

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2085

4
5 By: Representative Hathorn
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 5-2-403 TO CLARIFY
10 ITS APPLICABILITY TO THE OFFENSES OF CAPITAL-FELONY
11 MURDER PURSUANT TO ARKANSAS CODE § 5-10-101(a)(1) AND
12 FIRST DEGREE, FELONY MURDER PURSUANT TO ARKANSAS CODE
13 §5-10-102(a)(1); AND FOR OTHER PURPOSES."

Subtitle

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15 "AN ACT TO AMEND ARKANSAS CODE § 5-2-403."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 5-2-403 is amended to read as follows:

22 "5-2-403. Accomplices.

23 (a) A person is an accomplice of another person in the commission of an
24 offense if, with the purpose of promoting or facilitating the commission of an
25 offense, he:

26 (1) Solicits, advises, encourages, or coerces the other person to
27 commit it; or

28 (2) Aids, agrees to aid, or attempts to aid the other person in
29 planning or committing it; or

30 (3) Having a legal duty to prevent the commission of the offense,
31 fails to make proper effort to do so.

32 (b) Except in cases of capital murder under Ark. Code Ann. § 5-10-
33 101(a)(1) and murder in the first degree under Ark. Code Ann. § 5-10-

34 102(a)(1), to which subdivision (a) of this section applies, w~~h~~en causing a
35 particular result is an element of an offense, a person is an accomplice in
36 the commission of that offense if, acting with respect to that result with the

1 kind of culpability sufficient for the commission of the offense, he:

2 (1) Solicits, advises, encourages, or coerces the other person to
3 engage in the conduct causing the result; or

4 (2) Aids, agrees to aid, or attempts to aid the other person in
5 planning or engaging in the conduct causing the result; or

6 (3) Having a legal duty to prevent the conduct causing the
7 result, fails to make proper effort to do so.”

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9 SECTION 2. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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