

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1920

5 By: Representative J. Edwards  
6

## For An Act To Be Entitled

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

14 TO AMEND THE PROPERTY LAWS OF THE STATE  
15 OF ARKANSAS TO PROHIBIT PROPERTY RIGHTS  
16 FROM BEING ACQUIRED THROUGH THE UNLAWFUL  
17 KILLING OF ANOTHER PERSON.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Title 18 is amended to add a new chapter and subchapters to  
24 read as follows:

### CHAPTER 4 – MISCELLANEOUS OWNERSHIP RIGHTS

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27 Subchapter 1 – General Provisions [reserved]

28 Subchapter 2 – Barring of Property Rights  
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30 18-4-201. Title.

31 This subchapter shall be known and may be cited as the "Arkansas Slayer  
32 Law".  
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34 18-4-202. Definitions.

35 As used in this chapter:

36 (1) "Decedent" means a person whose life is taken by a slayer;



1           (2) "Property" means real or personal property;

2           (3) "Slayer" means an individual who is:

3                   (A) Convicted by a court of competent jurisdiction of or  
 4 pleads guilty or nolo contendere to the unlawful killing of the decedent;

5                   (B) Found by a preponderance of the evidence in a civil  
 6 action to have unlawfully killed the decedent or procured the killing of the  
 7 decedent, including an individual who has been:

8                           (i) Acquitted by reason of insanity, mental defect  
 9 or disease, or any other mental incapacity concerning a criminal charge of  
 10 the unlawful killing of the decedent; or

11                           (ii) Found to lack the capacity to understand or  
 12 effectively assist in a criminal proceeding against himself or herself for  
 13 the unlawful killing of the decedent; or

14                   (C) A juvenile who is adjudicated delinquent by reason of  
 15 committing an act that if committed by an adult would constitute the unlawful  
 16 killing of the decedent.

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 18           18-4-203. Tolling of civil actions.

19           If a criminal proceeding is brought against a person to establish the  
 20 person's guilt concerning the unlawful killing of the decedent, a civil  
 21 action that involves an issue of whether the person unlawfully killed the  
 22 decedent may be brought within one (1) year after a final determination is  
 23 made in the criminal proceeding, including a determination concerning the  
 24 person's:

25                   (1) Mental capacity under § 5-2-312 or § 5-2-313 or similar  
 26 provisions of another state's law; or

27                   (2) Fitness to proceed under § 5-2-309 or a similar provision of  
 28 another state's law.

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 30           18-4-204. Slayer barred from testate or intestate succession and other  
 31 rights.

32                   (a) A slayer is deemed to have died immediately before the death of  
 33 the decedent.

34                   (b) A slayer, the slayer's spouse, and the slayer's heirs shall not  
 35 acquire any property or property right or receive any benefit from the estate  
 36 of the decedent by testate or intestate succession, by common law, or by

1 statutory right, including as the surviving spouse of the decedent.

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3 18-4-205. Insurance and annuity benefits.

4 (a) Insurance and annuity proceeds payable to a slayer as the  
5 beneficiary or assignee of a policy or certificate of insurance or an annuity  
6 contract on the life of the decedent, or in any other manner payable to the  
7 slayer by virtue of the slayer having survived the decedent, shall be paid to  
8 the person or persons who would have been entitled to payment if the slayer  
9 had predeceased the decedent provided, however, that:

10 (1) The proceeds shall not be paid to the slayer's spouse or  
11 heirs; and

12 (2) If no qualifying alternate beneficiary is named, insurance  
13 and annuity proceeds shall be paid to the estate of the decedent.

14 (b) If the decedent is the beneficiary or assignee of any annuity  
15 contract, life insurance policy, or certificate of insurance on the life of  
16 the slayer, the proceeds:

17 (1) Shall be paid to the estate of the decedent upon the death  
18 of the slayer unless the policy, contract, or certificate names a person  
19 other than the slayer or the slayer's estate as alternative beneficiary; and

20 (2) Shall not be paid to the slayer's spouse or heirs.

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

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27 18-4-206. Persons acquiring property from slayer protected.

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

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

1           (2) The slayer is liable for:

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

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

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7           18-4-207. Remedies supplemental.

8           This subchapter supplements:

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

12                   (2) Section 28-11-204.

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14           18-4-208. Effect on existing proceedings.

15           This subchapter applies to a civil or criminal action that is pending  
16 at the time of the effective date of this subchapter in which a final,  
17 nonappealable judgment has not been entered.

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