

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H4/3/13

# A Bill

HOUSE BILL 1993

5 By: Representative Steel  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING SENTENCES FOR JUVENILES CONVICTED  
9 OF CAPITAL MURDER OR TREASON; TO DECLARE AN  
10 EMERGENCY; AND FOR OTHER PURPOSES.

### Subtitle

11  
12  
13  
14 CONVICTED OF CAPITAL MURDER OR TREASON;  
15 AND TO DECLARE AN EMERGENCY.  
16  
17

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

20 SECTION 1. DO NOT CODIFY. Legislative intent.

21 (a) It is the intent of the General Assembly to revise the punishments  
22 authorized for persons who are not yet eighteen (18) years of age when they  
23 commit capital offenses after the effective date of this act.

24 (b) It is not the intent of the General Assembly to authorize the  
25 revised punishments for those persons who committed capital offenses when  
26 they were not yet eighteen (18) years of age prior to the effective date of  
27 this act.

28  
29 SECTION 2. Arkansas Code § 5-4-104(b), concerning authorized sentences  
30 for capital murder, is amended to read as follows:

31 ~~(b) A defendant convicted of capital murder, § 5-10-101, or treason, §~~  
32 ~~5-51-201, shall be sentenced to death or life imprisonment without parole in~~  
33 ~~accordance with §§ 5-4-601—5-4-605, 5-4-607, and 5-4-608~~ Capital murder, §  
34 5-10-101, and treason, § 5-51-201, are punishable as follows:

35 (1) If the defendant was eighteen (18) years of age or older at  
36 the time he or she committed the capital murder or treason:



1 (A) Death; or  
 2 (B) Life imprisonment without parole as it is  
 3 defined in §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608; or

4 (2) If the defendant was younger than eighteen (18) years of age  
 5 at the time he or she committed the capital murder or treason:

6 (A) Life imprisonment without parole under § 5-4-606; or  
 7 (B) Life imprisonment with the possibility of parole after  
 8 -serving a minimum of twenty-eight (28) years' imprisonment.

9  
 10 SECTION 3. Arkansas Code § 5-10-101(c), concerning the available  
 11 sentences for the offense of capital murder, is amended to read as follows:

12 (c)(1) Capital murder is punishable ~~by~~ as follows:

13 (A) If the defendant was eighteen (18) years of age or  
 14 older at the time he or she committed the capital murder:

15 (i) ~~death~~ Death; or  
 16 (ii) ~~life~~ Life imprisonment without parole under §§  
 17 5-4-601 – 5-4-605, 5-4-607, and 5-4-608; or

18 (B) If the defendant was younger than eighteen (18) years  
 19 of age at the time he or she committed the capital murder:

20 (i) Life imprisonment without parole as it is  
 21 defined in § 5-4-606; or  
 22 (ii) Life imprisonment with the possibility of  
 23 parole after serving a minimum of twenty-eight (28) years' imprisonment.

24 (2) For any purpose other than disposition under §§ 5-4-101 – 5-  
 25 4-104, 5-4-201 – 5-4-204, 5-4-301 – 5-4-307, 5-4-401 – 5-4-404, 5-4-501 – 5-  
 26 4-504, 5-4-601 – 5-4-605, 5-4-607, 5-4-608, 16-93-307, 16-93-313, and 16-93-  
 27 314, capital murder is a Class Y felony.

28  
 29 SECTION 4. Arkansas Code § 5-51-201(c), concerning the sentences for  
 30 treason, is amended to read as follows:

31 (c) ~~Treason is punishable by death or life imprisonment without parole~~  
 32 ~~pursuant to §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608~~ Treason is punishable  
 33 as follows:

34 (1) If the defendant was eighteen (18) years of age or older at  
 35 the time he or she committed the treasonous act:

36 (A) Death; or

1 (B) Life imprisonment without parole under §§ 5-4-601 – 5-  
2 4-605, 5-4-607, and 5-4-608; or

3 (2) If the defendant was younger than eighteen (18) years of age  
4 at the time he or she committed the treasonous act:

5 (A) Life imprisonment without parole as it is defined in §  
6 5-4-606; or

7 (B) Life imprisonment with the possibility of parole after  
8 serving a minimum of twenty-eight (28) years' imprisonment.

9  
10 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that the Supreme Court of the  
12 United States has held that it is unconstitutional to sentence a person to  
13 death if the person committed a capital offense before he or she turned  
14 eighteen (18) years of age; that currently this state makes available capital  
15 punishment as a sentence for a person who committed a capital offense, even  
16 if he or she was not yet eighteen (18) years of age at the time of the  
17 offense; and that this act is immediately necessary because a person who is  
18 not yet eighteen (18) years of age may commit a capital offense and the  
19 available punishments should not be unconstitutional when he or she is  
20 brought to trial. Therefore, an emergency is declared to exist, and this act  
21 being immediately necessary for the preservation of the public peace, health,  
22 and safety shall become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,  
25 the expiration of the period of time during which the Governor may veto the  
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is  
28 overridden, the date the last house overrides the veto.

29  
30  
31 /s/Steel  
32  
33  
34  
35  
36