

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1313

4
5 By: Representative Lendall
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE CRIMINAL
10 CODE TO PROVIDE THAT DEFENDANTS LESS THAN
11 EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING A
12 CAPITAL OFFENSE SHALL NOT BE SUBJECT TO THE DEATH
13 PENALTY; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND VARIOUS SECTIONS OF THE
16 CRIMINAL CODE TO PROVIDE THAT DEFENDANTS
17 LESS THAN EIGHTEEN YEARS OF AGE AT THE
18 TIME OF COMMITTING A CAPITAL OFFENSE
19 SHALL NOT BE SUBJECT TO THE DEATH
20 PENALTY.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 5-4-104(b) is amended to read as follows:

27 (b) A defendant convicted of capital murder or treason shall be
28 sentenced to death, if the defendant was eighteen (18) years of age or older
29 at the time of the offense, or life imprisonment without parole in accordance
30 with §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608.
31

32 SECTION 2. Arkansas Code § 5-4-602(3) is amended to read as follows:

33 (3) If the defendant is found guilty of capital murder, the same
34 jury shall sit again in order to hear additional evidence as provided by
35 subdivision (4) of this section, and to determine sentence in the manner
36 provided by § 5-4-603; except that, if the defendant was less than eighteen



1 (18) years of age at the time of the offense, or if the state waives the
2 death penalty, stipulates that no aggravating circumstance exists, or
3 stipulates that mitigating circumstances outweigh aggravating circumstances,
4 no such hearing shall be required, and the trial court shall sentence the
5 defendant to life imprisonment without parole.

6
7 SECTION 3. Arkansas Code § 5-4-603(a) is amended to read as follows:

8 (a) The jury shall impose a sentence of death on a defendant who was
9 eighteen (18) years of age or older at the time of the offense, if it
10 unanimously returns written findings that:

11 (1) Aggravating circumstances exist beyond a reasonable doubt;
12 and

13 (2) Aggravating circumstances outweigh beyond a reasonable doubt
14 all mitigating circumstances found to exist; and

15 (3) Aggravating circumstances justify a sentence of death beyond
16 a reasonable doubt.

17
18 SECTION 4. Arkansas Code § 5-10-101(c) is amended to read as follows:

19 (c) Capital murder is punishable by death if the defendant was
20 eighteen (18) years of age or older at the time of the offense, or life
21 imprisonment without parole pursuant to §§ 5-4-601 - 5-4-605, 5-4-607, and 5-
22 4-608. For all purposes other than disposition under §§ 5-4-101 - 5-4-104, 5-
23 4-201 - 5-4-204, 5-4-301 - 5-4-308, 5-4-310, 5-4-311, 5-4-401 - 5-4-404, 5-4-
24 501 - 5-4-504, 5-4-505 [repealed], 5-4-601 - 5-4-605, 5-4-607, and 5-4-608,
25 capital murder is a Class Y felony.

26
27 SECTION 5. Arkansas Code § 5-51-201(c) is amended to read as follows:

28 (c) Treason is punishable by death, if the defendant was eighteen (18)
29 years of age or older at the time of the offense, or life imprisonment
30 without parole pursuant to §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608.