

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1741

By: Representative C. Douglas

Filed with: Arkansas Legislative Council  
pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

AN ACT CONCERNING THE GOVERNOR'S ABILITY TO PARDON,  
COMMUTE A SENTENCE, OR GRANT CLEMENCY WHEN A  
CONVICTED FELON HAS A TERMINAL MEDICAL DIAGNOSIS; AND  
FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE GOVERNOR'S ABILITY TO  
PARDON, COMMUTE A SENTENCE, OR GRANT  
CLEMENCY WHEN A CONVICTED FELON HAS A  
TERMINAL MEDICAL DIAGNOSIS.

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

SECTION 1. Arkansas Code § 5-4-607 is amended to add an additional  
subsection to read as follows:

(g)(1) The requirements for a pardon or a commutation of a sentence  
under this section and the prohibition under subsection (d) of this section  
are not applicable if the Governor pardons a person or commutes a person's  
sentence because the person has received a terminal medical diagnosis.

(2) As used in this subsection, "terminal medical diagnosis"  
means that according to a person's medical records and in the opinion of his  
or her attending physician, the person has an incurable medical condition and  
has less than one (1) year left to live.

SECTION 2. Arkansas Code § 16-93-204(a)(3), concerning executive clemency, is amended to read as follows:

(3)(A) ~~Applications~~ Unless otherwise provided under this subsection, an application for a pardon, commutation of sentence, reprieve, respite, or remission of fine or forfeiture shall be referred to the Parole Board for investigation.

(B)(i) The requirement for an application to the board under subdivision (a)(3)(A) of this section is not applicable if the Governor pardons a person or commutes a person's sentence because the person has received a terminal medical diagnosis.

(ii) As used in this subdivision (a)(3)(B), "terminal medical diagnosis" means that according to a person's medical records and in the opinion of his or her attending physician, the person has an incurable medical condition and has less than one (1) year left to live.

Referral requested by: Representative Charlotte V. Douglas

Prepared by: VJF