

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

State of Arkansas *As Engrossed: S1/24/13 S2/11/13 S3/25/13 S4/4/13*

89th General Assembly

Regular Session, 2013

SJR 2

By: Senators J. Hutchinson, Files, J. Hendren, Holland, J. Woods, J. Dismang, Hester, G. Stubblefield, S. Flowers, R. Thompson, D. Johnson, B. Pierce, D. Wyatt, Burnett, E. Cheatham, U. Lindsey, Elliott, K.

Ingram

By: Representatives Wright, Hammer, D. Altes, J. Burris, Neal, Kizzia, Leding, Vines, Davis, Steel, McLean, Ballinger, *E. Armstrong, J. Edwards, Farrer, House, Wardlaw, B. Wilkins*

SENATE JOINT RESOLUTION

*AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
THE AWARDING OF DAMAGES IN CIVIL CASES.*

Subtitle

THE TORT REFORM AMENDMENT OF 2014.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

SECTION 1. This amendment shall be known and may be cited as the "Tort Reform Amendment of 2014".

SECTION 2. Section 32 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 32. Workmen's Compensation Laws – Actions for personal injuries.

(a) The General Assembly shall have power to enact laws prescribing the amount of compensation to be paid by employers for injuries to or death of employees, and to whom said payment shall be made. It shall have power to provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same. Provided, that otherwise, except as provided in subsections (b) and (c) of this section, no law shall be enacted limiting the amount to be recovered for injuries resulting in



death or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

(b) In any civil case concerning death or injury to persons, the General Assembly shall have the power to enact laws limiting the amount that may be recovered for mental anguish, pain and suffering, loss of life, or scars and disfigurement.

(c) In any civil case, the amount of punitive damages that may be awarded against any separate defendant found culpable of punitive conduct shall not exceed five (5) times the award of compensatory damages against that particular defendant.

SECTION 3. This amendment shall not be construed to supersede or amend the right of trial by jury under Article 2, § 7 of this Constitution.

SECTION 4. EFFECTIVE DATE. This amendment is effective on January 1, 2015.

/s/J. Hutchinson