Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/25/13

A Bill

By: Representative J. Edwards

For An Act To Be Entitled

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

Subtitle

TO AMEND THE PROPERTY LAWS OF THE STATE OF ARKANSAS TO PROHIBIT PROPERTY RIGHTS FROM BEING ACQUIRED THROUGH THE UNLAWFUL KILLING OF ANOTHER PERSON.

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

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

CHAPTER 4 — MISCELLANEOUS OWNERSHIP RIGHTS

Subchapter 1 — General Provisions [reserved]
Subchapter 2 — Barring of Property Rights

18-4-201. Title.
This subchapter shall be known and may be cited as the "Arkansas Slayer Law".

18-4-202. Definitions.
As used in this chapter:

(1) "Decedent" means a person whose life is taken by a slayer;
(2) "Property" means real or personal property;

(3) "Slayer" means an individual who is:
    (A) Convicted by a court of competent jurisdiction of or
    pleads guilty or nolo contendere to the unlawful killing of the decedent;
    (B) Found by a preponderance of the evidence in a civil
    action to have unlawfully killed the decedent or procured the killing of the
    decedent, including an individual who has been:
        (i) Acquitted by reason of insanity, mental defect
        or disease, or any other mental incapacity concerning a criminal charge of
        the unlawful killing of the decedent; or
        (ii) Found to lack the capacity to understand or
        effectively assist in a criminal proceeding against himself or herself for
        the unlawful killing of the decedent; or
    (C) A juvenile who is adjudicated delinquent by reason of
    committing an act that if committed by an adult would constitute the unlawful
    killing of the decedent.

18-4-203. Tolling of civil actions.
If a criminal proceeding is brought against a person to establish the
person's guilt concerning the unlawful killing of the decedent, a civil
action that involves an issue of whether the person unlawfully killed the
decedent may be brought within one (1) year after a final determination is
made in the criminal proceeding, including a determination concerning the
person's:
    (1) Mental capacity under § 5-2-312 or § 5-2-313 or similar
provisions of another state's law; or
    (2) Fitness to proceed under § 5-2-309 or a similar provision of
another state's law.

18-4-204. Slayer barred from testate or intestate succession and other
rights.
(a) A slayer is deemed to have died immediately before the death of
the decedent.
(b) A slayer shall not acquire any property or property right or
receive any benefit from the estate of the decedent by testate or intestate
succession, by common law, or by statutory right, including as the surviving
spouse of the decedent.

18-4-205. Insurance and annuity benefits.

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

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

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

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

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

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

(2) The slayer is liable for:

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

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

18-4-207. Remedies supplemental.

This subchapter supplements:
(1) The common law of the State of Arkansas as it exists on the
effective date of this subchapter unless application of the common law would
be inconsistent with this subchapter; and

(2) Section 28-11-204.

18-4-208. Effect on existing proceedings.
This subchapter applies to a civil or criminal action that is pending
at the time of the effective date of this subchapter in which a final,
nonappealable judgment has not been entered.

/s/J. Edwards