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LEGISLATIVE RESEARCH

**Arkansas Sentencing Standards Grid**

Effective Date - For Offenses Committed January 1, 2018 and Thereafter

**Criminal History Score**

Offense Seriousness	0	1	2	3	4	5+
10 <sup>±</sup>	ADC 300-480 (25-40 yrs)	ADC 360-480 (30-40 yrs)	ADC 420-540 (35-45 yrs)	ADC 480-600 (40-50 yrs)	ADC 480-720 (40-60 yrs)	ADC 480-840 (40-70 yrs)
9 <sup>±</sup>	ADC 180-300 (15-25 yrs)	ADC 240-360 (20-30 yrs)	ADC 264-420 (22-35 yrs)	ADC 336-540 (28-45 yrs)	ADC 420-600 (35-50 yrs)	ADC 480-720 (40-60 yrs)
8 <sup>±1</sup>	ADC 96-180 (8-15 yrs)	ADC 120-240 (10-20 yrs)	ADC 120-300 (10-25 yrs)	ADC 180-360 (15-30 yrs)	ADC 180-420 (15-35 yrs)	ADC 240-600 (20-50 yrs)
7 <sup>±</sup>	ADC 60-120 (5-10 yrs) CCC AS	ADC 72-144 (6-12 yrs) CCC AS	ADC 84-180 (7-15 yrs) CCC	ADC 96-240 (8-20 yrs)	ADC 120-300 (10-25 yrs)	ADC 180-480 (15-40 yrs)
6 <sup>2</sup>	ADC 24-60 (2-5 yrs) CCC AS	ADC 36-84 (3-7 yrs) CCC AS	ADC 48-96 (4-8 yrs) CCC AS	ADC 60-120 (5-10 yrs) CCC	ADC 84-180 (7-15 yrs)	ADC 120-240 (10-20 yrs)
5	CCC AS	ADC 24-60 (2-5 yrs) CCC AS	ADC 36-72 (3-6 yrs) CCC AS	ADC 48-96 (4-8 yrs) CCC AS	ADC 60-144 (5-12 yrs) CCC	ADC 84-180 (7-15 yrs)
4	CCC AS	ADC 18-36 (1.5-3 yrs) CCC AS	ADC 24-60 (2-5 yrs) CCC AS	ADC 36-72 (3-6 yrs) CCC AS	ADC 48-96 (4-8 yrs) CCC AS	ADC 60-120 (5-10 yrs) CCC
3	CCC AS	CCC AS	ADC 18-36 (1.5-3 yrs) CCC AS	ADC 24-48 (2-4 yrs) CCC AS	ADC 36-60 (3-5 yrs) CCC AS	ADC 48-72 (4-6 yrs) CCC AS
2	CCC AS	CCC AS	CCC AS	ADC 12-24 (1-2 yrs) CCC AS	ADC 18-36 (1.5-3 yrs) CCC AS	ADC 24-48 (2-4 yrs) CCC AS
1	AS	AS	AS	CCC AS	ADC 12-24 (1-2 yrs) CCC AS	ADC 24-36 (2-3 yrs) CCC AS

**ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED TO THE ARKANSAS DIVISION OF CORRECTION.**

ADC = Penitentiary Only, CCC = Community Correction Center (See Community Correction Center Policy Statement),

AS = Alternative Sanctions

—— = Transfer Eligibility Line – For offenses committed on or after 1/1/1994, but prior to 1/1/2025, eligibility on sentences above the line is 1/2 of the sentence minus good time. Eligibility on sentences below the line is 1/3 of the sentence minus good time. However, other provisions may impact eligibility. See A.C.A. § 5-4-405, § 5-4-501(c) & (d), and § 16-93-601, et seq.

\*Check applicability of Act 1326 of 1995, Act 570 of 2011, Act 132 of 2013, and Act 133 of 2013 for release eligibility of crimes at these levels. See A.C.A. § 16-93-618, formerly codified at A.C.A. § 16-93-611.

\*See Acts 1135 of 1997, 1034 of 2005 and 570 of 2011. See A.C.A. § 16-93-618, formerly codified at A.C.A. § 16-93-611.

\*See Acts 1268 of 1999, 1034 of 2005 and 570 of 2011. See A.C.A. § 16-93-618, formerly codified at A.C.A. § 16-93-611.

# Arkansas Sentencing Standards Grid

## POLICY STATEMENTS

### Community Correction Centers

Only defendants who have been found guilty of a "target" offense are eligible to be sentenced to a Community Correction Center. Sentences to a Community Correction Center should only be utilized for those who the Court would otherwise sentence to the Division of Correction. The Sentencing Commission strongly encourages local courts to utilize the services of the Community Correction Centers in lieu of penitentiary time in appropriate cases. Offenses designated as "target offenses" are defined in A.C.A. § 16-93-1202(10)(A).

