

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/25/13
A Bill

HOUSE BILL 1920

5 By: Representative J. Edwards
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE PROPERTY LAWS OF THE STATE OF
9 ARKANSAS TO PROHIBIT PROPERTY RIGHTS FROM BEING
10 ACQUIRED THROUGH THE UNLAWFUL KILLING OF ANOTHER
11 PERSON; AND FOR OTHER PURPOSES.
12

13
14 **Subtitle**

15 TO AMEND THE PROPERTY LAWS OF THE STATE
16 OF ARKANSAS TO PROHIBIT PROPERTY RIGHTS
17 FROM BEING ACQUIRED THROUGH THE UNLAWFUL
18 KILLING OF ANOTHER PERSON.
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Title 18 is amended to add a new chapter and subchapters to
24 read as follows:

25 CHAPTER 4 – MISCELLANEOUS OWNERSHIP RIGHTS

26
27 Subchapter 1 – General Provisions [reserved]

28 Subchapter 2 – Barring of Property Rights
29

30 18-4-201. Title.

31 This subchapter shall be known and may be cited as the "Arkansas Slayer
32 Law".
33

34 18-4-202. Definitions.

35 As used in this chapter:

36 (1) "Decedent" means a person whose life is taken by a slayer;



1 (2) "Property" means real or personal property;

2 (3) "Slayer" means an individual who is:

3 (A) Convicted by a court of competent jurisdiction of or
4 pleads guilty or nolo contendere to the unlawful killing of the decedent;

5 (B) Found by a preponderance of the evidence in a civil
6 action to have unlawfully killed the decedent or procured the killing of the
7 decedent, including an individual who has been:

8 (i) Acquitted by reason of insanity, mental defect
9 or disease, or any other mental incapacity concerning a criminal charge of
10 the unlawful killing of the decedent; or

11 (ii) Found to lack the capacity to understand or
12 effectively assist in a criminal proceeding against himself or herself for
13 the unlawful killing of the decedent; or

14 (C) A juvenile who is adjudicated delinquent by reason of
15 committing an act that if committed by an adult would constitute the unlawful
16 killing of the decedent.

17
18 18-4-203. Tolling of civil actions.

19 If a criminal proceeding is brought against a person to establish the
20 person's guilt concerning the unlawful killing of the decedent, a civil
21 action that involves an issue of whether the person unlawfully killed the
22 decedent may be brought within one (1) year after a final determination is
23 made in the criminal proceeding, including a determination concerning the
24 person's:

25 (1) Mental capacity under § 5-2-312 or § 5-2-313 or similar
26 provisions of another state's law; or

27 (2) Fitness to proceed under § 5-2-309 or a similar provision of
28 another state's law.

29
30 18-4-204. Slayer barred from testate or intestate succession and other
31 rights.

32 (a) A slayer is deemed to have died immediately before the death of
33 the decedent.

34 (b) A slayer shall not acquire any property or property right or
35 receive any benefit from the estate of the decedent by testate or intestate
36 succession, by common law, or by statutory right, including as the surviving

1 spouse of the decedent.

2
3 18-4-205. Insurance and annuity benefits.

4 (a) Insurance and annuity proceeds payable to a slayer as the
5 beneficiary or assignee of a policy or certificate of insurance or an annuity
6 contract on the life of the decedent, or in any other manner payable to the
7 slayer by virtue of the slayer having survived the decedent, shall be paid to
8 the decedent's estate.

9 (b) If the decedent is the beneficiary or assignee of any annuity
10 contract, life insurance policy, or certificate of insurance on the life of
11 the slayer, the proceeds shall be paid to the estate of the decedent upon
12 the death of the slayer.

13 (c) An insurance or annuity company that makes payment according to
14 the terms of the annuity contract, life insurance policy, or certificate of
15 insurance is not liable under this subchapter if payment or performance is
16 made without knowledge of circumstances tending to make this subchapter
17 apply.

18
19 18-4-206. Persons acquiring property from slayer protected.

20 The provisions of this subchapter do not affect the right of a person
21 who before the interests of the slayer have been adjudicated acquires from
22 the slayer for adequate consideration property that the slayer would have
23 received except for the terms of this subchapter if the person acquired the
24 property without notice of circumstances tending to make this subchapter
25 apply provided, however, that:

26 (1) The consideration received by the slayer shall be held by
27 the slayer in trust for the persons entitled to the property under this
28 subchapter; and

29 (2) The slayer is liable for:

30 (A) Any portion of the consideration which the slayer may
31 have transferred or dissipated; and

32 (B) Any difference between the actual value of the
33 property and the amount of the consideration paid for the property.

34
35 18-4-207. Remedies supplemental.

36 This subchapter supplements:

