

Act 46 of the Third Special Session of 1989.

Act 46

SB23

By: Senators Gordon and Hardin

CALL ITEM 79

For An Act To Be Entitled

"AN ACT TO DECLARE VALID ALL MARRIAGES HERETOFORE DECLARED VOID BECAUSE THE PARTIES HAD ENTERED INTO AN OTHERWISE VALID MARRIAGE AFTER THE RENDITION OF A VALID DECREE OF DIVORCE, BUT PRIOR TO ENTRY OF RECORD OF THE DECREE; TO DECLARE THE OFFSPRING OF SUCH MARRIAGES LEGITIMATE; TO DECLARE VALID ALL PROPERTY RIGHTS, CONVEYANCES, INHERITANCE, AND ALL RIGHTS AND DUTIES ARISING FROM SAID MARRIAGES BETWEEN THE PARTIES OR BETWEEN EITHER OF THE PARTIES AND THIRD PERSONS; TO AMEND ARKANSAS CODE TITLE 16, CHAPTER 118, TO ABOLISH THE ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION; TO AMEND ARKANSAS CODE 6-56-104 TO DELETE REFERENCES TO ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION; AND FOR OTHER PURPOSES."

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

SECTION 1. All marriages heretofore or hereafter declared void because the parties had entered into an otherwise valid marriage after the rendition of a valid decree of divorce of either of the parties, but before the entry for record of the decree, are declared valid for all purposes.

SECTION 2. All children born to any marriage herein declared valid are deemed to be the legitimate children of both parents for all purposes.

SECTION 3. All property rights, including but not limited to conveyances, inheritance, intestate succession, dower, curtesy, and all rights and duties between the parties themselves or third persons, are declared to be those of validly married persons.

SECTION 4. It is the intent of this act to validate all marriages deemed void as a result of the decision of the Supreme Court of Arkansas in *Standridge v. Standridge*, 298 Ark. 494, ... S.W.2d ... (May 1, 1989), whether occurring prior to or subsequent to the effective date of this act.

SECTION 5. Sections 1 through 4 of this act shall apply to all marriages occurring both prior and subsequent to the effective date of this act.

SECTION 6. Arkansas Code Title 16, Chapter 118, is amended by adding the following new section:

"16-118-106. The actions of alienation of affection and criminal conversation are abolished."

SECTION 7. Arkansas Code 16-56-104 is amended to read as follows:

"16-56-104. Actions with limitation of one year.

The following actions shall be commenced within one (1) year after the cause of action shall accrue, and not thereafter:

- (1) All special actions on the case;
- (2) Actions for assault and battery, and false imprisonment;
- (3) All actions for words spoken slandering the character of another;

(4) All actions for words spoken whereby special damages are sustained."

SECTION 8. Sections 6 and 7 of this act do not apply to litigation pending before the effective date of this act.

SECTION 9. 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 10. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 11. Emergency. It is hereby found and determined by the General Assembly that there is an urgent need to validate otherwise legal marriages declared void by court decisions, to declare and preserve the legitimacy of the children born of such marriages, and to validate all property rights between the parties themselves and third persons; that it is in the best interest of the state that this act declaring such marriages take effect immediately. It is further determined that it is in the best interest of the state that the actions of alienation of affection and criminal conversation be abolished immediately. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

APPROVED: November 14, 1989

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