

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Brown and Keet**

# A Bill

**ACT 800 OF 1995**  
**SENATE BILL 243**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-10-101 TO ADD MURDERS  
9 COMMITTED BY THE KNOWING DISCHARGE OF A FIREARM FROM A  
10 VEHICLE TO THE CRIMINAL OFFENSE OF CAPITAL MURDER; AND FOR  
11 OTHER PURPOSES."

## Subtitle

14 "TO MAKE MURDERS COMMITTED BY THE  
15 KNOWING DISCHARGE OF A FIREARM FROM A  
16 VEHICLE A CAPITAL OFFENSE."

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

20 SECTION 1. Arkansas Code § 5-10-101 is amended to read as follows:  
21 "5-10-101. Capital murder.

22 (a) A person commits capital murder if:

23 (1) Acting alone or with one (1) or more other persons, he  
24 commits or attempts to commit rape, kidnapping, vehicular piracy, robbery,  
25 burglary, a felony violation of the Uniform Controlled Substances Act,  
26 §§ 5-64-101 - 5-64-608, involving an actual delivery of a controlled  
27 substance, or escape in the first degree, and in the course of and in  
28 furtherance of the felony, or in immediate flight therefrom, he or an  
29 accomplice causes the death of any person under circumstances manifesting  
30 extreme indifference to the value of human life; or

31 (2) Acting alone or with one (1) or more other persons, he  
32 commits or attempts to commit arson, and in the course of and in furtherance  
33 of the felony or in immediate flight therefrom, he or an accomplice causes the  
34 death of any person; or

35 (3) With the premeditated and deliberated purpose of causing the  
36 death of any law enforcement officer, jailer, prison official, fire fighter,

1 judge or other court official, probation officer, parole officer, any military  
2 personnel, or teacher or school employee, when such person is acting in the  
3 line of duty, he causes the death of any person; or

4           (4) With the premeditated and deliberated purpose of causing the  
5 death of another person, he causes the death of any person; or

6           (5) With the premeditated and deliberated purpose of causing the  
7 death of the holder of any public office filled by election or appointment or  
8 a candidate for public office, he causes the death of any person; or

9           (6) While under sentence of life imprisonment, life imprisonment  
10 without parole, or death, he purposely causes the death of another person  
11 after premeditation and deliberation; or

12           (7) Pursuant to an agreement that he cause the death of another  
13 person in return for anything of value, he causes the death of any person; or

14           (8) He enters into an agreement whereby one person is to cause  
15 the death of another person in return for anything of value, and the person  
16 hired, pursuant to the agreement, causes the death of any person; or

17           (9) Under circumstances manifesting extreme indifference to the  
18 value of human life, he knowingly causes the death of a person fourteen (14)  
19 years of age or younger at the time the murder was committed, provided that  
20 the defendant was eighteen (18) years of age or older at the time the murder  
21 was committed. It shall be an affirmative defense to any prosecution under  
22 this subdivision arising from the failure of the parent, guardian, or person  
23 standing in loco parentis to provide specified medical or surgical treatment,  
24 that the parent, guardian, or person standing in loco parentis relied solely  
25 on spiritual treatment through prayer in accordance with the tenets and  
26 practices of an established church or religious denomination of which he is a  
27 member; or

28           (10) *He purposely discharges a firearm from a vehicle at a*  
29 *person, or a vehicle, conveyance, or a residential or commercial occupiable*  
30 *structure he knows or has good reason to believe to be occupied by a person*  
31 *and thereby causes the death of another person under circumstances manifesting*  
32 *extreme indifference to the value of human life.*

33           (b) It is an affirmative defense to any prosecution under subdivision  
34 (a)(1) of this section for an offense in which the defendant was not the only  
35 participant that the defendant did not commit the homicidal act or in any way

1 solicit, command, induce, procure, counsel, or aid in its commission.

2 (c) Capital murder is punishable by death or life imprisonment without  
3 parole pursuant to §§ 5-4-601 - 5-4-605 and 5-4-607 and 5-4-608. For all  
4 purposes other than disposition under §§ 5-4-101 - 5-4-104, 5-4-201 - 5-4-204,  
5 5-4-301 - 5-4-308, 5-4-310, 5-4-311, 5-4-401 - 5-4-404, 5-4-501 - 5-4-505,  
6 5-4-601 - 5-4-605, 5-4-607, and 5-4-608, capital murder is a Class Y felony."

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8 SECTION 2. All provisions of this act of general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provisions of this act or the application thereof to  
13 any person or circumstance is held invalid, the invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provisions or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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21 /s/Brown

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23 APPROVED: 3-27-95

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***As Engrossed: 1/24/95 1/26/95 2/27/95 3/1/95***

**SB 243**

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