

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H4/3/13 S4/17/13

A Bill

HOUSE BILL 1993

By: Representative Steel

For An Act To Be Entitled

AN ACT CONCERNING SENTENCES FOR JUVENILES CONVICTED OF CAPITAL MURDER; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING SENTENCES FOR JUVENILES CONVICTED OF CAPITAL MURDER; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

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

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

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

(b) A defendant convicted of capital murder, § 5-10-101, or treason, § 5-51-201, shall be sentenced to death or life imprisonment without parole in accordance with §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608, except if the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder he or she shall be sentenced to:



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

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

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

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

(i) ~~death~~ Death; or

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

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

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

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

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

/s/Steel