

1 State of Arkansas *As Engrossed: S3/13/13 S3/21/13 S4/9/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 1086

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5 By: Senator K. Ingram

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For An Act To Be Entitled

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AN ACT REGARDING THE STATUTE OF LIMITATION IN

9

WRONGFUL DEATH LAWSUITS AND TO PROHIBIT THE PROFITING

10

FROM CERTAIN CRIMINAL ACTS; AND FOR OTHER PURPOSES.

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Subtitle

14

REGARDING THE STATUTE OF LIMITATION IN

15

WRONGFUL DEATH LAWSUITS AND TO PROHIBIT

16

THE PROFITING FROM CERTAIN CRIMINAL ACTS.

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

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21 SECTION 1. Arkansas Code § 16-62-102(c), concerning the statute of
22 limitation in wrongful death lawsuits, is amended to read as follows:

23 (c)(1) Every action authorized by this section shall be commenced
24 within three (3) years after the death of the person alleged to have been
25 wrongfully killed, except the action may be commenced against a person in
26 the time period permitted to bring a murder charge under § 5-1-109(a) if the
27 person was convicted of one (1) of the following offenses:

28 (A) Capital murder, § 5-10-101;

29 (B) Murder in the first degree, § 5-10-102; or

30 (C) Murder in the second degree, § 5-10-103.

31 (2) If a nonsuit is ~~suffered~~ entered for an action authorized by
32 this section, the action shall be brought within one (1) year from the date
33 ~~of~~ the nonsuit was entered without regard to the date of the death of the
34 person alleged to have been wrongfully killed.

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36 SECTION 2. Arkansas Code § 16-90-308(a) and (b), concerning proceeds



1 from the sale of rights arising from a criminal act, is amended to read as
2 follows:

3 (a)(1) Any person referred to as the defendant in this section who has
4 been convicted of or pleaded guilty or nolo contendere to any crime who
5 contracts to reenact the crime by use of any book, motion picture, magazine
6 article, radio or television presentation, live entertainment, or any live or
7 recorded presentation, or from the expression of his or her thoughts,
8 opinions, or emotions benefit economically regarding the crime, shall pay to
9 the circuit court ~~wherein~~ in which the charges for the crime were filed any
10 money or thing of value contracted to be paid to the defendant or his or her
11 spouse, heirs, assigns, and transferees.

12 (2) As used in this subdivision (a)(1) of this section,
13 "benefitting economically" does not include reimbursement for travel or other
14 expenses.

15 ~~(2)(3)~~ (3) The circuit court shall deposit the moneys ~~in~~ into an
16 escrow account for the benefit of and payable to any victim, or his or her
17 legal representative, of crimes committed by the defendant.

18 (b)(1) Payments from the account shall be made to the defendant upon
19 an order of the judge of the circuit court wherein the charges were filed
20 upon a showing that the money or thing of value shall be used for the
21 exclusive purpose of retaining legal representation for the defendant at any
22 stage of the criminal proceedings arising out of the criminal charge or to
23 pay for already rendered legal representation and that the defendant would
24 otherwise be unable to or has been unable to afford adequate legal
25 representation.

26 (2) As used in subdivision (b)(1) of this section, "legal
27 representation" includes costs of expert witnesses and testing of evidence.

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29 /s/K. Ingram

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32 **APPROVED: 04/22/2013**