

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

As Engrossed: S3/6/97

A Bill

SENATE BILL 543

4
5 By: Senator Beebe
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE ARKANSAS CODE ANNOTATED § 9-12-317 TO
10 PROVIDE THAT A CHANCELLOR MAY CONSIDER A.C.A. § 9-12-315
11 AND A.C.A. § 9-12-317 PROPERTY TOGETHER WHEN DIVIDING SUCH
12 PROPERTY BETWEEN SPOUSES ON GRANTING AN ABSOLUTE DIVORCE
13 OR DIVORCE FROM BED AND BOARD; AND FOR OTHER PURPOSES."
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Subtitle

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16 "TO PROVIDE THAT A CHANCELLOR MAY
17 CONSIDER A.C.A. §§ 9-12-315 AND 9-12-317
18 PROPERTY TOGETHER WHEN DIVIDING SUCH
19 PROPERTY BETWEEN SPOUSES ON GRANTING AN
20 ABSOLUTE DIVORCE OR DIVORCE FROM BED AND
21 BOARD"
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Annotated § 9-12-317 is amended to read as
26 follows:

27 "9-12-317. Dissolution of estates by the entirety or survivorship.

28 (a) ~~When~~ Hereafter, when any chancery court in this state renders a
29 final decree of divorce, any estate by the entirety or survivorship in real or
30 personal property held by the parties to the divorce shall be automatically
31 dissolved unless the court order specifically provides otherwise. ~~In, and in~~
32 the division and partition of the property, the parties shall be treated as
33 tenants in common.

34 (b) *Notwithstanding subsection (a) of this section or any other law to*
35 *the contrary, when one (1) of the parties to the estate by the entirety has*
36 *been found guilty or has plead guilty or nolo contendere to a felony during*

1 the marriage and within three (3) years of filing the complaint for divorce
2 and the other party to the divorce did not benefit from the felony, the
3 chancellor may award the property to the spouse who did not commit the felony
4 or to both parties in any proportion deemed equitable by the chancellor.

5 (c) Provided, however, that when a chancery court in this state renders
6 an absolute divorce from the bonds of matrimony or a divorce from bed and
7 board, and the court dissolves estates by the entirety or survivorship in real
8 or personal property under this section, the court may distribute such
9 property as provided in A.C.A. § 9-12-315. The court shall set forth its
10 reasons in writing in the decree for making an other than an equal
11 distribution to each party, when all the property is considered together,
12 taking into account the factors enumerated in A.C.A. § 9-12-315(a)(1)."
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14 SECTION 2. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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

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27 /s/Beebe
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