

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17 H3/15/17

A Bill

HOUSE BILL 1798

5 By: Representative Blake
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For An Act To Be Entitled

8 AN ACT AMENDING THE BURDEN OF PROOF REQUIRED DURING
9 THE SENTENCING PHASE OF A TRIAL WHEN THE STATE SEEKS
10 THE DEATH PENALTY; AND FOR OTHER PURPOSES.
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Subtitle

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13 AMENDING THE BURDEN OF PROOF REQUIRED
14 DURING THE SENTENCING PHASE OF A TRIAL
15 WHEN THE STATE SEEKS THE DEATH PENALTY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 5-4-603 is amended to read as follows:*

22 *5-4-603. Findings required for death sentence – Harmless error review.*

23 *(a) The jury shall impose a sentence of death if the jury unanimously*
24 *returns written findings that:*

25 *(1) An aggravating circumstance exists beyond a reasonable*
26 *doubt;*

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

29 *(3) Aggravating circumstances justify a sentence of death beyond*
30 *a reasonable doubt; and*

31 *(4) The defendant is guilty of each element of the underlying*
32 *offense beyond any doubt.*

33 *(b) The jury shall impose a sentence of life imprisonment without*
34 *parole if the jury finds that:*

35 *(1) Aggravating circumstances do not exist beyond a reasonable*
36 *doubt;*



