

2 State of Arkansas

3 92nd General Assembly

4 Second Extraordinary Session, 2020

A Bill

BPG/BPG

HOUSE BILL

5
6 By: Representative Love

7 Filed with: House Committee on City, County, and Local Affairs

8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO BE KNOWN AS THE "GEORGE FLOYD ACT OF 2020";
11 CONCERNING THE IMMUNITY FROM LAWSUIT GRANTED A LAW
12 ENFORCEMENT AGENCY; TO ALLOW A CITIZEN WHO IS
13 NEGLIGENTLY OR RECKLESSLY HARMED BY A LAW ENFORCEMENT
14 OFFICER TO SEEK REDRESS; AND FOR OTHER PURPOSES.

15 16 17 Subtitle

18 TO BE KNOWN AS THE "GEORGE FLOYD ACT OF
19 2020"; CONCERNING THE IMMUNITY FROM
20 LAWSUIT GRANTED A LAW ENFORCEMENT AGENCY;
21 AND TO ALLOW A CITIZEN WHO IS NEGLIGENTLY
22 OR RECKLESSLY HARMED BY A LAW ENFORCEMENT
23 OFFICER TO SEEK REDRESS.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. DO NOT CODIFY. Title.

29 This act shall be known and cited as the "George Floyd Act of 2020".

30
31 SECTION 2. Arkansas Code § 16-120-703 is amended to read as follows:
32 16-120-703. Exceptions to immunity grant.

33 (a) ~~The immunity provided by this subchapter shall~~ Immunity under this
34 subchapter does not extend to acts:

35 (1) Acts or omissions of directors of nonprofit corporations or
36 members of boards, commissions, agencies, authorities, or other governing

1 bodies of any governmental entity ~~which~~ that constitute ordinary or gross
2 negligence personal to the director or member or to intentional torts
3 committed by a director or member;

4 ~~(b) The immunity provided by this subchapter shall not extend to~~
5 ~~acts~~

6 (2) Acts or omissions of directors of nonprofit corporations
7 ~~which~~ that are licensed or permitted by the Alcoholic Beverage Control
8 Division to dispense alcoholic beverages, beer, or wine; or

9 (3) The acts or omissions described in § 21-9-301.

10 ~~(c) Nothing in this subchapter shall be construed to~~

11 (b) This subchapter does not limit the liability of a nonprofit
12 corporate entity itself for damages resulting from any negligent act or
13 omission of an employee of the nonprofit corporation.

14
15 SECTION 3. Arkansas Code § 21-9-301 is amended to read as follows:
16 21-9-301. Tort liability – Immunity declared – Exceptions.

17 ~~(a) It is declared to be the public policy of the State of Arkansas~~
18 ~~that all counties, municipal corporations, school districts, public charter~~
19 ~~schools, special improvement districts, and all other political subdivisions~~
20 ~~of the state and any of their boards, commissions, agencies, authorities, or~~
21 ~~other governing bodies shall be~~ The following governmental entities are
22 immune from liability and from suit for damages except ~~to~~ in those instances
23 described under subsection (b) of this section:

24 (1) A county;

25 (2) A municipal corporation;

26 (3) A school district or public charter school;

27 (4) A special improvement district;

28 (5) A political subdivision of the state; and

29 (6) The boards, commissions, agencies, authorities, or other
30 governing body for the entities listed under subdivisions (a)(1)-(5) of this
31 subsection.

32 (b) The immunity afforded the entities listed under subsection (a) of
33 this section does not apply:

34 (1) To the extent that ~~they~~ the entities may be covered by
35 liability insurance; or

1 (2) If an act was committed by a law enforcement agency or a law
2 enforcement officer employed by, volunteering with, or contracted with an
3 entity listed under subsection (a) of this section and the law enforcement
4 agency or law enforcement officer:

5 (A) Either:

6 (i) Negligently or recklessly acted or failed to act
7 in a manner that is unreasonable or in bad faith for a law enforcement
8 officer considering the attendant facts surrounding the act or failure to
9 act; or

10 (ii) Either:

11 (a) Failed to adhere to established law
12 enforcement standards;

13 (b) Ignored clear orders by a lawful
14 authority; or

15 (c) Acted in a manner inconsistent with
16 clearly established law or training protocol; and

17 (B) Infringed upon another person's rights under the
18 United States Constitution, Arkansas Constitution, or clearly established
19 federal or state law.

20 ~~(b) No tort action shall lie against any such political subdivision~~
21 ~~because of the acts of its agents and employees.~~

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23
24 Referred by Representative Love

25 Prepared by: BPG/BPG