

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 565

5 By: Senator G. Leding
6 By: Representative Scott
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE SENTENCING OF A PERSON WHO HAS
10 BEEN CHARGED AND IS BEING SENTENCED AS AN ADULT FOR
11 AN OFFENSE HE OR SHE COMMITTED AS A MINOR; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 CONCERNING THE SENTENCING OF A PERSON WHO
16 HAS BEEN CHARGED AND IS BEING SENTENCED
17 AS AN ADULT FOR AN OFFENSE HE OR SHE
18 COMMITTED AS A MINOR.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-4-108 is amended to read as follows:

25 5-4-108. Sentencing for person who committed an offense when he or she
26 was less than 18 years of age.

27 (a) If a defendant was less than eighteen (18) years of age at the
28 time the offense was committed and is being sentenced as an adult, in
29 addition to any other factor and before imposing a sentence, the sentencing
30 entity shall take into consideration:

31 (1) The defendant's exposure to adverse childhood experiences,
32 early childhood trauma, or any child welfare agency; and

33 (2) The developmental differences and diminished culpability of
34 child offenders relative to adult offenders.

35 (b) A defendant shall not be sentenced to death or life imprisonment
36 without the possibility of parole for an offense if the defendant was less



1 than eighteen (18) years of age at the time the offense was committed.

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