

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

A Bill

SENATE BILL 316

4
5 By: Senators Bryles, Madison, Altes, Argue, Brown, Capps, Hill, Laverty, Luker, Miller, Salmon, T.
6 Smith, Steele, Whitaker, Wilkins
7 By: Representatives Pace, Goss, Blair, Blount, Borhauer, Bradford, Chesterfield, Clemons, Dangeau,
8 Davenport, Elliott, Flowers, Hardy, Jackson, Jeffrey, J. Johnson, Ledbetter, Mahony, Pickett, Rainey,
9 Rankin, Saunders, L. Smith, Willis, Wood

For An Act To Be Entitled

10
11
12 AN ACT TO EXEMPT JUVENILES WHO WERE SIXTEEN (16)
13 OR SEVENTEEN (17) YEARS OF AGE AT THE TIME THE
14 OFFENSE WAS COMMITTED FROM RECEIVING THE DEATH
15 PENALTY; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 AN ACT TO EXEMPT JUVENILES WHO WERE
19 SIXTEEN (16) OR SEVENTEEN (17) YEARS OF
20 AGE AT THE TIME THE OFFENSE WAS
21 COMMITTED FROM RECEIVING THE DEATH
22 PENALTY.
23

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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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

29 (b) A defendant convicted of capital murder, § 5-10-101, or treason §
30 15-51-201, shall be sentenced to death, if the defendant was eighteen (18)
31 years of age or older at the time of the offense, or life imprisonment
32 without parole in accordance with §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608.
33

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

35 (3) If the defendant is found guilty of capital murder, the same
36 jury shall sit again in order to hear additional evidence as provided by



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

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

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

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

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

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

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

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

28
29 SECTION 5. Arkansas Code § 5-51-201(c) is amended to read as follows:

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