

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of House Bill No. 1240

CONCERNING THE USE OF DEADLY PHYSICAL FORCE IN DEFENSE OF A PERSON; AND TO BE KNOWN AS THE "STAND YOUR GROUND LAW".

Amendment No. 1 to House Bill No. 1240

Amend House Bill No. 1240 as originally introduced:

Add Representatives C. Armstrong, Beck, Bentley, Copeland, Davis, C. Douglas, Drown, C. Fite, Gates, M. Gray, Harris, G. Hodges, Ladyman, Nicks, Richmond, Rushing, B. Smith, Speaks, Vaught, Wallace, Wardlaw, Cozart, Jean, Lowery, and Sorvillo as cosponsors of the bill

AND

Page 1, delete lines 10 and 11, and substitute the following:

"DEFENSE OF A PERSON; CONCERNING CIVIL LIABILITY PROTECTION; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 16 and 17, and substitute the following:

"FORCE IN DEFENSE OF A PERSON; AND CONCERNING CIVIL LIABILITY PROTECTION".

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. DO NOT CODIFY. Legislative findings.

(a) The General Assembly finds that the current laws regarding self-defense and the use of deadly physical force in self-defense or in defense of another person are adequate in that the law explicitly does not require a person to retreat from certain life-threatening confrontations if a person cannot do so safely.

(b) However, the General Assembly finds that there is currently not enough protection from civil liability for a person who rightfully uses deadly physical force in self-defense or in defense of another person.

(c) The General Assembly finds that a more robust civil immunity statute is necessary to protect a person from civil damages stemming from an



incident when he or she lawfully uses deadly physical force in self-defense or in defense of another person.

SECTION 2. Arkansas Code Title 16, Chapter 120, Subchapter 1, is amended to add an additional section to read as follows:

16-120-106. Use of deadly physical force.

(a) A person is immune from civil action for the use of deadly physical force against another person who is an initial aggressor if the use of the deadly physical force was in accordance with § 5-2-607.

(b) A court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all other expenses incurred by a person in defense of a civil action brought by another person if the court finds that the person is immune from civil action as provided in subsection (a) of this section."

The Amendment was read _____
By: Representative Tosh
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Chief Clerk