

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/26/13

A Bill

SENATE BILL 1055

5 By: Senator Elliott
6

For An Act To Be Entitled

8 AN ACT TO ABOLISH CAPITAL PUNISHMENT; AND FOR OTHER
9 PURPOSES.

Subtitle

10 TO ABOLISH CAPITAL PUNISHMENT.
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16 *WHEREAS, the Senate Judiciary Committee held a hearing on capital*
17 *punishment on January 30, 2013, for the purpose of considering the arguments*
18 *of opponents and proponents of capital punishment; and*
19

20 *WHEREAS, the opponents of capital punishment presented testimony and*
21 *documented evidence that capital punishment in Arkansas requires the*
22 *expenditure of approximately sixty thousand dollars (\$60,000) to three*
23 *hundred thousand dollars (\$300,000), depending on whether the person is*
24 *represented by a public defender or private counsel, to represent a person*
25 *charged with a capital crime regardless of whether that charge is later*
26 *withdrawn prior to trial; and*
27

28 *WHEREAS, the costs to defend a person charged with a capital crime*
29 *described above do not include costs of appeals that are required by the*
30 *Arkansas Constitution and the United States Constitution and lead to a*
31 *substantial expenditure per case; and*
32

33 *WHEREAS, five (5) states in the past five (5) years have abolished the*
34 *death penalty, including Maryland, New Mexico, and Illinois; and*
35

36 *WHEREAS, testimony was presented that included a 2008 report of a study*



1 *by the now deceased Professor David Baldus, in Eighth Judicial District –*
2 *South that concluded that no white male was convicted of capital murder and*
3 *given the death penalty and only black men who were convicted for the murders*
4 *of white persons were given the death penalty, despite similarities between*
5 *white defendants and black defendants that should have led to similar and not*
6 *different treatment; and*

7
8 *WHEREAS, testimony was presented that supported a conclusion that at*
9 *least one hundred forty-one (141) innocent persons have been sentenced to*
10 *death across the nation, including at least one (1) case in Arkansas in which*
11 *there is credible support for a conclusion that an innocent person was put to*
12 *death; and,*

13
14 *WHEREAS, testimony was presented that provided a moral argument based*
15 *in religious texts that indicates that the death penalty violates the tenet*
16 *that all life is sacred,*

17
18 *NOW THEREFORE, due to the foregoing, this act intends to end the use of*
19 *capital punishment in Arkansas as an available sentence to all capital*
20 *crimes.*

21
22 *BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:*

23
24 *SECTION 1. Arkansas Code § 5-10-101(c)(1), concerning the penalties*
25 *for capital murder, is amended to read as follows:*

26 *(c)(1) Capital murder is punishable by ~~death~~ or life imprisonment*
27 *without parole under §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608.*

28
29 *SECTION 2. Arkansas Code § 5-51-201(c), concerning the penalties for*
30 *treason, is amended to read as follows:*

31 *(c) Treason is punishable by ~~death~~ or life imprisonment without parole*
32 *pursuant to §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608.*

33
34 */s/Elliott*