

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1993

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

Amendment No. 1 to House Bill No. 1993

Amend House Bill No. 1993 as engrossed, H4/3/13 (version: 04/03/2013 11:25:56 AM):

Delete the title and substitute:

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

AND

Delete the subtitle and substitute:

"CONCERNING SENTENCES FOR JUVENILES CONVICTED OF CAPITAL MURDER; 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 murder 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 murder 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, except if the
defendant was younger than eighteen (18) years of age at the time he or she
committed the capital murder he or she shall be sentenced to:

- (1) Life imprisonment without parole under § 5-4-606; or
- (2) 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.

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

By: Senator J. Hutchinson

BPG/LNS - 04-11-2013 16:11:08

BPG733

Secretary