

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H4/4/13 H4/16/13

# A Bill

HOUSE BILL 1284

5 By: Representatives Murdock, Williams  
6

## 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.  
13  
14

## Subtitle

15 TO AMEND THE LAWS CONCERNING THE CARRYING  
16 OF A CONCEALED HANDGUN IN A CHURCH OR  
17 OTHER PLACE OF WORSHIP; TO EXTEND  
18 STATUTORY CHARITABLE IMMUNITY TO A CHURCH  
19 OR OTHER PLACE OF WORSHIP; AND TO DECLARE  
20 AN EMERGENCY.  
21  
22  
23

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

26 *SECTION 1. Arkansas Code § 5-73-306(16), as amended by Acts 2013, No*  
27 *67, concerning the carrying of a concealed handgun in a church or other place*  
28 *of worship, is amended to read as follows:*

29 *(16)(A) Any church or other place of worship unless the church*  
30 *or 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) ~~However, this subchapter does not preclude a church or~~*  
33 *~~other place of worship from determining who may carry a concealed handgun~~*  
34 *~~into the church or other place of worship; Depending upon the organizational~~*  
35 *hierarchy of the church or other place of worship, the decision whether to*  
36 *allow a licensee to carry a concealed handgun into a church or other place of*



1 worship under subdivision (16)(A) of this section shall be made by:

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

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

6  
7 SECTION 2. Arkansas Code Title 16, Chapter 120, is amended to add a  
8 new subchapter to read as follows:

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

10  
11 16-120-501. Definitions.

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

14  
15 16-120-502. Charitable immunity for a church or other place of  
16 worship.

17 *A church or other place of worship is entitled to charitable immunity*  
18 *with respect to injury or death caused by a handgun on the premises without*  
19 *regard to whether the church or other place of worship decides to allow a*  
20 *concealed handgun into the church or other place of worship.*

21  
22 16-120-503. Church or other place of worship not vicariously liable.

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

27  
28 16-120-504. Subchapter supplemental.

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

32  
33 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
34 General Assembly of the State of Arkansas that prior legislation leaves many  
35 questions unanswered concerning the responsibilities of a church or other  
36 place of worship that did not want to allow a concealed carry licensee to

1 carry a concealed handgun into the church or other place of worship; and that  
2 a church or other place of worship should be charitably immune from incidents  
3 resulting from a handgun discharging on the property of the church or other  
4 place of worship. Therefore, in order to provide clarity to the public and to  
5 a church or other place of worship in the state, an emergency is declared to  
6 exist, and this act being immediately necessary for the preservation of the  
7 public peace, health, and safety shall become effective on:

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

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

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

14  
15 */s/Murdock*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36