1 State of Arkansas

2 87th General Assembly

2 A Bill

3 Regular Session, 2009   HOUSE BILL 1255

4

5 By: Representative Greenberg

6

7

8 ## For An Act To Be Entitled

9 AN ACT CONCERNING THE BURDEN OF PROOF REQUIRED TO

10 CORROBORATE A DEFENDANT'S CONFESSION; AND FOR

11 OTHER PURPOSES.

12

13 ## Subtitle

14 AN ACT CONCERNING THE BURDEN OF PROOF

15 REQUIRED TO CORROBORATE A DEFENDANT'S

16 CONFESSION.

17

18

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

20

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

22   16-89-111. Evidence generally.

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

24 indictment.

25   (b) The defendant or his or her counsel must then offer the

26 defendant's evidence in support of his or her defense.

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

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

29 offer evidence upon their original cases.

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

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

32 committed there is substantial independent evidence which would tend to

33 establish the trustworthiness of the confession.

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

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

36 juvenile division of circuit court, unless corroborated by other evidence

1   tending to connect the defendant or the juvenile with the commission of the
2   offense.
3   (B)   The corroboration is not sufficient if it merely shows
4   that the offense was committed and the circumstances thereof.
5   (2)   However, a conviction may be had in misdemeanor cases upon
6   the testimony of an accomplice.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36