

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1284

4
5 By: Representatives Murdock, Williams

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING THE CARRYING OF A
9 CONCEALED HANDGUN IN A CHURCH OR OTHER PLACE OF
10 WORSHIP; TO EXTEND STATUTORY CHARITABLE IMMUNITY TO A
11 CHURCH OR OTHER PLACE OF WORSHIP; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

16 TO AMEND THE LAWS CONCERNING THE CARRYING
17 OF A CONCEALED HANDGUN IN A CHURCH OR
18 OTHER PLACE OF WORSHIP; TO EXTEND
19 STATUTORY CHARITABLE IMMUNITY TO A CHURCH
20 OR OTHER PLACE OF WORSHIP; AND TO DECLARE
21 AN EMERGENCY.

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

26 SECTION 1. Arkansas Code § 5-73-306(16), concerning the carrying of a
27 concealed handgun in a church or other place of worship, is amended to read
28 as follows:

29 (16)(A) Any church or other place of worship unless the church or
30 other place of worship decides to allow a licensee to carry a concealed
31 handgun into the church or other place of worship.

32 (B) A church or other place of worship that decides to allow a
33 licensee to carry a concealed handgun into the church or other place of
34 worship shall post a sign at least eight inches by ten inches (8" x 10") at
35 each public entrance to the church or other place of worship stating, at a
36 minimum, that:



1 (i) The church or other place of worship allows a person
 2 with a license to carry a concealed handgun to carry a concealed handgun into
 3 the church or other place of worship; and

4 (ii) There may be a person in the church or other place of
 5 worship who is in possession of a concealed handgun.

6 (C) Depending upon the organizational hierarchy of the church or
 7 other place of worship, the decision whether to allow a licensee to carry a
 8 concealed handgun into a church or other place of worship under subdivision
 9 (16)(A) of this section shall be made by:

10 (i) The most authoritative governing body of the church or
 11 other place of worship; or

12 (ii) The person vested with the ultimate decision-making
 13 authority over the church or other place of worship;

14
 15 SECTION 2. Arkansas Code Title 16, Chapter 120, is amended to add a
 16 new subchapter to read as follows:

17 Subchapter 5 – Charitable Immunity for a Church or Other Place of Worship

18
 19 16-120-501. Definitions.

20 (a) As used in this section, "church or other place of worship" means
 21 a physical location where persons congregate to practice a religion.

22
 23 16-120-502. Charitable immunity for a church or other place of
 24 worship.

25 (a) In determining whether a church or other place of worship is
 26 entitled to charitable immunity under this subchapter, a court shall consider
 27 the following nonexclusive list of factors:

28 (1) Whether the charter or other organizational document of the
 29 church or other place of worship limits the purpose of the church or other
 30 place of worship to charitable, eleemosynary, or religious purposes;

31 (2) Whether the church or other place of worship qualifies as a
 32 tax-exempt organization under the Internal Revenue Code;

33 (3) Whether any profit or surplus funds generated by or donated
 34 to the church or other place of worship must be used for charitable,
 35 religious, or eleemosynary purposes according to any policy of the church or
 36 other place of worship;

1 (4) Whether the church or other place of worship depends on
2 contributions and donations for its existence;

3 (5) Whether the church or other place of worship provides its
4 services free of charge to persons unable to pay; and

5 (6) Whether the directors, officers, or other religious leaders
6 of the church or other place of worship receive compensation.

7 (b) If a court determines a church or other place of worship is
8 entitled to charitable immunity under this subchapter, the church or other
9 place of worship is entitled to tort immunity as provided in §§ 16-20-503 and
10 16-20-504.

11
12 16-120-503. Church or other place of worship not vicariously liable.

13 A church or other place of worship or its agent is not vicariously
14 liable for the negligence of another person in connection with or as a result
15 of an act or omission involving a handgun by a person on the property of the
16 church or other place of worship.

17
18 16-120-504. Nonliability for damages – Exceptions.

19 A church or other place of worship is not liable for damages for
20 personal injury, death, or property damage sustained by a person in
21 connection with or as a result of an act or omission involving a handgun by a
22 person on the property of the church or other place of worship except as
23 follows:

24 (1) If the church or other place of worship is covered by a policy of
25 insurance, in which case liability for ordinary negligence is limited to the
26 amount of insurance coverage provided by the policy of insurance; or

27 (2) If the church or other place of worship or its agent acts in bad
28 faith or acts grossly, negligently, recklessly, or intentionally.

29
30 16-120-505. Subchapter supplemental.

31 This subchapter is supplemental to and does not affect any tort
32 immunity or charitable immunity a church or other place of worship may
33 otherwise have under the law.

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35 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that prior legislation leaves many

1 questions unanswered concerning the responsibilities of a church or other
2 place of worship that did not want to allow a concealed carry licensee to
3 carry a concealed handgun into the church or other place of worship; and that
4 a church or other place of worship should be charitably immune from incidents
5 resulting from a handgun discharging on the property of the church or other
6 place of worship. Therefore, in order to provide clarity to the public and to
7 a church or other place of worship in the state, an emergency is declared to
8 exist, and this act being immediately necessary for the preservation of the
9 public peace, health, and safety shall become effective on:

10 (1) The date of its approval by the Governor;

11 (2) If the bill is neither approved nor vetoed by the Governor,
12 the expiration of the period of time during which the Governor may veto the
13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is
15 overridden, the date the last house overrides the veto.

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