

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2022

4  
5 By: Representatives Fuqua, Rodgers, Ferrell and Shoffner

## For An Act To Be Entitled

9 "AN ACT TO REPEAL ARKANSAS CODE 9-3-109; ARKANSAS CODE 9-  
10 11-502; ARKANSAS CODE 9-11-504; ARKANSAS CODE 9-11-515;  
11 ARKANSAS CODE 11-5-106; ARKANSAS CODE 11-5-113; ARKANSAS  
12 CODE 11-7-318; ARKANSAS CODE 16-68-202; 16-90-104; AND FOR  
13 OTHER PURPOSES."

## Subtitle

15 "AN ACT TO REPEAL ARKANSAS CODE SECTIONS  
16 9-3-109; 9-11-502; 9-11-504; 9-11-515;  
17 11-5-106; 11-5-113; 11-7-318; 16-68-202;  
18 16-90-104; AND FOR OTHER PURPOSES."

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

23 SECTION 1. The General Assembly finds and declares that the equal  
24 protection clause of the Fourteenth Amendment of the United States  
25 Constitution prohibits the states from denying to any person the equal  
26 protection of the laws; and this has been interpreted by the United States  
27 Supreme Court as prohibiting certain forms of discrimination on the basis of  
28 gender, and whereas the following sections of the Arkansas Code are either  
29 discriminatory against women or obsolete under current interpretation of the  
30 equal protection clause of the Fourteenth Amendment, the following code  
31 sections are hereby repealed.

33 SECTION 2. Arkansas Code 9-3-109 is hereby repealed.

34 ~~§ 9-3-109. Status of women who lost domicile by marriage.~~

35 ~~A woman who, before March 26, 1941, had ceased to be a resident domiciled in~~  
36 ~~this state may become a resident domiciled in this state as provided in § 9-3-~~

1 ~~108. After having received a certificate of domicile, she shall have the same~~  
 2 ~~status as if her marriage had taken place after March 26, 1941.~~

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4 SECTION 3. Arkansas Code 9-11-502 is hereby repealed.

5 ~~§ 9-11-502. Removal of disabilities of married women.~~

6 ~~(a) Every married woman and every woman who may in the future become~~  
 7 ~~married shall have all rights to contract and be contracted with, to sue and~~  
 8 ~~be sued, and in law and equity shall enjoy all rights and be subjected to all~~  
 9 ~~the laws of this state, as though she were a femme sole.~~

10 ~~(b) It is expressly declared to be the intention of this section to~~  
 11 ~~remove all statutory disabilities of married women as well as common law~~  
 12 ~~disabilities.~~

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14 SECTION 4. Arkansas Code 9-11-504 is hereby repealed.

15 ~~§ 9-11-504. Authority to make executory contracts - Power of attorney.~~

16 ~~It shall be lawful for married women to make executory contracts and to~~  
 17 ~~execute letters of attorney containing a power to convey real estate as agents~~  
 18 ~~or attorneys, which shall have the same force and effect as those made by~~  
 19 ~~unmarried persons.~~

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21 SECTION 5. Arkansas Code 9-11-515 is hereby repealed.

22 ~~§ 9-11-515. Reformation of deeds.~~

23 ~~The chancery courts of this state shall reform all deeds or other instruments~~  
 24 ~~of conveyance of married women which have been executed and delivered to the~~  
 25 ~~purchaser wherein mistakes were or may be made by oversight in describing the~~  
 26 ~~property therein conveyed upon like conditions and to the same extent as if~~  
 27 ~~the married woman was a femme sole.~~

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29 SECTION 6. Arkansas Code 11-5-106 is hereby repealed.

30 ~~§ 11-5-106. Immoral influences prohibited.~~

31 ~~It shall be unlawful for the owner, manager, superintendent, or other person~~  
 32 ~~in control or management of any factory, mill, workshop, mercantile~~  
 33 ~~establishment, laundry, or other establishment where three (3) or more persons~~  
 34 ~~are employed, all or part of whom are females, to permit in the place of~~  
 35 ~~employment, any influence, practices, or conditions calculated to injuriously~~  
 36 ~~affect the morals of the female employees.~~

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SECTION 7. Arkansas Code 11-7-318 is hereby repealed.

~~§ 11-7-318. Age of miners.~~

~~No person under the age of eighteen (18) years nor female of any age shall be permitted to enter any mine to work therein.~~

SECTION 8. Arkansas Code 16-68-202 is hereby repealed.

~~§ 16-68-202. Married women - Authority to execute bonds - Liability.~~

~~In case it shall be necessary in the prosecution or defense of any action brought by or against a married woman to enter into any bond or undertaking, the bond or undertaking may be executed by the married woman with the same effect in all respects as if she were sole. If the bond or undertaking becomes broken or forfeited, the bond or undertaking may be enforced against her separate property.~~

SECTION 9. Arkansas Code 16-90-104 is hereby repealed.

~~§ 16-90-104. Commitment of women for felony.~~

~~Women who are convicted of or who plead guilty to the commission of felonies may be committed to the Department of Correction by any court of criminal jurisdiction.~~

SECTION 10. The repeal of sections 2 through 9 are not intended to limit or contract womens rights, duties, or obligations in any way.

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

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 13. All laws and parts of laws in conflict with this act are hereby repealed.