

*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 ACT 542 OF 1991**  
**SENATE BILL 98**

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7 **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."

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

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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."

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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."

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

36 "(e) Any business or financial entity, or any officer, agent, or

1 employee of such entity, participating in good faith and providing information  
2 requested under this section shall be immune from *liability and suit for*  
3 *damages* that might otherwise result from the release of the information to the  
4 unit."

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

8 "12-12-510. Good faith report - Immunity from suit.

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

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

18 "16-93-1104. Immunity from suit. All governmental agencies and units  
19 utilizing eligible offenders in community work projects shall be immune from  
20 *liability and suit for damages* and no tort action shall lie against any  
21 governmental agency or unit because of the acts of eligible offenders utilized  
22 under the provisions of this subchapter."

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

26 "19-10-305. Immunity of state officers and employees - Status as  
27 employee.

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

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

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

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

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

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

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

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

/s/Beebe

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APPROVED: 3-14-91

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