

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Rep. Bobby Wood

HOUSE BILL 1098

"AN ACT TO INSURE IMMUNITY OF THE STATE OF ARKANSAS FROM TORTS COMMITTED BY MEMBERS OF THE ARKANSAS NATIONAL GUARD WHILE TRAINING UNDER TITLE 32 OR TITLE 10 OF THE UNITED STATES CODE; AND FOR OTHER PURPOSES."

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

SECTION 1. Liability of the State. The State of Arkansas shall not be liable for damages for personal injury or loss caused by negligence or wrongful acts or omissions of any members of the Arkansas National Guard while acting within the scope of their duties pursuant to Title 32 or Title 10 of the United States Code.

SECTION 2. Any person seeking damages therefor shall seek the remedies provided against the United States by Sections 1346(b) and 2671 through 2680 or Title 28 of the United States Code if the cause of action arose while these members of the Arkansas National Guard were performing military duty pursuant to Title 32 or Title 10 of the United States Code or by filing a claim against the State of Arkansas if the alleged acts or omissions were performed by members of the Arkansas National Guard while performing active state duty.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

