

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Representative Beatty**

A Bill

Call Item 41
ACT 60 OF 1994
HOUSE BILL 1038

For An Act To Be Entitled

"AN ACT TO DEFINE THE TERM _RECORDS_ FOR THE PURPOSES OF
COMPUTING CRIMINAL HISTORY SCORES; AND FOR OTHER
PURPOSES."

Subtitle

"TO DEFINE THE TERM _RECORDS_ FOR THE
PURPOSES OF COMPUTING CRIMINAL HISTORY
SCORES; AND FOR OTHER PURPOSES."

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

*SECTION 1. Arkansas Code 16-90-803(b) (1) and (2) are amended to read
as follows:*

*"(1) Offense Seriousness. The offense seriousness level is determined
by the offense of conviction or the offense for which the person was found
guilty or to which the person pled guilty or nolo contendere.*

*(A) Felony offenses are divided into ten (10) levels of
seriousness, ranging from low, seriousness level I, to high, seriousness level
X.*

*(B) The typical cases for the offenses listed within each level
of seriousness are deemed to be generally equivalent in seriousness.*

*(C) The most frequently occurring offenses within each
seriousness level are listed on the vertical axis of the sentencing standards
grid.*

*(D) The seriousness level for infrequently occurring offenses can
be determined by consulting the offense seriousness reference table.*

*(E) The seriousness level for inchoate offenses is one (1) level
below the level for substantive offenses.*

(2) Offender History. An offender's criminal history score constitutes

1 the horizontal axis of the sentencing standards grid.

2 (A) The offender's criminal history score shall be computed from
3 the following:

4 (i) Prior felony records;

5 (ii) Prior misdemeanor records;

6 (iii) Prior juvenile records under certain circumstances outlined
7 below; and

8 (iv) Custody status at the time of the offense.

9 (B) The term records for the purpose of computing criminal
10 history scores shall include convictions; findings of guilt; acceptance of a
11 plea of guilty or nolo contendere; instances where the defendant has been
12 placed on probation, suspended imposition of sentence, or suspended execution
13 of sentence; records which have been expunged after August 31, 1994; and
14 dismissals ordered after August 31, 1994 pursuant to the First Offender Act, §
15 16-93-303.

16 (C) The specific weight to be assigned to the various criteria is
17 as follows:

18 (i) Weight is assigned to prior felony records according to
19 seriousness level, as follows:

20 (a) Seriousness levels I, II, III, IV, and V = one-half
21 (.5) point;

22 (b) Seriousness levels VI, VII, VIII, IX, and X = one (1)
23 point;

24 (ii) Weight is assigned only to Class A misdemeanors. Each Class
25 A misdemeanor is worth one-quarter (.25) point. No more than one (1) point
26 may be accrued from misdemeanor records;

27 (iii) Weight is assigned only to judicial adjudications of
28 delinquency for offenses for which the juvenile could have been tried as an
29 adult and which the trial court deems relevant to sentencing in the current
30 proceeding.

31 (a) Each adjudication is worth one-quarter (.25) point,
32 except for offenses adjudicated as delinquent which would have constituted
33 capital murder, § 5-10-101; murder in the first degree, § 5-10-102; murder in
34 the second degree, § 5-10-103; kidnapping in the first degree, § 5-11-102;
35 aggravated robbery, § 5-12-103; rape, § 5-14-103; or battery in the first

1 degree, § 5-13-201, if committed by an adult, which are worth one (1) point.

2 (b) No more than one (1) point may be accrued from juvenile
3 offenses unless one (1) of the offenses adjudicated as delinquent would have
4 constituted capital murder, § 5-10-101; murder in the first degree, §
5 5-10-102; murder in the second degree, § 5-10-103; kidnapping in the first
6 degree, § 5-11-102; aggravated robbery, § 5-12-103; rape, § 5-14-103; or
7 battery in the first degree, § 5-13-201, if committed by an adult; then an
8 offender may receive no more than two (2) points for juvenile offenses;

9 (iv) One (1) point is to be added to an offender's score if the
10 offender is under any type of criminal justice restraint for a felony offense
11 at the time that he committed the crime for which he is being sentenced. Such
12 restraint includes pretrial bond, suspended imposition of sentence, probation,
13 parole, post prison supervision, and release pending sentencing for a prior
14 crime;

15 (v) (a) Juvenile offenses must have occurred within ten (10)
16 years of the time of the offense for which an offender is being currently
17 sentenced.

18 (b) Misdemeanor offenses must have occurred within ten (10)
19 years of the time of the offense for which an offender is currently being
20 sentenced.

21 (c) Felony offenses at seriousness levels I-V will not be
22 counted if a period of fifteen (15) years has elapsed since the date of
23 discharge from, or expiration of, the sentence to the date of the current
24 offense; and

25 (vi) When multiple sentences for a single course of conduct were
26 imposed, only the offense at the highest seriousness level is considered."

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

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

1 act are declared to be severable.

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

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6 SECTION 5. EMERGENCY. It is hereby found and determined by the General
7 Assembly that the present law which indicates the records to be used in
8 computing criminal history scores for purposes of sentencing need to be
9 broadened to include records of pleas of guilty and nolo contendere, and
10 probation and suspended sentences; that the broadening of the present law will
11 enhance the criminal penalties for criminal activity and thereby offer greater
12 protection to the citizens of this State from the rising crime rate.
13 Therefore an emergency is hereby declared to exist and this act being
14 necessary for the preservation of the public peace, health and safety shall be
15 in full force and effect from and after its passage and approval.

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18 /s/Rep. David Beatty

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20 APPROVED: 8-26-94

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