

1 State of Arkansas *As Engrossed: S1/24/13 S2/11/13 S3/25/13 S4/4/13*

2 89th General Assembly

3 Regular Session, 2013

SJR 2

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5 By: Senators J. Hutchinson, Files, J. Hendren, Holland, J. Woods, J. Dismang, Hester, G. Stubblefield, S.

6 Flowers, R. Thompson, D. Johnson, B. Pierce, D. Wyatt, Burnett, E. Cheatham, U. Lindsey, Elliott, K.

7 *Ingram*

8 By: Representatives Wright, Hammer, D. Altes, J. Burris, Neal, Kizzia, Leding, Vines, Davis, Steel,

9 McLean, Ballinger, *E. Armstrong, J. Edwards, Farrer, House, Wardlaw, B. Wilkins*

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SENATE JOINT RESOLUTION

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AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING

13

THE AWARDING OF DAMAGES IN CIVIL CASES.

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Subtitle

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THE TORT REFORM AMENDMENT OF 2014.

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20 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE

21 STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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24 SECTION 1. This amendment shall be known and may be cited as the "Tort
25 Reform Amendment of 2014".

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27 SECTION 2. *Section 32 of Article 5 of the Arkansas Constitution is*
28 *amended to read as follows:*

29 § 32. *Workmen's Compensation Laws – Actions for personal injuries.*

30 (a) The General Assembly shall have power to enact laws prescribing
31 the amount of compensation to be paid by employers for injuries to or death
32 of employees, and to whom said payment shall be made. It shall have power to
33 provide the means, methods, and forum for adjudicating claims arising under
34 said laws, and for securing payment of same. Provided, that otherwise,
35 except as provided in subsections (b) and (c) of this section, no law shall
36 be enacted limiting the amount to be recovered for injuries resulting in



1 death or for injuries to persons or property; and in case of death from such
2 injuries the right of action shall survive, and the General Assembly shall
3 prescribe for whose benefit such action shall be prosecuted.

4 (b) In any civil case concerning death or injury to persons, the
5 General Assembly shall have the power to enact laws limiting the amount that
6 may be recovered for mental anguish, pain and suffering, loss of life, or
7 scars and disfigurement.

8 (c) In any civil case, the amount of punitive damages that may be
9 awarded against any separate defendant found culpable of punitive conduct
10 shall not exceed five (5) times the award of compensatory damages against
11 that particular defendant.

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13 SECTION 3. This amendment shall not be construed to supersede or amend
14 the right of trial by jury under Article 2, § 7 of this Constitution.

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16 SECTION 4. EFFECTIVE DATE. This amendment is effective on January 1,
17 2015.

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19 /s/J. Hutchinson
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