

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 2118

5 By: Representative Womack
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE CIVIL LIABILITY OF AN ENTITY
10 THAT MAINTAINS A POLICY THAT PROHIBITS THE CARRYING
11 OF A HANDGUN ON ITS PROPERTY; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE CIVIL LIABILITY OF AN
16 ENTITY THAT MAINTAINS A POLICY THAT
17 PROHIBITS THE CARRYING OF A HANDGUN ON
18 ITS PROPERTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 16, Chapter 118, Subchapter 1, is
24 amended to add an additional section to read as follows:

25 16-118-113. Liability of landowner with prohibition against carrying a
26 handgun.

27 (a)(1) As used in this section, "entity" means a person, partnership,
28 firm, association, corporation, commercial enterprise, nonprofit or
29 charitable organization, or other legal entity.

30 (2) "Entity" does not mean the State of Arkansas or the United
31 States Government.

32 (b) An entity that is the primary owner and occupant of a residence or
33 a business and that prohibits a person who is lawfully on land containing the
34 residence or business from otherwise lawfully carrying a handgun on the land
35 containing the residence or business is strictly liable for any physical
36 injury that the person receives if:



1 (1) The person has entered onto the land containing the
2 residence or business as an invitee; and

3 (2) The physical injury is a result of the use of unlawful
4 physical force by another person who is not the primary owner and occupant of
5 the land containing the residence or business.

6 (c) A person may recover actual damages, and if applicable, punitive
7 damages, reasonable attorney's fees, and court costs under this section.

8 (d) The limitations period for an action under this section is five
9 (5) years from the date of the receipt of the physical injury.

10 (e) This section does not apply to a person who would qualify as an
11 employee of the entity and who is otherwise subject to limitations of
12 liability under the Workers' Compensation Law, § 11-9-101 et seq.

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