

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 258 OF 1995**  
**HOUSE BILL 1075**

4 **By: Representatives M. Wilson, Beatty, Schexnayder, and B. G. Hendrix**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-10-101 TO PROVIDE THAT A  
9 PERSON COMMITS CAPITAL MURDER IF WHILE *INCARCERATED IN THE*  
10 *DEPARTMENT OF CORRECTION OR DEPARTMENT OF COMMUNITY*  
11 *PUNISHMENT* THE PERSON PURPOSELY CAUSES THE DEATH OF  
12 ANOTHER PERSON AFTER PREMEDITATION AND DELIBERATION; AND  
13 FOR OTHER PURPOSES."

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## **Subtitle**

16 "A PERSON COMMITS CAPITAL MURDER IF  
17 WHILE *INCARCERATED IN THE DEPARTMENT OF*  
18 *CORRECTION OR DEPARTMENT OF COMMUNITY*  
19 *PUNISHMENT* THE PERSON PURPOSELY CAUSES  
20 THE DEATH OF ANOTHER PERSON AFTER  
21 PREMEDITATION AND DELIBERATION."

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

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26 SECTION 1. Arkansas Code 5-10-101 (a) is amended to read as follows:

27 "(a) A person commits capital murder if:

28 (1) Acting alone or with one (1) or more other persons, he commits or  
29 attempts to commit rape, kidnapping, vehicular piracy, robbery, burglary, a  
30 felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 -  
31 5-64-608, involving an actual delivery of a controlled substance, or escape in  
32 the first degree, and in the course of and in furtherance of the felony, or in  
33 immediate flight therefrom, he or an accomplice causes the death of any person  
34 under circumstances manifesting extreme indifference to the value of human  
35 life; or

36 (2) Acting alone or with one (1) or more other persons, he commits or

1 attempts to commit arson, and in the course of and in furtherance of the  
2 felony or in immediate flight therefrom, he or an accomplice causes the death  
3 of any person; or

4 (3) With the premeditated and deliberated purpose of causing the death of  
5 any law enforcement officer, jailer, prison official, fire fighter, judge or  
6 other court official, probation officer, parole officer, any military  
7 personnel, or teacher or school employee, when such person is acting in the  
8 line of duty, he causes the death of any person; or

9 (4) With the premeditated and deliberated purpose of causing the death of  
10 another person, he causes the death of any person; or

11 (5) With the premeditated and deliberated purpose of causing the death of  
12 the holder of any public office filled by election or appointment or a  
13 candidate for public office, he causes the death of any person; or

14 (6) *While incarcerated in the Department of Correction or Department of*  
15 *Community Punishment, he puposely* causes the death of another person after  
16 premeditation and deliberation; or

17 (7) Pursuant to an agreement that he cause the death of another person in  
18 return for anything of value, he causes the death of any person; or

19 (8) He enters into an agreement whereby one person is to cause the death  
20 of another person in return for anything of value, and the person hired,  
21 pursuant to the agreement, causes the death of any person; or

22 (9) Under circumstances manifesting extreme indifference to the value of  
23 human life, he knowingly causes the death of a person fourteen (14) years of  
24 age or younger at the time the murder was committed, provided that the  
25 defendant was eighteen (18) years of age or older at the time the murder was  
26 committed. It shall be an affirmative defense to any prosecution under this  
27 subdivision arising from the failure of the parent, guardian, or person  
28 standing in loco parentis to provide specified medical or surgical treatment,  
29 that the parent, guardian, or person standing in loco parentis relied solely  
30 on spiritual treatment through prayer in accordance with the tenets and  
31 practices of an established church or religious denomination of which he is a  
32 member."

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34 SECTION 2. All provisions of this act of a general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

11 */s/Rep. M. Wilson, et al*

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13 APPROVED: 2-10-95

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