

Stricken language would be deleted from and underlined language would be added to present law.
Act 749 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23
A Bill

HOUSE BILL 1737

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

For An Act To Be Entitled

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

Subtitle

AN ACT TO CREATE THE PROPERTY OWNER'S
RIGHT TO ALLOW FIREARMS ACT.

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

SECTION 1. Arkansas Code Title 16 is amended to add an additional
chapter to read as follows:

CHAPTER 131

PROPERTY OWNER'S RIGHT TO ALLOW FIREARMS ACT

16-131-101. Title.

This chapter shall be known and may be cited as the "Property Owner's
Right to Allow Firearms Act".

16-131-102. Purpose.

The purpose of this chapter is to protect a property owner from civil
liability if the property owner generally allows nonemployees to carry
firearms on the property owner's property.



16-131-103. Definitions.As used in this chapter:

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

(2) "Nonemployee" means an individual:

(A) Not employed by the property owner; and

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

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

16-131-104. Protection from civil liability.

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

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

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

16-131-105. Exceptions.

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

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

(2) Has been convicted of an offense involving:

(A) Public intoxication;

(B) Sexual misconduct;

(C) Violence;

(D) Property destruction; or

(E) Theft;

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

(4) Is consuming alcohol, unlawfully using a controlled

substance, or intoxicated while on the property;

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

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

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

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

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

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

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

/s/R. Scott Richardson

APPROVED: 4/12/23