

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
90th General Assembly
Regular Session, 2015

SJR 14

By: Senator J. Hutchinson

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
LIMITATIONS ON THE AWARD OF PUNITIVE DAMAGES IN CIVIL
CASES.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION
CONCERNING LIMITATIONS ON THE AWARD OF
PUNITIVE DAMAGES IN CIVIL CASES.

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

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Section 32 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 32. ~~Workmen's~~ Workers' 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 subsection (b) 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)(1)(A) Except as provided in subdivision (b)(2) of this section, the amount of punitive damages that may be awarded against a separate defendant in a civil case shall not exceed five (5) times the award of compensatory damages against the separate defendant, but in no event shall a punitive damage award against a separate defendant exceed one million dollars (\$1,000,000).

(B)(i) As used in subdivision (b)(1)(A) of this section, "compensatory damages" means the sum awarded to compensate a defendant for a proven injury or loss.

(ii) "Compensatory damages" includes without limitation economic and noneconomic damages.

(2) The amount of punitive damages that may be awarded against a separate defendant in a civil case is unlimited if a limitation exists on the amount of noneconomic damages that may be awarded in the civil case.

SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "An Amendment to the Arkansas Constitution Limiting the Amount of Punitive Damages That May Be Awarded in Civil Cases."