

*As Engrossed: 2/6/91, 2/13/91, 2/19/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Beebe**

# A Bill

**SENATE BILL 98**

## For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS TITLES AND CHAPTERS OF THE  
9 ARKANSAS CODE OF 1987 TO CLARIFY THAT GRANTS OF IMMUNITY  
10 TO CERTAIN PERSONS ARE IMMUNITY FROM SUIT; AND FOR OTHER  
11 PURPOSES."

12  
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14  
15 SECTION 1. Arkansas Code §5-28-215 is hereby amended to read as  
16 follows:

17 "5-28-215. Immunity for investigation participants.

18 (a) Any person, official, or institution participating in good faith in  
19 the making of a report, the taking of photographs, or the removal of an abused  
20 adult pursuant to this chapter shall have immunity from *liability and suit for*  
21 *damages*, civil or criminal, that otherwise might result by reason of such  
22 actions.

23 (b) The good faith of any person required to report cases of adult  
24 abuse, sexual abuse, or neglect shall be presumed."

25  
26 SECTION 2. Arkansas Code §6-17-107 is hereby amended to read as  
27 follows:

28 "6-17-107. Reporting student drug abuse - Immunity from suit. Teachers  
29 and other school personnel in this state shall be immune from *liability and*  
30 *suit for damages* for communicating information in good faith concerning drug  
31 abuse by any pupil to that pupil's parents, to law enforcement officers, or to  
32 health care providers."

33  
34 SECTION 3. Arkansas Code §9-14-208(e) is hereby amended to read as  
35 follows:

1           "(e) Any business or financial entity, or any officer, agent, or  
2 employee of such entity, participating in good faith and providing information  
3 requested under this section shall be immune from *liability and suit for*  
4 *damages* that might otherwise result from the release of the information to the  
5 unit."

6

7           SECTION 4. Arkansas Code §12-12-510 is hereby amended to read as  
8 follows:

9           "12-12-510. Good faith report - Immunity from suit.

10          (a) Any person, official, or institution participating in good faith in  
11 the making of a report, the taking of photographs, or the removal of a child  
12 pursuant to this subchapter shall have immunity from *liability and suit for*  
13 *damages* that otherwise might result by reason of such actions. The good faith  
14 of any person required to report cases of child abuse, sexual abuse, or  
15 neglect shall be presumed."

16

17          SECTION 5. Arkansas Code §16-93-1104 is hereby amended to read as  
18 follows:

19          "16-93-1104. Immunity from suit. All governmental agencies and units  
20 utilizing eligible offenders in community work projects shall be immune from  
21 *liability and suit for damages* and no tort action shall lie against any  
22 governmental agency or unit because of the acts of eligible offenders utilized  
23 under the provisions of this subchapter."

24

25          SECTION 6. Arkansas Code §19-10-305 is hereby amended to read as  
26 follows:

27          "19-10-305. Immunity of state officers and employees - Status as  
28 employee.

29          (a) Officers and employees of the State of Arkansas are immune from  
30 *liability and suit for damages* for acts or omissions, other than malicious  
31 acts or omissions, occurring within the course and scope of their employment.

32          (b) For purposes of this chapter, agreements between the State of  
33 Arkansas and a state of the United States or the District of Columbia entered  
34 into pursuant to the Interlocal Cooperation Act, 25-20-101 et seq., shall  
35 confer status of an employee for purposes of this chapter on persons acting

1 pursuant to such agreement."

2

3 SECTION 7. Arkansas Code §21-9-301 is hereby amended to read as  
4 follows:

5 "21-9-301. Tort liability - Immunity declared. It is declared to be  
6 the public policy of the State of Arkansas that all counties, municipal  
7 corporations, school districts, special improvement districts, and all other  
8 political subdivisions of the state shall be immune from suit *liability and*  
9 *suit for damages*. No tort action shall lie against any such political  
10 subdivision because of the acts of their agents and employees."

11

12 SECTION 8. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

15

16 SECTION 9. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

21

22 SECTION 10. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

24

25 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the  
26 Seventy-Eighth General Assembly that a recent court decision has led to  
27 uncertainty in the area of immunity under existing Arkansas Code provisions;  
28 that to clarify such provisions will allow those persons to avoid needless  
29 legal expenses resulting from the possible misinterpretation of the law.  
30 Therefore, an emergency is hereby declared to exist and this act being  
31 necessary for the immediate preservation of the public peace, health and  
32 safety shall be in full force and effect from and after its passage and  
33 approval.

34

35 /s/Beebe