



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for SB375 Sponsored by Senator Stone

Subtitle TO CREATE THE OFFENSE OF CAPITAL RAPE

Impact Summary¹ Cannot be determined. The proposed bill increases the penalty for some courses of conduct that are currently punishable under A.C.A. § 5-14-103, Rape. Historical data for rape convictions and sentences is not specific as to the age of the victim and the circumstances of the offense. For this reason, the impact cannot be determined.

Change from Current Law² Amends various provisions of the Arkansas Code Annotated regarding the rape of a person who is thirteen (13) years of age or younger. Please note that while a large number of code provisions are amended by this proposed bill, only those impacting criminal penalties will be analyzed in this impact assessment.

The proposed bill creates A.C.A. § 5-14-114, Capital rape. Under the proposed bill, a person commits capital rape if (1) he or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger and causes or threatens to cause serious physical injury to that person; (2) if he or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger during the course of or in furtherance of an offense list found at A.C.A. § 5-14-114(a)(2)(A); (3) if he or she, while using or threatening to use a deadly weapon, engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger; or (4) if he or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger after previously having been convicted of rape under A.C.A. § 5-14-103(a)(3) or capital rape.

Under current law, rape of a child under fourteen (14) years of age is a Class Y felony, with a mandatory minimum term of imprisonment of twenty-five (25) years. If the rape of a child under fourteen (14) years of age is by forcible compulsion, the offense carries a mandatory sentence of life without parole. Under the proposed bill, capital rape is punishable by death, life imprisonment without parole, or, if the defendant was younger than eighteen (18) years of age at the time he or she committed the offense, life imprisonment with the possibility of parole after serving a minimum of twenty (20) years imprisonment.

The proposed bill amends A.C.A. §§ 5-3-301, Concerning the classification of solicitation offenses and 5-3-404, Classification of criminal conspiracy offenses for the offense of capital murder, making it a Class Y felony for solicitation and conspiracy to commit capital murder. Attempt, solicitation, or conspiracy to commit the offense

¹ This impact assessment was prepared 3/18/2025 9:02 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used:

“minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

of capital rape is a Class Y felony under the proposed bill. Under current law, attempt to commit capital murder is a Class Y felony.

The proposed bill also amends provisions of Title 16 of the Arkansas Code to make offenders convicted of capital rape ineligible to receive earned release credits and amends various provisions regarding capital offenses and violent and sex offense designations to include the newly created offense of capital rape. Under current law, rape is designated as a sexual and violent offense and is a felony ineligible to receive earned release credits.

Impact Information The proposed bill increases the penalty for some courses of conduct that are currently punishable under A.C.A. § 5-14-103, Rape. Data for rape convictions and sentences are not specific as to the age of the victim and the circumstances of the offense. For this reason, the impact cannot be determined. The data below is provided for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were six hundred and forty-two (642) felony convictions for a violation of A.C.A. § 5-14-103, Rape, a Class Y felony, as currently written. AOC data does not distinguish between the various courses of conduct by which a person can commit the offense of rape.

The Division of Correction (ADC) reports that there are currently two thousand and thirty (2,040) inmates currently serving a term of incarceration for a violation of A.C.A. § 5-14-103, Rape, a Class Y felony, as currently written. One thousand six hundred and thirty-five (1,635) of these offenders are serving a sentence for which A.C.A. § 5-14-103, Rape is the most serious offense. The below table sets out the length of sentence for offenders currently serving a sentence for which rape is the most serious offense.

Length of Sentence	Number of Offenders
Life or Life without Parole	178
≥80 years	82
≥ 60 years but < 80 years	96
≥ 40 years but < 60 years	288
≥ 25 years but < 40 years	634
< 25 years	357