

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 2119

By: Representative Womack

By: Senator Hester

For An Act To Be Entitled

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

Subtitle

CONCERNING THE CIVIL LIABILITY OF AN INSTITUTION OF HIGHER EDUCATION THAT MAINTAINS A POLICY THAT PROHIBITS THE CARRYING OF A HANDGUN ON ITS PROPERTY AND THE LIABILITY OF THE INSTITUTION'S GOVERNING BODY.

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 an institution of higher education that has a prohibition against carrying a handgun and the institution's governing body.

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

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

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



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

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

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

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

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

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

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

(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 physical injury.

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