

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 35**

"AN ACT TO PROVIDE ENHANCED PENALTIES FOR CRIMINAL OFFENSES  
COMMITTED BECAUSE OF THE VICTIM'S RACE, COLOR, RELIGION, ETHNICITY,  
ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER, OR DISABILITY."

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**Amendment No. 1 to Senate Bill No. 35.**

Amend Senate Bill No. 35 as originally introduced:

Add Senators P. Malone, Simes, Riggs as cosponsors of the bill

AND

Page 2, line 10, delete "intentionally" and substitute "purposely"

AND

Page 2, delete lines 11 and 12 and substitute the following:  
"the victim's actual or perceived:

(1) Race;

AND

Page 2, line 24, delete "intentionally" and substitute "purposely"

AND

Page 2, delete lines 27 through 36 and substitute "disability, then the  
penalty range for the offense shall be increased."

AND

Page 3, delete lines 1 through 11 and substitute the following:

"(b) Upon a finding of guilt or a plea of guilty or nolo contendere to any  
felony or misdemeanor, the minimum and maximum penalties for the crime,  
including the amount of any fine and the length of any term of imprisonment or  
period of probation or suspended imposition of sentence, shall be increased by  
twenty percent (20%). The penalty enhancement shall not exceed twenty percent  
(20%) regardless of the number of motives underlying the commission of the  
crime."

AND

Page 3, line 12 delete "(b)(1)" and substitute "(c)"

AND

Page 3, line 13, delete "a written notice" and substitute "written notice in the information or indictment"

AND

Page 3, delete lines 16 and 17 and substitute the following:

"(d) The Arkansas Rules of Evidence shall apply during the penalty phase, at which time the trier of fact shall consider evidence regarding whether the defendant purposely selected the victim of the offense because of the victim's actual or perceived race, color, religion, ethnicity, ancestry, national origin, sexual orientation, gender, or disability.

(e) During the penalty phase, the trier of fact must determine beyond a reasonable doubt that the defendant purposely selected the victim of the offense because of the victim's actual or perceived race, color, religion, ethnicity, ancestry, national origin, sexual orientation, gender, or disability in order for the defendant to receive an enhanced penalty provided in this section."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator B. Walker

LH/RRS

RRS131

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Secretary