1	State of Arkansas As Engrossed: H3/10/15 H3/16/15
2	90th General Assembly A Bill
3	Regular Session, 2015 HOUSE BILL 1240
4	
5	By: Representatives Tosh, Drown, Bentley, M. Gray, Harris, G. Hodges, Ladyman, Richmond, Rushing,
6	B. Smith, Sullivan, Vaught, Wallace, Wardlaw, C. Armstrong, Beck, Copeland, Davis, C. Douglas, C.
7	Fite, Gates, Nicks, Speaks, Cozart, Jean, Lowery, Sorvillo, Baltz, Bell, Bennett, McElroy, Ratliff
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9	For An Act To Be Entitled
10	AN ACT CONCERNING THE USE OF DEADLY PHYSICAL FORCE IN
11	DEFENSE OF A PERSON; CONCERNING CIVIL LIABILITY
12	PROTECTION; AND FOR OTHER PURPOSES.
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14	
15	Subtitle
16	CONCERNING THE USE OF DEADLY PHYSICAL
17	FORCE IN DEFENSE OF A PERSON; AND
18	CONCERNING CIVIL LIABILITY PROTECTION.
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23	SECTION 1. DO NOT CODIFY. <u>Legislative findings.</u>
24	(a) The General Assembly finds that the current laws regarding self-
25	defense and the use of deadly physical force in self-defense or in defense of
26	another person are adequate in that the law explicitly does not require a
27	person to retreat from certain life-threatening confrontations if a person
28	cannot do so safely.
29	(b) However, the General Assembly finds that there is currently not
30	enough protection from civil liability for a person who rightfully uses
31	deadly physical force in self-defense or in defense of another person.
32	(c) The General Assembly finds that a more robust civil immunity
33	statute is necessary to protect a person from civil damages stemming from an
34	incident when he or she lawfully uses deadly physical force in self-defense
35	or in defense of another person.
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1	SECTION 2. Arkansas Code Title 16, Chapter 120, Subchapter 1, is
2	amended to add an additional section to read as follows:
3	16-120-106. Use of deadly physical force.
4	(a) A person is immune from civil action for the use of deadly
5	physical force against another person who is an initial aggressor if the use
6	of the deadly physical force was in accordance with § 5-2-607.
7	(b)(l) A judgment or order of dismissal or acquittal from a court in a
8	case in which a person used deadly physical force is conclusive proof that
9	the person is immune from a civil action under this section.
10	(2) As used in this subsection, "order of dismissal" means an
11	order that dismisses a case with prejudice.
12	(c) A court shall award reasonable attorney's fees, costs, and trial-
13	related expenses to a person in defense of a civil action brought by another
14	person if the court finds that the person is immune from civil action as
15	provided in this section.
16	/s/Tosh
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