

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1762

By: Representatives Crawford, Boyd
By: Senator M. Pitsch

For An Act To Be Entitled

AN ACT TO AMEND THE QUALIFICATIONS OF A GUARDIAN; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE QUALIFICATIONS OF A
GUARDIAN.

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

SECTION 1. Arkansas Code § 28-65-203(a), concerning the qualifications
of guardians, is amended to read as follows:

(a) (1) A natural person who is a resident of this state, eighteen (18)
~~or more years of age, of sound mind, not a convicted and unpardoned felon,~~ is
qualified to be appointed guardian of the person and of the estate of an
incapacitated person, if he or she is:

(A) A resident of this state;

(B) At least eighteen (18) years of age;

(C) Of sound mind; and

(D) Either:

(i) Not a convicted and unpardoned felon; or

(ii) A convicted and unpardoned felon:

(a) Who has disclosed his or her prior felony
conviction and the court has entered written findings stating that,
notwithstanding the felony conviction, he or she is otherwise qualified;

(b) Whose felony conviction is sealed under
the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.;



1 and

2 (c) Who does not have a felony conviction for:

3 (1) Child abuse or neglect;

4 (2) Spousal abuse or domestic battery;

5 (3) A crime against children, including
6 child pornography;

7 (4) A crime of violence, including
8 without limitation rape, sexual assault, battery, aggravated assault, or
9 homicide;

10 (5) Aggravated assault on a family or
11 household member;

12 (6) Theft;

13 (7) Embezzlement; or

14 (8) A violation of the Uniform
15 Controlled Substances Act, § 5-64-101 et seq.

16 (2) Subdivision (a)(1)(D)(ii) of this section does not apply if
17 an accounting of the assets of the incapacitated person has not been filed
18 with the court.