

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1426 of the Regular Session

State of Arkansas      *As Engrossed: S3/13/13 S3/21/13 S4/9/13*  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 1086

By: Senator K. Ingram

## For An Act To Be Entitled

AN ACT REGARDING THE STATUTE OF LIMITATION IN  
WRONGFUL DEATH LAWSUITS AND TO PROHIBIT THE PROFITING  
FROM CERTAIN CRIMINAL ACTS; AND FOR OTHER PURPOSES.

### Subtitle

REGARDING THE STATUTE OF LIMITATION IN  
WRONGFUL DEATH LAWSUITS AND TO PROHIBIT  
THE PROFITING FROM CERTAIN CRIMINAL ACTS.

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

SECTION 1. Arkansas Code § 16-62-102(c), concerning the statute of limitation in wrongful death lawsuits, is amended to read as follows:

(c)(1) Every action authorized by this section shall be commenced within three (3) years after the death of the person alleged to have been wrongfully killed, except the action may be commenced against a person in the time period permitted to bring a murder charge under § 5-1-109(a) if the person was convicted of one (1) of the following offenses:

- (A) Capital murder, § 5-10-101;
- (B) Murder in the first degree, § 5-10-102; or
- (C) Murder in the second degree, § 5-10-103.

(2) If a nonsuit is ~~suffered~~ entered for an action authorized by this section, the action shall be brought within one (1) year from the date ~~of~~ the nonsuit was entered without regard to the date of the death of the person alleged to have been wrongfully killed.

SECTION 2. Arkansas Code § 16-90-308(a) and (b), concerning proceeds



from the sale of rights arising from a criminal act, is amended to read as follows:

(a)(1) Any person referred to as the defendant in this section who has been convicted of or pleaded guilty or nolo contendere to any crime who contracts to reenact the crime by use of any book, motion picture, magazine article, radio or television presentation, live entertainment, or any live or recorded presentation, or from the expression of his or her thoughts, opinions, or emotions benefit economically regarding the crime, shall pay to the circuit court ~~wherein~~ in which the charges for the crime were filed any money or thing of value contracted to be paid to the defendant or his or her spouse, heirs, assigns, and transferees.

(2) As used in this subdivision (a)(1) of this section, "benefitting economically" does not include reimbursement for travel or other expenses.

~~(2)(3)~~ (3) The circuit court shall deposit the moneys ~~in~~ into an escrow account for the benefit of and payable to any victim, or his or her legal representative, of crimes committed by the defendant.

(b)(1) Payments from the account shall be made to the defendant upon an order of the judge of the circuit court wherein the charges were filed upon a showing that the money or thing of value shall be used for the exclusive purpose of retaining legal representation for the defendant at any stage of the criminal proceedings arising out of the criminal charge or to pay for already rendered legal representation and that the defendant would otherwise be unable to or has been unable to afford adequate legal representation.

(2) As used in subdivision (b)(1) of this section, "legal representation" includes costs of expert witnesses and testing of evidence.

/s/K. Ingram

**APPROVED: 04/22/2013**