

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 2118

By: Representative Womack

By: Senator Hester

## For An Act To Be Entitled

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

## Subtitle

CONCERNING THE CIVIL LIABILITY OF AN  
ENTITY THAT MAINTAINS A POLICY THAT  
PROHIBITS THE CARRYING OF A HANDGUN ON  
ITS PROPERTY.

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

SECTION 1. Arkansas Code Title 16, Chapter 118, Subchapter 1, is amended to add an additional section to read as follows:

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

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

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

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



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

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

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

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

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