

.As Engrossed: 3/5/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Jodie Mahony**

A BILL ACT 857 OF 1991
HOUSE BILL 1030

For An Act To Be Entitled

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8 "AN ACT TO REQUIRE PERSONS CONVICTED OF A FELONY OR CLASS
9 A MISDEMEANOR, TO MAKE A GOOD FAITH EFFORT TOWARDS
10 COMPLETION OF A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATION
11 DEVELOPMENT (GED) CERTIFICATE, AS A REQUIREMENT FOR
12 SUSPENSION OF SENTENCE OR PROBATION, AND FOR OTHER
13 PURPOSES."

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

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17 SECTION 1. (a) As an additional requirement for suspension of
18 sentence or probation the court shall require any person who is convicted of a
19 felony or Class A Misdemeanor to make a good faith effort towards completion
20 of a high school diploma or a General Education Development (GED) certificate
21 unless the person has already achieved the diploma or certificate. *Such*
22 *requirement shall be implemented only upon the acceptance of the person by the*
23 *administrative head of the school or program. If no appropriate school or*
24 *program can be found, the requirement is of no effect.* The court shall not
25 revoke a suspension of sentence or probation because of the persons inability
26 to achieve the degree or certificate but shall revoke a suspension or
27 probation if the person fails to make a good faith effort to achieve the
28 degree of certificate. *The court, after consultation with the school or*
29 *program, shall determine the appropriate documentation for those individuals*
30 *participating under the provisions of this act.*

31 (b) "A good faith effort" means the person has been enrolled in a
32 program of instruction and is attending school.

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34 SECTION 2. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
36 Code Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/J. Mahony

APPROVED: 3/29/91