

- VEST FIRST RESPONDER -

HELP FOR HEROES

ARKANSAS

Self-Defense Law Reference Guide

Stand Your Ground (2021) | Castle Doctrine | Self-Defense | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

Arkansas became a Stand Your Ground state in March 2021 when Governor Hutchinson signed Act 250 (Senate Bill 24) into law. Prior to 2021, Arkansas imposed a duty to retreat in public. The 2021 legislation was one of the most significant changes to Arkansas self-defense law in decades, extending no-retreat protections statewide. Arkansas also has a standalone first-responder assault statute (S. 5-13-213, 2021, amended 2023) with mandatory minimum penalties.

STATUTE	SUBJECT MATTER
Ark. Code S. 5-2-606	Use of Physical Force - Self-Protection (Non-Deadly)
Ark. Code S. 5-2-607	Use of Deadly Physical Force - Stand Your Ground (Act 250, 2021)
Ark. Code S. 5-2-608	Castle Doctrine - Occupied Dwelling Presumption
Ark. Code S. 5-2-609	Defense of Third Persons
Ark. Code S. 5-13-213	Aggravated Assault Against First Responder (2021, amended 2023)
Arkansas CLEST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE ARKANSAS SELF-DEFENSE STATUTORY FRAMEWORK

Ark. Code S. 5-2-607 - Deadly Force (Stand Your Ground - Act 250, 2021)

"A person is justified in using deadly physical force upon another person if the person reasonably believes that the other person is: (1) Committing or about to commit a felony involving force or violence; (2) Using or about to use unlawful deadly physical force; or (3) Imminently endangering the person's life..." - Ark. Code S. 5-2-607(a)

The 2021 amendment (Act 250) added: 'A person who is lawfully present in a location and is not engaged in criminal activity does not have a duty to retreat before using deadly physical force if it is otherwise justified under this section.' This is Arkansas's Stand Your Ground provision.

FOR FIRST RESPONDERS - 2021 WAS A GAME CHANGER:

Before Act 250 of 2021, Arkansas required retreat in public before using deadly force. Since March 3, 2021, Arkansas first responders have no duty to retreat before using justified force at any lawful location. VEST curriculum delivered in Arkansas after 2021 must reflect this significant change.

Ark. Code S. 5-2-608 - Castle Doctrine (Occupied Dwelling Presumption)

When a person uses force against someone who is unlawfully and forcibly entering, or who has unlawfully and forcibly entered, their occupied dwelling, the law presumes their belief that deadly force was necessary was reasonable. The prosecution must rebut this presumption.

- Entry must be both unlawful AND forcible.
- The presumption does not apply when the intruder had a legal right to be in the dwelling.

AMBULANCE AND WORKPLACE IN ARKANSAS:

Because S. 5-2-607(b) removes the duty to retreat in any lawful location, an EMS provider attacked inside their ambulance or at their station has no duty to retreat - even though these are not 'dwellings' under the Castle Doctrine statute. The Stand Your Ground provision covers them through the general no-retreat rule.

Ark. Code S. 5-2-609 - Defense of Third Persons

A person is justified in using force to protect another person under the same conditions that would justify force in self-defense, if the third person would be justified in using that force for self-protection. VEST Level III partner defense training is directly supported.

PART II: DUTY TO RETREAT - ARKANSAS'S POSITION SINCE 2021

Arkansas has NO duty to retreat since Act 250 took effect on March 3, 2021.

- Before March 3, 2021: Arkansas required retreat in public when safe to do so. History matters for providers trained pre-2021.
- Since March 3, 2021: No duty to retreat at any lawful location - home, vehicle, workplace, public space, or EMS/fire scene.
- Conditions: Must be lawfully present, not engaged in criminal activity, and not the initial aggressor.
- Exception: Persons who provoke the confrontation do not receive Stand Your Ground protection unless they clearly withdraw and the other party continues the threat.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

Ark. Code S. 5-13-213 - Aggravated Assault Against First Responder (2021, Amended 2023)

"Aggravated assault against a first responder is a Class C felony with a mandatory fine of ten thousand dollars (\$10,000) and a mandatory minimum sentence of at least ninety (90) days' imprisonment for which the defendant is required to serve at least ninety (90) days before being released from imprisonment." - Ark. Code S. 5-13-213(b)

This standalone statute creates a specific offense for aggravated assault against a first responder. It carries: Class C Felony classification, a MANDATORY \$10,000 fine, and a MANDATORY MINIMUM 90 days imprisonment with no early release. 'First responder' explicitly includes firefighters, EMS personnel, and law enforcement officers engaged in official duties.

- Mandatory \$10,000 fine - cannot be waived or reduced.
- Mandatory 90-day minimum - defendant must physically serve at least 90 days before any release.
- No plea bargaining around the mandatory provisions.

ARKANSAS'S STRONG DETERRENT FRAMEWORK:

The mandatory \$10,000 fine and 90-day minimum imprisonment for aggravated assault of a first responder are among the strongest deterrent provisions in the country for this offense. Trainers should communicate this legal landscape: attackers face real, mandatory consequences.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Arkansas does NOT have a statewide statutory ban on chokeholds or carotid restraints. Use-of-force policy is governed by the Arkansas Commission on Law Enforcement Standards and Training (CLEST) and individual agency policies.

- NO statewide statutory chokehold or carotid restraint ban as of 2024-2025.
- CLEST training standards classify neck restraints as high-risk techniques subject to the deadly force justification standard.
- Individual agencies may adopt more restrictive policies administratively.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Arkansas law enforcement use-of-force standards do not apply to civilian first responders in personal self-defense. An EMS provider or firefighter using a defensive physical technique in lawful self-defense is evaluated under the civilian S. 5-2-607 framework only.

PART V: APPLYING VEST PRINCIPLES UNDER ARKANSAS LAW**1. Since 2021, You Have Full Stand Your Ground Protection**

Ark. Code S. 5-2-607(b) gives every Arkansas first responder the right to stand their ground at any lawful location. VEST curriculum delivered in Arkansas after March 2021 should reflect this change explicitly - the pre-2021 duty-to-retreat framework no longer applies.

2. The Mandatory First-Responder Assault Penalties Are a Real Deterrent

Arkansas's S. 5-13-213 mandatory provisions - \$10,000 fine and 90-day minimum - are among the strongest first-responder assault deterrents in the country. Attackers face mandatory consequences with no plea-bargained avoidance.

3. De-Escalation Remains Your First Response

Even with Stand Your Ground protection, 'reasonably believes necessary' requires proportionality. VEST Level I verbal de-escalation documents that force became necessary only after alternatives were exhausted - the legal foundation for any force justification claim.

4. Partner Defense Is Fully Covered

Ark. Code S. 5-2-609 authorizes force to protect third persons under the same standards as self-defense. VEST Level III partner defense training is directly backed by this statute.

5. Know When Force Ends

Arkansas's justification applies only while the unlawful threat continues. Once the threat is neutralized - subject restrained, compliant, or no longer capable - force must stop. VEST's continuous threat reassessment curriculum is legally essential.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Arkansas Code Annotated Title 5 statutes are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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