

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1074

5 By: Representative Thyer
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For An Act To Be Entitled

9 AN ACT TO REQUIRE COURTS TO IMPOSE SENTENCES BY
10 UTILIZING THE SENTENCING GUIDELINES AFTER A PLEA
11 OF GUILTY; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REQUIRE COURTS TO IMPOSE
14 SENTENCES BY UTILIZING THE SENTENCING
15 GUIDELINES AFTER A PLEA OF GUILTY.
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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 § 16-97-101 is amended to read as follows:
22 16-97-101. Bifurcated sentencing procedures.

23 The following procedure shall govern jury trials which include any
24 felony charges:

25 (1) The jury shall first hear all evidence relevant to every
26 charge on which a defendant is being tried and shall retire to reach a
27 verdict on each charge.

28 (2) If the defendant is found guilty of one (1) or more charges,
29 the jury shall then hear additional evidence relevant to sentencing on those
30 charges. Evidence introduced in the guilt phase may be considered, but need
31 not be reintroduced at the sentencing phase.

32 (3) Following the introduction of additional evidence relevant
33 to sentencing, if any, instruction on the law, and argument, the jury shall
34 again retire and determine a sentence within the statutory range.

35 (4) The court, in its discretion, may also instruct the jury
36 that counsel may argue as to alternative sentences for which the defendant



1 may qualify. The jury, in its discretion, may make a recommendation as to an
2 alternative sentence. However, this recommendation shall not be binding on
3 the court.

4 (5) After a jury finds guilt, the defendant, with the agreement
5 of the prosecution and the consent of the court, may waive jury sentencing,
6 in which case the court shall impose sentence.

7 (6) After a plea of guilty, the ~~defendant, with the agreement of~~
8 ~~the prosecution and the consent of the court, may be sentenced by a jury~~
9 ~~impaneled for purposes of sentencing only~~ court shall impose sentence by
10 utilizing the sentencing guidelines set forth in §§ 16-90-801 – 16-90-804.

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