

**Hall of the House of Representatives**  
89th General Assembly - Regular Session, 2013  
**Amendment Form**

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**Subtitle of House Bill No. 1993**

CONCERNING SENTENCES FOR JUVENILES CONVICTED OF CAPITAL MURDER.

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**Amendment No. 1 to House Bill No. 1993**

Amend House Bill No. 1993 as originally introduced:

Page 1, delete line 9 and substitute:

"OF CAPITAL MURDER OR TREASON; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 14 and substitute:

"CONVICTED OF CAPITAL MURDER OR TREASON; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. DO NOT CODIFY. Legislative intent.

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

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

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

(b) ~~A defendant convicted of capital murder, § 5-10-101, or treason, § 5-51-201, shall be sentenced to death or life imprisonment without parole in accordance with §§ 5-4-601, 5-4-605, 5-4-607, and 5-4-608~~ Capital murder, § 5-10-101, and treason, § 5-51-201, are punishable as follows:

(1) If the defendant was eighteen (18) years of age or older at the time he or she committed the capital murder or treason:

(A) Death; or

(B) Life imprisonment without parole as it is



defined in §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608; or

(2) If the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder or treason:

(A) Life imprisonment without parole under § 5-4-606; or

(B) Life imprisonment with the possibility of parole after serving a minimum of twenty-eight (28) years' imprisonment.

SECTION 3. Arkansas Code § 5-10-101(c), concerning the available sentences for the offense of capital murder, is amended to read as follows:

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

(A) If the defendant was eighteen (18) years of age or older at the time he or she committed the capital murder:

(i) ~~death~~ Death; or

(ii) life Life imprisonment without parole under §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608+; or

(B) If the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder:

(i) Life imprisonment without parole as it is defined in § 5-4-606; or

(ii) Life imprisonment with the possibility of parole after serving a minimum of twenty-eight (28) years' imprisonment.

(2) For any purpose other than disposition under §§ 5-4-101 – 5-4-104, 5-4-201 – 5-4-204, 5-4-301 – 5-4-307, 5-4-401 – 5-4-404, 5-4-501 – 5-4-504, 5-4-601 – 5-4-605, 5-4-607, 5-4-608, 16-93-307, 16-93-313, and 16-93-314, capital murder is a Class Y felony.

SECTION 4. Arkansas Code § 5-51-201(c), concerning the sentences for treason, is amended to read as follows:

(c) ~~Treason is punishable by death or life imprisonment without parole pursuant to §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608~~ Treason is punishable as follows:

(1) If the defendant was eighteen (18) years of age or older at the time he or she committed the treasonous act:

(A) Death; or

(B) Life imprisonment without parole under §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608; or

(2) If the defendant was younger than eighteen (18) years of age at the time he or she committed the treasonous act:

(A) Life imprisonment without parole as it is defined in § 5-4-606; or

(B) Life imprisonment with the possibility of parole after serving a minimum of twenty-eight (28) years' imprisonment.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Supreme Court of the United States has held that it is unconstitutional to sentence a person to death if the person committed a capital offense before he or she turned eighteen (18) years of age; that currently this state makes available capital punishment as a sentence for a person who committed a capital offense, even if he or she was not yet eighteen (18) years of age at the time of the offense; and that this act is immediately necessary because a person who is not yet eighteen (18) years of age may commit a capital offense and the

available punishments should not be unconstitutional when he or she is brought to trial. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read \_\_\_\_\_

By: Representative Steel

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Chief Clerk