1   State of Arkansas

2   83rd General Assembly

A Bill

3   Regular Session, 2001   SENATE BILL   145

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5   By: Senator Everett

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8   **For An Act To Be Entitled**

9   AN ACT TO AMEND ARKANSAS CODE 16-89-111 TO INCLUDE

10   JUVENILE COURTS IN THE EXCLUSION OF ACCOMPLICE

11   TESTIMONY WHEN BEING USED TO CONVICT OR ADJUDICATE

12   JUVENILE DEFENDANTS; AND FOR OTHER PURPOSES.

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14   **Subtitle**

15   TO CLARIFY THAT JUVENILE COURTS ARE

16   INCLUDED IN THE EXCLUSION OF ACCOMPLICE

17   TESTIMONY WHEN USED TO CONVICT OR

18   ADJUDICATE JUVENILE DEFENDANTS.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23   SECTION 1.   Arkansas Code 16-89-111 is amended to read as follows:

24   16-89-111.   Evidence generally.

25   (a)   The state must then offer the evidence in support of the

26 indictment.

27   (b)   The defendant, or his counsel, must then offer his evidence in

28 support of his defense.

29   (c)   The parties may then respectively offer rebutting evidence only,

30 unless the court for good reason, in furtherance of justice, permits them to

31 offer evidence upon their original case.

32   (d)   A confession of a defendant, unless made in open court, will not

33 warrant a conviction, unless accompanied with other proof that the offense was

34 committed.

35   (e)(1)   A conviction or an adjudication of delinquency cannot be had in

36 any case of felony upon the testimony of an accomplice, including in juvenile

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1 <u>courts,</u> unless corroborated by other evidence tending to connect the defendant

2 <u>or the juvenile</u> with the commission of the offense. The corroboration is not

3 sufficient if it merely shows that the offense was committed and the

4 circumstances thereof.

5   (2)   However, in misdemeanor cases, a conviction may be had upon

6 the testimony of an accomplice.

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