

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1551

4
5 By: Representative Jeffress and Rodgers
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 5-1-110 TO AUTHORIZE
10 SEPARATE CONVICTIONS AND SENTENCES FOR THE FOLLOWING
11 OFFENSES AND ANY AND ALL OF THEIR LESSER INCLUDED OFFENSES
12 WHICH ARE CHARGED IN A GIVEN CASE: CAPITAL MURDER,
13 CRIMINAL ATTEMPT TO COMMIT CAPITAL MURDER, FIRST DEGREE
14 FELONY MURDER, CRIMINAL ATTEMPT TO COMMIT FIRST DEGREE
15 FELONY MURDER, AND NEGLIGENT HOMICIDE; AND FOR OTHER
16 PURPOSES."
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Subtitle

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19 "AN ACT TO AMEND ARKANSAS CODE § 5-1-
20 110(d)(1)."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. It is the intent of the General Assembly explicitly to
25 authorize the prosecution and sentencing of a defendant for the following
26 offenses and any and all of their lesser included offenses which are charged
27 in a given case: capital murder, criminal attempt to commit capital murder,
28 first degree felony murder, criminal attempt to commit first degree felony
29 murder, and negligent homicide.
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31 SECTION 2. Arkansas Code § 5-1-110(d)(1) is amended to read as follows:

32 "(d)(1) Notwithstanding any provision of law to the contrary, separate
33 convictions and sentences are authorized for:

34 (A) Capital murder, § 5-10-101, including criminal attempt
35 to commit capital murder, and any felonies utilized as underlying felonies for
36 the murder or attempt;

1 (B) Murder in the first degree, § 5-10-102, including
2 criminal attempt to commit murder in the first degree, and any felonies
3 utilized as underlying felonies for the murder or attempt; ~~and~~

4 (C) Continuing criminal enterprise, § 5-64-414, and any of
5 the predicate felonies utilized to prove the continuing criminal enterprise; ;

6 (D) Negligent homicide, § 5-10-105, and any underlying
7 felony or misdemeanor for driving while intoxicated; and

8 ~~_____~~ (E) Negligent homicide, § 5-10-105, and any underlying
9 offense for driving under the influence."

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11 SECTION 3. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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