

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H1/30/13
A Bill

HOUSE BILL 1002

By: Representatives J. Edwards, Baine, Eubanks
By: Senators D. Sanders, J. English

For An Act To Be Entitled

AN ACT TO TERMINATE *CERTAIN PARENTAL* RIGHTS OF A
PERSON CONVICTED OF RAPE TO A CHILD CONCEIVED AS A
RESULT OF THE RAPE; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

TO TERMINATE *CERTAIN PARENTAL* RIGHTS OF A
PERSON CONVICTED OF RAPE TO A CHILD
CONCEIVED AS A RESULT OF THE RAPE AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 9, Chapter 10, Subchapter 1 is amended to add an additional section to read as follows:

9-10-121. Termination of certain parental rights for putative fathers convicted of rape.

(a) All rights of a putative father to custody, visitation, or other contact with a child conceived as a result of a rape shall be terminated immediately upon conviction of the rape in which the child was conceived under § 5-14-103.

(b) The biological mother of a child conceived as a result of rape may petition the court under § 9-10-104 to reinstate the parental rights of a putative father terminated under subdivision (a) of this section.

(c) A putative father to a child conceived as a result of rape shall pay child support as provided under § 9-10-109.



(d) A child conceived as a result of rape is entitled to:

(1) Child support under § 9-10-109; and

(2) Inheritance under § 28-9-201 et seq.

SECTION 2. Arkansas Code § 5-14-103, concerning persons convicted of rape, is amended to add an additional subdivision to read as follows:

(e) A person convicted of rape is subject to § 9-10-121.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that pregnancy from rape against women occurs; that women who get pregnant as a result of rape and decide to carry their pregnancy to term should not have a lifetime tethered to their rapists due to custody issues; and that this act is immediately necessary to eliminate the possibility that a rapist convicted in a court of law can have custody rights to any child conceived and born from such a rape. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/J. Edwards