

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

A Bill

HOUSE BILL 2119

5 By: Representative Womack
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE CIVIL LIABILITY OF AN
10 INSTITUTION OF HIGHER EDUCATION THAT MAINTAINS A
11 POLICY THAT PROHIBITS THE CARRYING OF A HANDGUN ON
12 ITS PROPERTY AND THE LIABILITY OF THE INSTITUTION'S
13 GOVERNING BODY; AND FOR OTHER PURPOSES.
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Subtitle

16 CONCERNING THE CIVIL LIABILITY OF AN
17 INSTITUTION OF HIGHER EDUCATION THAT
18 MAINTAINS A POLICY THAT PROHIBITS THE
19 CARRYING OF A HANDGUN ON ITS PROPERTY AND
20 THE LIABILITY OF THE INSTITUTION'S
21 GOVERNING BODY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 16, Chapter 118, Subchapter 1, is
28 amended to add an additional section to read as follows:

29 16-118-113. Liability of an institution of higher education that has a
30 prohibition against carrying a handgun and the institution's governing body.

31 (a)(1) As used in this section, "public university, public college, or
32 community college" means an institution that:

33 (A) Regularly receives budgetary support from the state
34 government;

35 (B) Is part of the University of Arkansas or Arkansas
36 State University systems; or



1 (C) Is required to report to the Arkansas Higher Education
2 Coordinating Board.

3 (2) "Public university, public college, or community college"
4 does not include a private university or private college solely because:

5 (A) Students attending the private university or private
6 college receive state-supported scholarships; or

7 (B) The private university or private college voluntarily
8 reports to the Arkansas Higher Education Coordinating Board.

9 (b) If a person enters onto the land of a public university, public
10 college, or community college as an invitee and causes physical injury to
11 another person as a result of the use of unlawful physical force, and the
12 public university, public college, or community college prohibits a person
13 who is lawfully on the land of the public university, public college, or
14 community college from possessing a concealed handgun under § 5-73-322, the
15 following entities are liable as follows:

16 (1) The public university, public college, or community college
17 is strictly liable; and

18 (2) The individual members of the governing board of the public
19 university, public college, or community college are strictly and personally
20 liable.

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

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

25 (e) This section does not apply to a person who would qualify as an
26 employee of the public university, public college, or community college and
27 who is otherwise subject to limitations of liability under the Workers'
28 Compensation Law, § 11-9-101 et seq.

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