

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1515

4
5 By: Representative Kizzia

For An Act To Be Entitled

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

Subtitle

12 CONCERNING EVIDENCE OF 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~~ shall first offer the evidence in support of
22 ~~the~~ an indictment or information.

23 (b) The defendant or his or her counsel ~~must~~ shall 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~~ does
29 not warrant a conviction unless:

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

32 (2) Supported by substantial independent evidence that would
33 tend to establish the trustworthiness of the confession.

34 (e)(1)(A) A conviction or an adjudication of delinquency ~~cannot~~ may
35 not be had in any case of felony upon the testimony of an accomplice,
36 including in the juvenile division of circuit court, unless corroborated by



1 other evidence tending to connect the defendant or the juvenile with the
2 commission of the offense.

3 (B) The corroboration under subdivision (e)(1)(A) of this
4 section is not sufficient if it merely shows that the offense was committed
5 and the circumstances ~~thereof~~ of the offense.

6 (2) However, a conviction may be had in misdemeanor cases upon
7 the testimony of an accomplice.

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