

1 State of Arkansas *As Engrossed: H4/3/13 S4/17/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1993

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5 By: Representative Steel

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For An Act To Be Entitled

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*AN ACT CONCERNING SENTENCES FOR JUVENILES CONVICTED
9 OF CAPITAL MURDER; TO DECLARE AN EMERGENCY; AND FOR
10 OTHER PURPOSES.*

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Subtitle

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*CONCERNING SENTENCES FOR JUVENILES
15 CONVICTED OF CAPITAL MURDER; AND TO
16 DECLARE AN EMERGENCY.*

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

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21 *SECTION 1. DO NOT CODIFY. Legislative intent.*

22 *(a) It is the intent of the General Assembly to revise the punishments*
23 *authorized for persons who are not yet eighteen (18) years of age when they*
24 *commit capital murder after the effective date of this act.*

25 *(b) It is not the intent of the General Assembly to authorize the*
26 *revised punishments for those persons who committed capital murder when they*
27 *were not yet eighteen (18) years of age prior to the effective date of this*
28 *act.*

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30 *SECTION 2. Arkansas Code § 5-4-104(b), concerning authorized sentences*
31 *for capital murder, is amended to read as follows:*

32 *(b) A defendant convicted of capital murder, § 5-10-101, or treason, §*
33 *5-51-201, shall be sentenced to death or life imprisonment without parole in*
34 *accordance with §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608, except if the*
35 *defendant was younger than eighteen (18) years of age at the time he or she*
36 *committed the capital murder he or she shall be sentenced to:*



- 1 (1) Life imprisonment without parole under § 5-4-606; or
- 2 (2) Life imprisonment with the possibility of parole after
- 3 servng a minimum of twenty-eight (28) years' imprisonment.

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5 SECTION 3. Arkansas Code § 5-10-101(c), concerning the available

6 sentences for the offense of capital murder, is amended to read as follows:

7 (c)(1) Capital murder is punishable ~~by~~ as follows:

8 (A) If the defendant was eighteen (18) years of age or

9 older at the time he or she committed the capital murder:

10 (i) ~~death~~ Death; or

11 (ii) ~~life~~ Life imprisonment without parole under §§

12 5-4-601 – 5-4-605, 5-4-607, and 5-4-608; or

13 (B) If the defendant was younger than eighteen (18) years

14 of age at the time he or she committed the capital murder:

15 (i) Life imprisonment without parole as it is

16 defined in § 5-4-606; or

17 (ii) Life imprisonment with the possibility of

18 parole after serving a minimum of twenty-eight (28) years' imprisonment.

19 (2) For any purpose other than disposition under §§ 5-4-101 – 5-

20 4-104, 5-4-201 – 5-4-204, 5-4-301 – 5-4-307, 5-4-401 – 5-4-404, 5-4-501 – 5-

21 4-504, 5-4-601 – 5-4-605, 5-4-607, 5-4-608, 16-93-307, 16-93-313, and 16-93-

22 314, capital murder is a Class Y felony.

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24 /s/Steel

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27 **APPROVED: 04/22/2013**

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