIE RUTLEDGE

Opinion No. 2016-003

January 21, 2016

The Honorable John Payton  
State Representative  
P. O. Box 181  
Wilburn, AR 72179-0181

Dear Representative Payton:

This is in response to your request for my opinion on the following questions:

1. Does Arkansas concealed carry law restrict open carry by a licensee?
2. If so, how would this affect hunting applications?
3. Would Act 746 of 2013 supersede any previous Code provision that is in contradiction?
4. Have rules promulgated by the Arkansas State Police exceeded restrictions in the Code?

**RESPONSE**

I must respectfully decline to answer these questions, which turn on the proper interpretation of the Arkansas concealed-carry licensing law (Ark. Code Ann. § 5-73-301 *et seq.* (Repl. 2005 and Supp. 2013)). That body of law is currently the subject of litigation on appeal to the Pulaski County Circuit Court in a case styled *Tanner v. The Department of Arkansas State Police*, Case No. 60CV-15-3197 (July 15, 2015). The issues raised in your request for my opinion require analysis of issues raised in this pending case. My office adheres to the longstanding policy of the Attorney General's office, as a member of the executive branch, to decline

to issue opinions on matters that are pending before the courts for resolution.<sup>1</sup> The answers to these questions must be provided in the judicial forum.

While I cannot be of assistance in this instance, please feel free to contact me if I may be of assistance in some other matter.

Sincerely,



LESLIE RUTLEDGE  
Attorney General

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<sup>1</sup> See Op. Att'y Gen. Nos. 2015-140; 2015-005; 2010-047 (and opinions cited therein).