### Statutory Override

The Sentencing Commission recognizes that the presumptive sentences recommended in the Sentencing Grid may fall above or below the statutory range for a given offense. The statutory minimum or maximum ranges for a particular crime shall govern over a presumptive sentence if the presumptive sentence should fall below or above such ranges. A.C.A. § 16-90-803(b)(3)(C). While this is not considered a departure, please use Aggravating Departure Reason 13 to note that this exception applies.

### Offenses/Offenders that are Statutorily Ineligible for CCC

If an ineligible offender is sentenced to the ADC from a grid cell that has CCC as a presumptive sentence, and the length of the ADC sentence is within the statutory parameters for sentences to CCC, the sentence will NOT be considered a departure for purposes of the Sentencing Guidelines. For example, a sentence of six (6) years in the ADC for Battery in the Second Degree, SL 4, CHS 0 is not a departure. While this is not considered a departure, please use Aggravating Departure Reason 16 to note that this exception applies.

## DEFINITIONS

**ADC** - Commitment to the Arkansas Division of Correction.

**CCC** – Community Correction Center - multipurpose facilities encompassing security, punishment and services such that offenders can be housed therein when necessary but can also be assigned to or access punishment programs and services which are housed there, included therein are revocation centers, restitution centers, work release centers, and Community Correction Centers.

**AS** - Alternative Sanctions – includes:

- (1) Probation, both supervised and unsupervised;
- (2) Suspended imposition of sentence;
- (3) Work on service programs coupled with or without (1) or (2) above;
- (4) Local jail time up to the maximum authorized by law as a condition of (1) or (2) above;
- (5) Community Correction Programs as defined and provided by the Board of Corrections or by local courts as conditions of (1) or (2) above.

Statute #	Class	Name of Crime	Start	End	Ranking
2-17-204	D	Violation of Grain Warehouse			1
2-24-108 (a) & (b)	D	Violation of Arkansas Grain Dealers Act	3/24/2015		2
2-34-107	C	Branding or Misbranding a Domestic Animal with Intent to Defraud		7/31/2017	2
2-38-504 (a)	U	Releasing Hogs into the Wild		7/21/2015	1
3-3-202	D	Furnishing Alcoholic Beverage to Minor - Subq. Offense w/in 3 years	8/12/2005		3
3-3-202	D	Sale of Alcoholic Beverage to Minor			2
3-3-202	C	Sale of Alcoholic Beverage to Minor - Subq. Offense w/in 5 years			3
3-3-219	D	Social Hosts - Criminal Liability - Third or Subq. Offense	7/31/2009		2
3-3-402	D	Illicit Still			1
3-8-209	D	Sale or Furnishing Place for Sale in Dry Territory Subq. Offense	8/12/2005		1
3-8-312	D	Alcoholic Beverage Sale/Possession Trade in Dry County - Subq. Offense	8/12/2005		1
3-8-312	U	Alcoholic Beverage Sale/Possession Trade in Dry County		8/11/2005	1
4-56-102	C	Unlawful Acts Relating to Secured Interests on Farm Products	8/12/2005		3
4-59-301	D	Issuance of Bill for Goods Not Received	8/12/2005		2
4-59-502	C	Remission to Acquirer of Record of Sale Not Made by Remitter			3
4-59-503	C	Solicitation of Merchant to Remit Record of Sale Not Made by Merchant			3
4-72-207	B	Violation of the Arkansas Franchise Practices Act - Misleading & Fraudulent Practices			4
4-88-1205	D	Counterfeiting Tickets - Subsequent Offense	4/4/2023		2
4-90-203	U	Odometer Fraud	7/28/1995		2
4-90-204	U	Preventing Tampering (See penalty at 4-90-203)			-
4-90-205	U	Service, Repair, and Replacement (See penalty at 4-90-203)			-
4-90-206	U	Disclosure Reqmts on Transfer of a Motor Vehicle (See penalty at 4-90-203)			-
4-95-103	D	Violation of the Arkansas Mail & Telephone Consumer Product Promotion Fair Practices Act			2
4-95-105	D	Offers of Gifts or Prizes (See penalty at 4-95-103)			-
4-95-106	D	Purchase Agreements Generally (See penalty at 4-95-103)			-
4-99-110	D	Soliciting Prospective Purchasers on Behalf of Unregistered Telephonic Seller			2
4-100-102	D	Unlawful Subleasing or Transfer of a Motor Vehicle			2
4-100-103	D	Unlawful Subleasing or Transfer of a Motor Vehicle (See penalty at 4-100-102)			-
5-4-617 (i)(1) & (n)	D	Release of Confidential Information Relating to Executions	7/24/2019		3
5-4-617 (i)(3)	D	Release of Sealed Information Relating to Executions	7/24/2019		3
5-10-101	Y	Capital Murder - Attempt to Commit [see 5-3-203 (a)]	8/12/2005		9
5-10-101	A	Capital Murder - Conspiracy/Solicitation	8/12/2005		9
5-10-101	A	Capital Murder - Attempt/Conspiracy/Solicitation		8/11/2005	9
5-10-102	Y	Murder 1st Degree			10
5-10-103	A	Murder 2nd Degree	8/12/2005		9
5-10-103	B	Murder 2nd Degree		8/11/2005	8
5-10-104	C	Manslaughter		12/31/2023	6
5-10-104 (a)(1) & (c)	B	Manslaughter - extreme emotional disturbance	1/1/2024		7
5-10-104 (a)(2) & (c)	B	Manslaughter - causes or aids suicide	1/1/2024		7
5-10-104 (a)(3) & (c)	B	Manslaughter - recklessly causes death	1/1/2024		7
5-10-104 (a)(4) & (c)	B	Manslaughter - negligence in course of felony	1/1/2024		7
5-10-105 (a)(1)(A)-(C) & (a)(2)	B	Negligent Homicide	7/31/2009		6
5-10-105 (a)(1)(D) & (a)(2)	B	Negligent Homicide (While Fatigued)	8/16/2013		6
5-10-105	C	Negligent Homicide	7/30/1999	7/30/2009	4
5-10-105	D	Negligent Homicide		7/29/1999	4
5-10-105 (b)(2)	D	Negligent homicide - deadly weapon	1/1/2024		3
5-10-106	C	Physician-assisted Suicide	7/30/1999	7/23/2019	5

