

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

SJR 14

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5 By: Senator J. Hutchinson
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7 **SENATE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
9 LIMITATIONS ON THE AWARD OF PUNITIVE DAMAGES IN CIVIL
10 CASES.

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13 **Subtitle**

14 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
15 CONCERNING LIMITATIONS ON THE AWARD OF
16 PUNITIVE DAMAGES IN CIVIL CASES.
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19 BE IT RESOLVED BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE
20 OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS
21 ELECTED TO EACH HOUSE AGREEING THERETO:
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23 THAT the following is proposed as an amendment to the Constitution of
24 the State of Arkansas, and upon being submitted to the electors of the state
25 for approval or rejection at the next general election for Representatives
26 and Senators, if a majority of the electors voting thereon at the election
27 adopt the amendment, the amendment shall become a part of the Constitution of
28 the State of Arkansas, to wit:
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30 SECTION 1. Section 32 of Article 5 of the Arkansas Constitution is
31 amended to read as follows:

32 § 32. ~~Workmen's~~ Workers' Compensation Laws - Actions for personal
33 injuries.

34 (a) The General Assembly shall have power to enact laws prescribing
35 the amount of compensation to be paid by employers for injuries to or death
36 of employees, and to whom said payment shall be made. It shall have power to



1 provide the means, methods, and forum for adjudicating claims arising under
 2 said laws, and for securing payment of same. Provided, that otherwise,
 3 except as provided in subsection (b) of this section, no law shall be enacted
 4 limiting the amount to be recovered for injuries resulting in death or for
 5 injuries to persons or property; and in case of death from such injuries the
 6 right of action shall survive, and the General Assembly shall prescribe for
 7 whose benefit such action shall be prosecuted.

8 (b)(1)(A) Except as provided in subdivision (b)(2) of this section,
 9 the amount of punitive damages that may be awarded against a separate
 10 defendant in a civil case shall not exceed five (5) times the award of
 11 compensatory damages against the separate defendant, but in no event shall a
 12 punitive damage award against a separate defendant exceed one million dollars
 13 (\$1,000,000).

14 (B)(i) As used in subdivision (b)(1)(A) of this section,
 15 "compensatory damages" means the sum awarded to compensate a defendant for a
 16 proven injury or loss.

17 (ii) "Compensatory damages" includes without
 18 limitation economic and noneconomic damages.

19 (2) The amount of punitive damages that may be awarded against a
 20 separate defendant in a civil case is unlimited if a limitation exists on the
 21 amount of noneconomic damages that may be awarded in the civil case.

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 23 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
 24 amendment is submitted to the electors of this state on the general election
 25 ballot:

26 (1) The title of this Joint Resolution shall be the ballot
 27 title; and

28 (2) The popular name shall be "An Amendment to the Arkansas
 29 Constitution Limiting the Amount of Punitive Damages That May Be Awarded in
 30 Civil Cases."

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