

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H4/3/23

# A Bill

HOUSE BILL 1737

5 By: Representatives R. Scott Richardson, Gazaway, Womack, Duffield  
6 By: Senator J. Petty  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE PROPERTY OWNER'S RIGHT TO ALLOW  
10 FIREARMS ACT; AND TO PROTECT PROPERTY OWNERS FROM  
11 CIVIL LIABILITY IF THE PROPERTY OWNER ALLOWS A  
12 NONEMPLOYEE TO CARRY A LOADED FIREARM ON THE  
13 PROPERTY.  
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## Subtitle

15 AN ACT TO CREATE THE PROPERTY OWNER'S  
16 RIGHT TO ALLOW FIREARMS ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 16 is amended to add an additional  
23 chapter to read as follows:

### CHAPTER 131

### PROPERTY OWNER'S RIGHT TO ALLOW FIREARMS ACT

#### 16-131-101. Title.

28 This chapter shall be known and may be cited as the "Property Owner's  
29 Right to Allow Firearms Act".  
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#### 16-131-102. Purpose.

32 The purpose of this chapter is to protect a property owner from civil  
33 liability if the property owner generally allows nonemployees to carry  
34 firearms on the property owner's property.  
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1 16-131-103. Definitions.

2 As used in this chapter:

3 (1) "Firearm" means any device designed, made, or adapted to  
4 expel a projectile by the action of an explosive or any device readily  
5 convertible to that use;

6 (2) "Nonemployee" means an individual:

7 (A) Not employed by the property owner; and

8 (B) Not a prohibited person under § 16-131-105; and

9 (3) "Property owner" means an individual, group of individuals,  
10 or entity that owns, leases, controls, or otherwise operates real property.

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12 16-131-104. Protection from civil liability.

13 (a) If a property owner allows for all nonemployees on the property to  
14 carry a loaded firearm, the property owner is not subject to civil liability  
15 for any damage, injury, or death resulting from a nonemployee using a loaded  
16 firearm on or near the property.

17 (b) The fact that a property owner allows for all nonemployees on the  
18 property to carry a loaded firearm shall not be used to infer or impute  
19 liability in any cause of action against the property owner.

20 (c) Subsection (a) of this section does not apply to intentional or  
21 reckless conduct by the property owner.

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23 16-131-105. Exceptions.

24 (a) A property owner may prohibit an individual from carrying a loaded  
25 firearm on the property and remain protected from civil liability under § 16-  
26 131-104 if the individual:

27 (1) Is legally prohibited from carrying a firearm under § 5-73-  
28 103;

29 (2) Has been convicted of an offense involving:

30 (A) Public intoxication;

31 (B) Sexual misconduct;

32 (C) Violence;

33 (D) Property destruction; or

34 (E) Theft;

35 (3) Is under eighteen (18) years of age;

36 (4) Is consuming alcohol, unlawfully using a controlled

1 substance, or intoxicated while on the property;

2 (5) Is a former employee of the property owner; or

3 (6) Has been arrested for an offense on any property of the  
4 property owner and the outcome of that arrest is still pending or resulted in  
5 a conviction.

6 (b) A person who believes they have been wrongfully denied the right  
7 to carry a loaded firearm on a property based on the property owner invoking  
8 one (1) or more of the exceptions under subsection (a) of this section may  
9 file a complaint with the county sheriff's office, who shall maintain a  
10 record of:

11 (1) The name of a person making the complaint;

12 (2) The names of witnesses to a situation in which a person  
13 believes they were wrongfully denied the right to carry a loaded firearm on  
14 the property;

15 (3) Contact information for each person making the complaint and  
16 any witnesses; and

17 (4) The person's statement as to why he or she believes he or  
18 she was wrongfully denied the right to carry a loaded firearm on the  
19 property.

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23 */s/R. Scott Richardson*

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26 **APPROVED: 4/12/23**  
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