

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: S3/26/13

A Bill

SENATE BILL 1055

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO ABOLISH CAPITAL PUNISHMENT; AND FOR OTHER
PURPOSES.

Subtitle

TO ABOLISH CAPITAL PUNISHMENT.

WHEREAS, the Senate Judiciary Committee held a hearing on capital punishment on January 30, 2013, for the purpose of considering the arguments of opponents and proponents of capital punishment; and

WHEREAS, the opponents of capital punishment presented testimony and documented evidence that capital punishment in Arkansas requires the expenditure of approximately sixty thousand dollars (\$60,000) to three hundred thousand dollars (\$300,000), depending on whether the person is represented by a public defender or private counsel, to represent a person charged with a capital crime regardless of whether that charge is later withdrawn prior to trial; and

WHEREAS, the costs to defend a person charged with a capital crime described above do not include costs of appeals that are required by the Arkansas Constitution and the United States Constitution and lead to a substantial expenditure per case; and

WHEREAS, five (5) states in the past five (5) years have abolished the death penalty, including Maryland, New Mexico, and Illinois; and

WHEREAS, testimony was presented that included a 2008 report of a study



by the now deceased Professor David Baldus, in Eighth Judicial District – South that concluded that no white male was convicted of capital murder and given the death penalty and only black men who were convicted for the murders of white persons were given the death penalty, despite similarities between white defendants and black defendants that should have led to similar and not different treatment; and

WHEREAS, testimony was presented that supported a conclusion that at least one hundred forty-one (141) innocent persons have been sentenced to death across the nation, including at least one (1) case in Arkansas in which there is credible support for a conclusion that an innocent person was put to death; and,

WHEREAS, testimony was presented that provided a moral argument based in religious texts that indicates that the death penalty violates the tenet that all life is sacred,

NOW THEREFORE, due to the foregoing, this act intends to end the use of capital punishment in Arkansas as an available sentence to all capital crimes.

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

SECTION 1. Arkansas Code § 5-10-101(c)(1), concerning the penalties for capital murder, is amended to read as follows:

(c)(1) Capital murder is punishable by ~~death~~ or life imprisonment without parole under §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608.

SECTION 2. Arkansas Code § 5-51-201(c), concerning the penalties for treason, is amended to read as follows:

(c) Treason is punishable by ~~death~~ or life imprisonment without parole pursuant to §§ 5-4-601 – 5-4-605, 5-4-607, and 5-4-608.

/s/Elliott