

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17

A Bill

HOUSE BILL 1798

5 By: Representative Blake
6

For An Act To Be Entitled

8 AN ACT AMENDING THE BURDEN OF PROOF REQUIRED DURING
9 THE SENTENCING PHASE OF A TRIAL WHEN THE STATE SEEKS
10 THE DEATH PENALTY; AND FOR OTHER PURPOSES.
11

Subtitle

12 AMENDING THE BURDEN OF PROOF REQUIRED
13 DURING THE SENTENCING PHASE OF A TRIAL
14 WHEN THE STATE SEEKS THE DEATH PENALTY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-4-603 is amended to read as follows:

22 5-4-603. Findings required for death sentence – Harmless error review.

23 (a) *The jury shall impose a sentence of death if the jury unanimously*
24 *returns written findings that:*

25 (1) *An aggravating circumstance exists beyond ~~a reasonable~~ any*
26 *doubt;*

27 (2) *Aggravating circumstances outweigh beyond ~~a reasonable~~ any*
28 *doubt all mitigating circumstances found to exist; ~~and~~*

29 (3) *Aggravating circumstances justify a sentence of death beyond*
30 *~~a reasonable~~ any doubt; ~~and~~*

31 (4) *The defendant is guilty of each element of the underlying*
32 *offense beyond any doubt.*

33 (b) The jury shall impose a sentence of life imprisonment without
34 parole if the jury ~~finds that:~~

35 (1) ~~Aggravating circumstances do not exist beyond a reasonable~~
36 ~~doubt;~~



