

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 565

By: Senator G. Leding  
By: Representative Scott

## For An Act To Be Entitled

AN ACT CONCERNING THE SENTENCING OF A PERSON WHO HAS BEEN CHARGED AND IS BEING SENTENCED AS AN ADULT FOR AN OFFENSE HE OR SHE COMMITTED AS A MINOR; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE SENTENCING OF A PERSON WHO HAS BEEN CHARGED AND IS BEING SENTENCED AS AN ADULT FOR AN OFFENSE HE OR SHE COMMITTED AS A MINOR.

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

SECTION 1. Arkansas Code § 5-4-108 is amended to read as follows:

5-4-108. Sentencing for person who committed an offense when he or she was less than 18 years of age.

(a) If a defendant was less than eighteen (18) years of age at the time the offense was committed and is being sentenced as an adult, in addition to any other factor and before imposing a sentence, the sentencing entity shall take into consideration:

(1) The defendant's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency; and

(2) The developmental differences and diminished culpability of child offenders relative to adult offenders.

(b) A defendant shall not be sentenced to death or life imprisonment without the possibility of parole for an offense if the defendant was less



than eighteen (18) years of age at the time the offense was committed.