

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S1/18/01

A Bill

SENATE BILL 78

5 By: Senator Everett
6 *By: Representative Lendall*
7

For An Act To Be Entitled

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE CRIMINAL CODE
11 TO PROVIDE THAT DEFENDANTS LESS THAN EIGHTEEN YEARS OF
12 AGE AT THE TIME OF COMMITTING A CAPITAL OFFENSE SHALL
13 NOT BE SUBJECT TO THE DEATH PENALTY; AND FOR OTHER
14 PURPOSES.

Subtitle

15
16 AN ACT TO AMEND VARIOUS SECTIONS OF THE
17 CRIMINAL CODE TO PROVIDE THAT DEFENDANTS
18 LESS THAN EIGHTEEN YEARS OF AGE AT THE
19 TIME OF COMMITTING A CAPITAL OFFENSE
20 SHALL NOT BE SUBJECT TO THE DEATH
21 PENALTY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 5-4-104(b) is amended to read as follows:

28 (b) A defendant convicted of capital murder or treason shall be
29 sentenced to death, if the defendant was eighteen (18) years of age or older
30 at the time of the offense, or life imprisonment without parole in accordance
31 with §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608.
32

33 SECTION 2. Arkansas Code 5-4-602(3) is amended to read as follows:

34 (3) If the defendant is found guilty of capital murder, the same
35 jury shall sit again in order to hear additional evidence as provided by
36 subdivision (4) of this section, and to determine sentence in the manner

1 provided by § 5-4-603; except that, if the defendant was less than eighteen
2 (18) years of age at the time of the offense, or if the state waives the death
3 penalty, stipulates that no aggravating circumstance exists, or stipulates
4 that mitigating circumstances outweigh aggravating circumstances, no such
5 hearing shall be required, and the trial court shall sentence the defendant to
6 life imprisonment without parole.

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8 SECTION 3. Arkansas Code 5-4-603(a) is amended to read as follows:

9 (a) The jury shall impose a sentence of death on a defendant who was
10 eighteen (18) years of age or older at the time of the offense, if it
11 unanimously returns written findings that:

12 (1) Aggravating circumstances exist beyond a reasonable doubt;
13 and

14 (2) Aggravating circumstances outweigh beyond a reasonable doubt
15 all mitigating circumstances found to exist; and

16 (3) Aggravating circumstances justify a sentence of death beyond
17 a reasonable doubt.

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19 SECTION 4. Arkansas Code 5-10-101(c) is amended to read as follows:

20 (c) Capital murder is punishable by death if the defendant was eighteen
21 (18) years of age or older at the time of the offense, or life imprisonment
22 without parole pursuant to §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608. For all
23 purposes other than disposition under §§ 5-4-101 - 5-4-104, 5-4-201 - 5-4-204,
24 5-4-301 - 5-4-308, 5-4-310, 5-4-311, 5-4-401 - 5-4-404, 5-4-501 - 5-4-504, 5-
25 4-505 [repealed], 5-4-601 - 5-4-605, 5-4-607, and 5-4-608, capital murder is a
26 Class Y felony.

27
28 SECTION 5. Section 5-51-201(c) is amended to read as follows:

29 (c) Treason is punishable by death, if the defendant was eighteen (18)
30 years of age or older at the time of the offense, or life imprisonment without
31 parole pursuant to §§ 5-4-601 - 5-4-605, 5-4-607, and 5-4-608.

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33 /s/ Everett
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