

1 State of Arkansas As Engrossed: H3/10/15 H3/16/15 S3/26/15

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1240

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5 By: Representatives Tosh, Drown, Bentley, M. Gray, Harris, G. Hodges, Ladyman, Richmond, Rushing,
6 B. Smith, Sullivan, Vaught, Wallace, Wardlaw, C. Armstrong, Beck, Copeland, Davis, C. Douglas, C.
7 Fite, Gates, Nicks, Speaks, Cozart, Jean, Lowery, Sorvillo, Baltz, Bell, Bennett, McElroy, Ratliff
8 By: Senator J. Hutchinson

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For An Act To Be Entitled

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11 AN ACT CONCERNING THE USE OF DEADLY PHYSICAL FORCE IN
12 DEFENSE OF A PERSON; CONCERNING CIVIL LIABILITY
13 PROTECTION; AND FOR OTHER PURPOSES.

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Subtitle

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18 CONCERNING THE USE OF DEADLY PHYSICAL
19 FORCE IN DEFENSE OF A PERSON; AND
20 CONCERNING CIVIL LIABILITY PROTECTION.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. DO NOT CODIFY. Legislative findings.

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*(a) The General Assembly finds that the current laws regarding self-
26 defense and the use of deadly physical force in self-defense or in defense of
27 another person are adequate in that the law explicitly does not require a
28 person to retreat from certain life-threatening confrontations if a person
29 cannot do so safely.*

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*(b) However, the General Assembly finds that there is currently not
31 enough protection from civil liability for a person who rightfully uses
32 deadly physical force in self-defense or in defense of another person.*

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*(c) The General Assembly finds that a more robust civil immunity
34 statute is necessary to protect a person from civil damages stemming from an
35 incident when he or she lawfully uses deadly physical force in self-defense
36 or in defense of another person.*

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SECTION 2. Arkansas Code Title 16, Chapter 120, Subchapter 1, is amended to add an additional section to read as follows:

16-120-106. Use of deadly physical force.

(a) A person is immune from civil action for the use of deadly physical force against another person who is an initial aggressor if the use of the deadly physical force was in accordance with § 5-2-607.

(b) A court shall award reasonable attorney's fees, costs, and trial-related expenses to a person in defense of a civil action brought by another person if the court finds that the person is immune from civil action as provided in this section.

/s/Tosh