Statute #	Class	Name of Crime	Start	End	Ranking
5-10-106	B	Physician-assisted Suicide	7/24/2019		6
5-10-107	D	Encouraging the Suicide of Another Person	7/24/2019		5
<u>5-10-202 (a)(1) &amp; (b)(1)</u>	<u>U</u>	<u>Aggravated death by delivery - victim is adult</u>	<u>4/11/2023</u>		<u>10</u>
<u>5-10-202 (a)(2) &amp; (b)(2)(A)</u>	<u>U</u>	<u>Aggravated death by delivery - victim is minor</u>	<u>4/11/2023</u>		<u>10</u>
<u>5-10-202 (a)(2) &amp; (b)(2)(B)</u>	<u>U</u>	<u>Aggravated death by delivery - victim is minor &lt; 3 years younger than defendant</u>	<u>4/11/2023</u>		<u>10</u>
<u>5-10-203 (a) &amp; (b)(1)</u>	<u>Y</u>	<u>Death by delivery - first degree</u>	<u>4/11/2023</u>		<u>10</u>
<u>5-10-203 (a) &amp; (b)(2)</u>	<u>A</u>	<u>Death by delivery - first degree</u>	<u>4/11/2023</u>		<u>9</u>
<u>5-10-204 (a) &amp; (b)(1)</u>	<u>A</u>	<u>Death by delivery - second degree</u>	<u>4/11/2023</u>		<u>9</u>
<u>5-10-204 (a) &amp; (b)(2)</u>	<u>B</u>	<u>Death by delivery - second degree</u>	<u>4/11/2023</u>		<u>8</u>
<u>5-10-204 (a) &amp; (b)(3)</u>	<u>Y</u>	<u>Death by delivery - second degree</u>	<u>4/11/2023</u>		<u>10</u>
5-11-102	Y	Kidnapping			8
5-11-102	B	Kidnapping, Victim Voluntarily Released Alive			6
5-11-103	C	False Imprisonment 1st Degree			4
5-11-105	B	Vehicular Piracy of an Aircraft			5
5-11-105	C	Vehicular Piracy			4
5-11-106	B	Permanent Detention			5
5-11-106	D	Permanent Detention of Offender's Child			3
5-11-108	A	Human Trafficking		8/15/2013	8
5-12-102	B	Robbery			7
5-12-103	Y	Aggravated Robbery			8
5-13-201	Y	Battery 1st Degree - Victim is 4 Years of Age or Younger	7/31/2007		9
5-13-201	Y	Battery 1st Degree - Victim is Law Enforcement in Line of Duty	7/31/2007		9
5-13-201 (c)(3)	Y	Battery 1st Degree - Victim is Employee of a Correctional Facility	3/29/2019		9
5-13-201 (a)(2) & (c)(2)	Y	Battery 1st Degree - Purposely Causing Permanent Disfigurement	7/24/2019		9
5-13-201	B	Battery 1st Degree			8
5-13-201 (a)(7)	B	Battery 1st Degree - Victim is 60 Years of Age or Older / 12 Years of Age or Younger	7/24/2019		8
5-13-202 (a)(1) or (a)(2) & (b)(1)	D	Battery 2nd Degree			4
5-13-202 (a)(3)(B)	D	Battery 2nd Degree - Motor Vehicle	8/16/2013	7/21/2015	4
5-13-202 (a)(3)(B)	D	Battery 2nd Degree - Motor Vehicle or Motor Boat	7/22/2015	7/23/2019	4
5-13-202 (a)(3)(B) & (b)(1)	C	Battery 2nd Degree - Motor Vehicle or Motor Boat	7/24/2019		4
5-13-202 (a)(3)(C)	D	Battery 2nd Degree - