

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H2/9/01 S3/22/01

## A Bill

Act 1265 of 2001  
HOUSE BILL 1132

5 By: Representative C. Taylor  
6 By: *Senator Webb*  
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### For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 16-62-102(a) TO  
11 INCLUDE VIABLE FETUS IN THE DEFINITION OF PERSON  
12 FOR WRONGFUL DEATH ACTIONS; AND FOR OTHER  
13 PURPOSES.  
14

### Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 16-62-102  
16 (a) TO INCLUDE VIABLE FETUS IN THE  
17 DEFINITION OF PERSON FOR WRONGFUL DEATH  
18 ACTIONS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 16-62-102(a) is amended to read as follows:

25 (a)(1) Whenever the death of a person or viable fetus shall be  
26 caused by a wrongful act, neglect, or default and the act, neglect, or default  
27 is such as would have entitled the party injured to maintain an action and  
28 recover damages in respect thereof, if death had not ensued, then, and in  
29 every such case, the person who, or company, or corporation which would have  
30 been liable if death had not ensued shall be liable to an action for damages,  
31 notwithstanding the death of the person or viable fetus injured, and although  
32 the death may have been caused under such circumstances as amount in law to a  
33 felony.

34 (2) The cause of action created in this subsection shall survive  
35 the death of the person wrongfully causing the death of another and may be  
36 brought, maintained, or revived against the personal representatives of the

1 person wrongfully causing the death of another.

2 (3) No person shall be liable under this subsection (a) when the  
3 death of the fetus results from a legal abortion or from the fault of the  
4 pregnant woman carrying the fetus.

5 /s/ C. Taylor

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APPROVED: 4/4/2001

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