

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 684

4
5 By: Senator Burnett

For An Act To Be Entitled

8 AN ACT REGARDING EVIDENCE AND A DEFENDANT'S
9 CONFESSION; AND FOR OTHER PURPOSES.

Subtitle

12 REGARDING EVIDENCE AND A DEFENDANT'S
14 CONFESSION.

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

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19 SECTION 1. Arkansas Code § 16-89-111 is amended to read as follows:
20 16-89-111. Evidence generally.

21 (a) The state must ~~then~~ first offer the evidence in support of ~~the~~ an
22 indictment.

23 (b) The defendant or his or her counsel must then offer the
24 defendant's evidence in support of his or her defense.

25 (c) The parties may then respectively offer rebutting evidence only,
26 unless the court for good reason, in furtherance of justice, permits them to
27 offer evidence upon their original cases.

28 (d) A confession of a defendant, unless made in open court, will not
29 warrant a conviction unless:

30 (1) accompanied ~~Accompanied~~ with other proof that the offense
31 was committed; ~~or~~

32 (2) Supported by substantial independent evidence which would
33 tend to 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.

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