

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
4

As Engrossed: H3/6/03
A Bill

HOUSE BILL 1632

5 By: Representatives Ledbetter, Chesterfield, Clemons, Dobbins, Eason, Elliott, Goss, C. Johnson, Jones,
6 Lewellen, Penix, Thomas, White, Lendall, J. Johnson, *Blair, Bradford, Borhauer, Mahony, Dees, Pace*
7 By: Senators Wilkins, Brown, Steele
8
9

10 **For An Act To Be Entitled**

11 AN ACT TO PROTECT CERTAIN JUVENILES FROM THE
12 DEATH PENALTY; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO PROTECT CERTAIN JUVENILES FROM
16 THE DEATH PENALTY.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

22 (b) A defendant convicted of capital murder or treason shall be
23 sentenced to death, if the defendant was eighteen (18) years of age or older
24 at the time of the offense, or life imprisonment without parole in accordance
25 with §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608.
26

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

28 (3) If the defendant is found guilty of capital murder, the same jury
29 shall sit again in order to hear additional evidence as provided by
30 subdivision (4) of this section, and to determine sentence in the manner
31 provided by § 5-4-603; except that, if the defendant was less than eighteen
32 (18) years of age at the time of the offense, or if the state waives the
33 death penalty, stipulates that no aggravating circumstance exists, or
34 stipulates that mitigating circumstances outweigh aggravating circumstances,
35 no such hearing shall be required, and the trial court shall sentence the
36 defendant to life imprisonment without parole.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

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

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

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

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

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

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

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

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

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

/s/ Ledbetter, et al