

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

As Engrossed: H1/30/13

# A Bill

HOUSE BILL 1002

5 By: Representatives J. Edwards, Baine, Eubanks  
6 By: Senators D. Sanders, J. English  
7

## For An Act To Be Entitled

9 AN ACT TO TERMINATE *CERTAIN PARENTAL* RIGHTS OF A  
10 PERSON CONVICTED OF RAPE TO A CHILD CONCEIVED AS A  
11 RESULT OF THE RAPE; TO DECLARE AN EMERGENCY; AND FOR  
12 OTHER PURPOSES.  
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## Subtitle

15 TO TERMINATE *CERTAIN PARENTAL* RIGHTS OF A  
16 PERSON CONVICTED OF RAPE TO A CHILD  
17 CONCEIVED AS A RESULT OF THE RAPE AND TO  
18 DECLARE AN EMERGENCY.  
19  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Title 9, Chapter 10, Subchapter 1 is amended  
25 to add an additional section to read as follows:

26 9-10-121. Termination of certain parental rights for putative fathers  
27 convicted of rape.

28 (a) All rights of a putative father to custody, visitation, or other  
29 contact with a child conceived as a result of a rape shall be terminated  
30 immediately upon conviction of the rape in which the child was conceived  
31 under § 5-14-103.

32 (b) The biological mother of a child conceived as a result of rape may  
33 petition the court under § 9-10-104 to reinstate the parental rights of a  
34 putative father terminated under subdivision (a) of this section.

35 (c) A putative father to a child conceived as a result of rape shall  
36 pay child support as provided under § 9-10-109.



1 (d) A child conceived as a result of rape is entitled to:

2 (1) Child support under § 9-10-109; and

3 (2) Inheritance under § 28-9-201 et seq.

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5 SECTION 2. Arkansas Code § 5-14-103, concerning persons convicted of  
6 rape, is amended to add an additional subdivision to read as follows:

7 (e) A person convicted of rape is subject to § 9-10-121.

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9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that pregnancy from rape against  
11 women occurs; that women who get pregnant as a result of rape and decide to  
12 carry their pregnancy to term should not have a lifetime tethered to their  
13 rapists due to custody issues; and that this act is immediately necessary to  
14 eliminate the possibility that a rapist convicted in a court of law can have  
15 custody rights to any child conceived and born from such a rape. Therefore,  
16 an emergency is declared to exist, and this act being immediately necessary  
17 for the preservation of the public peace, health, and safety shall become  
18 effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,  
21 the expiration of the period of time during which the Governor may veto the  
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is  
24 overridden, the date the last house overrides the veto.

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26 /s/J. Edwards

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29 **APPROVED: 03/01/2013**