

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: H3/25/13*  
**A Bill**

HOUSE BILL 1920

By: Representative J. Edwards

**For An Act To Be Entitled**

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

**Subtitle**

TO AMEND THE PROPERTY LAWS OF THE STATE OF ARKANSAS TO PROHIBIT PROPERTY RIGHTS FROM BEING ACQUIRED THROUGH THE UNLAWFUL KILLING OF ANOTHER PERSON.

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

SECTION 1. Title 18 is amended to add a new chapter and subchapters to read as follows:

CHAPTER 4 – MISCELLANEOUS OWNERSHIP RIGHTS

Subchapter 1 – General Provisions [reserved]

Subchapter 2 – Barring of Property Rights

18-4-201. Title.

This subchapter shall be known and may be cited as the "Arkansas Slayer Law".

18-4-202. Definitions.

As used in this chapter:

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



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

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

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

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

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

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

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

18-4-203. Tolling of civil actions.

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

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

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

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

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

(b) A slayer shall not acquire any property or property right or receive any benefit from the estate of the decedent by testate or intestate succession, by common law, or by statutory right, including as the surviving

spouse of the decedent.

18-4-205. Insurance and annuity benefits.

(a) Insurance and annuity proceeds payable to a slayer as the beneficiary or assignee of a policy or certificate of insurance or an annuity contract on the life of the decedent, or in any other manner payable to the slayer by virtue of the slayer having survived the decedent, shall be paid to the decedent's estate.

(b) If the decedent is the beneficiary or assignee of any annuity contract, life insurance policy, or certificate of insurance on the life of the slayer, the proceeds shall be paid to the estate of the decedent upon the death of the slayer.

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

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

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

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

(2) The slayer is liable for:

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

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

18-4-207. Remedies supplemental.

This subchapter supplements:

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

(2) Section 28-11-204.

18-4-208. Effect on existing proceedings.

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

*/s/J. Edwards*