

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

SJR 8

4
5 By: Senator Hester
6 By: Representative Eubanks

SENATE JOINT RESOLUTION

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PERMIT
10 LIMITS ON AWARDS OF PUNITIVE DAMAGES AND NONECONOMIC
11 DAMAGES IN CIVIL ACTIONS.

Subtitle

15 A CONSTITUTIONAL AMENDMENT PERMITTING
16 LIMITS ON AWARDS OF PUNITIVE AND
17 NONECONOMIC DAMAGES.

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19
20 BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE
21 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

23
24 THAT the following is proposed as an amendment to the Constitution of
25 the State of Arkansas, and upon being submitted to the electors of the state
26 for approval or rejection at the next general election for Representatives
27 and Senators, if a majority of the electors voting thereon at the election
28 adopt the amendment, the amendment shall become a part of the Constitution of
29 the State of Arkansas, to wit:

30
31 SECTION 1. Arkansas Constitution, Article 5, § 32, is amended to read
32 as follows:

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

34 (a) The General Assembly shall have power to enact laws prescribing
35 the amount of compensation to be paid by employers for injuries to or death
36 of employees, and to whom said payment shall be made. It shall have power to



1 provide the means, methods, and forum for adjudicating claims arising under
2 said laws, and for securing payment of same.

3 (b)(1) The General Assembly may enact laws limiting the amount of
4 punitive damages and noneconomic damages that may be awarded for each
5 claimant in actions for injuries resulting in death or for injuries to
6 persons or property, including without limitation medical injuries.

7 (2) As used in this section, "noneconomic damages" means damages
8 that cannot be measured in money, including without limitation any loss or
9 damage, however characterized, for one (1) or more of the following:

10 (A) Pain, suffering, and mental anguish;

11 (B) Scars, disfigurement, and visible results of an
12 injury;

13 (C) Loss of consortium; and

14 (D) Loss of life.

15 (c) Provided, that otherwise no law shall be enacted limiting the
16 amount to be recovered for injuries resulting in death or for injuries to
17 persons or property; and in case of death from such injuries the right of
18 action shall survive, and the General Assembly shall prescribe for whose
19 benefit such action shall be prosecuted.

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21 SECTION 2. SEVERABILITY. The provisions of this amendment are
22 severable, and if any should be held invalid, the remainder shall stand.

23
24 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed
25 amendment is submitted to the electors of this state on the general election
26 ballot:

27 (1) The popular name for this proposed amendment shall be "An
28 Amendment to the Arkansas Constitution Concerning Limits on Awards of
29 Punitive Damages and Noneconomic Damages in Civil Actions"; and

30 (2) The ballot title for this proposed amendment shall be "An
31 Amendment to the Arkansas Constitution Providing that the General Assembly
32 May Enact Laws Limiting the Amount of Punitive Damages and Noneconomic
33 Damages that May Be Awarded in Actions for Injuries Resulting in Death or for
34 Injuries to Persons or Property".