



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB2116
Sponsored by Representative Holcomb
Senator Sample**

Subtitle TO PROTECT FREIGHT RAIL EMPLOYEES AND PUBLIC TRANSIT EMPLOYEES BY ENHANCING THE PENALTIES OF CERTAIN CRIMINAL OFFENSES.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Annotated § 5-4-701, Definitions, by defining “conductor,” “engineer,” “public transit employee,” “railroad or public transit employee,” and “railroad management.”

Amends Arkansas Code Title 5, Chapter 4, Subchapter 7, by creating a new section: § 5-4-705, Sentence enhancement for offense targeting railroad or public transit authority. Under the proposed bill, a person is subject to an enhanced sentence if the person purposely selected the victim of an offense committed by the person because the victim is a railroad or public transit employee.

The proposed enhancement is applied as follows:

- for a Class A misdemeanor conviction or a conviction for an unclassified misdemeanor with a possible sentence greater than ninety (90) days imprisonment, an additional period of imprisonment of not more than one (1) year.
- for a Class C felony, Class D felony, or an unclassified felony, an additional period of imprisonment of at least six (6) months, but no more than two (2) years.
- for a Class Y felony, Class A felony, or Class B felony, an additional period of imprisonment of at least two (2) years, but not more than ten (10) years.

Impact Information

Because this proposed bill creates a new offense, data is unavailable as to the likely number of convictions per year. Therefore, the impact of this proposed bill is undetermined.

¹ This impact assessment was prepared (3/16/2017, 7:55 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction 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 inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500