

# Hall of the House of Representatives

84th General Assembly - Regular Session, 2003

## Amendment Form

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### Subtitle of House Bill No. 2385

"AN ACT TO REQUIRE PERSONS WHO PLEAD GUILTY, NOLO CONTENDERE OR ARE FOUND GUILTY OF A THIRD FELONY INVOLVING VIOLENCE TO BE SENTENCED TO LIFE IMPRISONMENT."

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### Amendment No. 4 to House Bill No. 2385.

Amend House Bill No. 2385 as engrossed, 03/27/03:

Delete everything after the enacting clause and substitute:

"SECTION 1. (a) For acts committed after the effective date of this act, and subject to subsection (e) of this section, a defendant who pleads guilty, nolo contendere, or is found guilty of a felony involving violence enumerated in subsection (b) of this section and who has previously plead guilty, nolo contendere, or been found guilty of two (2) or more felonies involving violence enumerated in subsection (b) of this section, and has been confined on two (2) separate occasions in the Department of Correction for two (2) or more of the previously committed violent felonies, shall be sentenced to life imprisonment.

(b) For the purposes of this section, a felony involving violence shall mean:

(1) Any of the following felonies:

(A) Murder in the first degree, § 5-10-102;

(B) Murder in the second degree, § 5-10-103;

(C) Kidnapping, § 5-11-102;

(D) Aggravated robbery, § 5-12-103;

(E) Rape, § 5-14-103;

(F) Sexual assault in the first degree, § 5-14-124;

(G) Sexual indecency with a child, § 5-14-110;

(H) Criminal use of prohibited weapons, § 5-73-104,

involving activities making it a Class B felony; or

(I) Unlawful discharge of a firearm from a vehicle, § 5-74-107.

(2) A conviction of a comparable felony involving violence from another jurisdiction for which the defendant was sentenced and committed to a term of years in a penal facility.

(c) The same procedures shall govern trials at which a sentence to life imprisonment is sought under this section as are used for extended terms of imprisonment under § 5-4-501.



(d) The determination of whether a felony conviction from another jurisdiction is comparable to one of the enumerated felonies involving violence under Arkansas criminal law shall lie within the discretion of the trial judge at the time of sentencing.

(e) Nothing in this section shall be interpreted to conflict or repeal any portion of Arkansas Code § 5-4-501.”

The Amendment was read \_\_\_\_\_  
By: Representative Medley  
PBB/APK - 040420031005  
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Chief Clerk