

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative B. Wood**

A Bill ACT 965 OF 1991

HOUSE BILL 2084

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §12-62-406 TO
9 AUTHORIZE STAY OF PROCEEDINGS IN ALL CAUSES OF ACTION
10 WHERE A MEMBER OF THE RESERVE COMPONENTS IS ORDERED TO
11 ACTIVE DUTY; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. PREAMBLE. The General Assembly finds that currant law
16 provides for continuances for members of the active militia who are parties or
17 attorneys in lawsuits pending before the courts of this state and are called
18 to active duty in service to the state, or to annual training, but there is no
19 provision for continuances for members of the other reserve components of the
20 armed forces, or for continuances where a soldier is called to active duty for
21 purposes other than annual training.

22
23 SECTION 2. PURPOSE. The purpose of this act is to authorize a stay of
24 proceedings in the courts of this state when a member of the reserve
25 components of the armed forces, who is a party or attorney in the proceedings,
26 is ordered to active duty pursuant to a written order.

27
28 SECTION 3. Arkansas Code Annotated §12-62-406 is amended to read as
29 follows:

30 "12-62-406. Stay of proceedings.

31 All lawsuits pending in any court of this state in which any attorney
32 for either party or any party is a member of the reserve components of the
33 armed forces and who has been ordered to a period of active duty in the armed
34 forces of the State of Arkansas or of the United States, pursuant to a written
35 order issued by the authority of the President of the United States or the
36 Governor of the State of Arkansas, upon written notice to the parties and the

1 court, shall be stayed for a period of not less than fifteen (15) days
2 preceding the period of active duty and for thirty (30) days following the
3 period of active duty, unless for a time less as requested by the party or
4 attorney. The proceedings shall be stayed without regard to the number of
5 other attorneys also representing parties litigant. Judgments, decrees,
6 sentences, or fines rendered or imposed in violation hereof after written
7 notice for continuance has been filed hereunder shall be void and
8 unenforceable."

9

10 SECTION 4. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

13

14 SECTION 5. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19

20 SECTION 6. All laws and parts of laws in conflict with this act are
21 hereby repealed.

22

23

24 APPROVED: 3/29/91

25

26

27

28

29

30

31

32

33

34