

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H3/10/15 H3/16/15 S3/26/15*
90th General Assembly **A Bill**
Regular Session, 2015

HOUSE BILL 1240

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

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. DO NOT CODIFY. Legislative findings.

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

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

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



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