

*As Engrossed: 2/1/91*

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

# A Bill

**HOUSE BILL 1435**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §9-12-301 TO  
9 DECREASE FROM THREE (3) YEARS TO *EIGHTEEN (18) MONTHS* THE  
10 LENGTH OF VOLUNTARY SEPARATION WHICH CONSTITUTES GROUNDS  
11 FOR DIVORCE AND TO ELIMINATE ONE YEAR WILLFUL DESERTION AS  
12 GROUNDS FOR DIVORCE; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code Annotated 9-12-301(6) is hereby amended to  
17 read as follows:

18 "(6) Where husband and wife have lived separate and apart from each  
19 other for *eighteen (18) continuous months*, without cohabitation, the court  
20 shall grant an absolute decree of divorce at the suit of either party, whether  
21 the separation was the voluntary act of one party or by the mutual consent of  
22 both parties or due to the fault of either party or both parties;"

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24 SECTION 2. Arkansas Code Annotated 9-12-301(2) and all laws and parts  
25 of laws in conflict herewith are hereby repealed.

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27 SECTION 3. All provisions of this act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 5. It is hereby ascertained and determined by the General Assembly that it is vital to the social structure of the State that laws be established for the protection of domestic relations and that only by the immediate passage of this act may this be accomplished. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in effect from the date of its passage and approval.

*/s/M. Wilson*