

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 188

4  
5 By: Senator Bell

## For An Act To Be Entitled

9 "AN ACT TO PROVIDE CIVIL RELIEF TO VICTIMS OF CRIME; AND  
10 FOR OTHER PURPOSES."

### Subtitle

13 "AN ACT TO PROVIDE CIVIL RELIEF TO  
14 VICTIMS OF CRIME."

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

18 SECTION 1. (a) Any person injured or damaged by reason of conduct of  
19 another person that would constitute a felony under Arkansas law may file a  
20 civil action to recover damages based on the conduct. The burden of proof for  
21 showing conduct that constituted a felony shall be a preponderance of the  
22 evidence. If the person who is injured or damaged prevails, he or she shall  
23 be entitled to recover costs and attorney\_s fees.

24 (b) The action may be maintained by the person who was injured or  
25 damaged or, after the person\_s death, the executor, administrator or  
26 representative of his or her estate.

27 (c) The remedy provided in this section shall be in addition to any  
28 other remedies in law or equity.

30 SECTION 2. All provisions of this act of a general and permanent  
31 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
32 Code Revision Commission shall incorporate the same in the Code.

34 SECTION 3. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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4 SECTION 4. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

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7 SECTION 5. EMERGENCY. It is found and determined by the General  
8 Assembly of the State of Arkansas that victims of crime should be allowed to  
9 recover damages from the perpetrator of the crime; that in some instances the  
10 present law does not provide an adequate remedy to victims of crime; and that  
11 this act is immediately necessary to assist victims of crime. Therefore, an  
12 emergency is declared to exist and this act being immediately necessary for  
13 the preservation of the public peace, health and safety shall become effective  
14 on the date of its approval by the Governor. If the bill is neither approved  
15 nor vetoed by the Governor, it shall become effective on the expiration of the  
16 period of time during which the Governor may veto the bill. If the bill is  
17 vetoed by the Governor and the veto is overridden, it shall become effective  
18 on the date the last house overrides the veto.

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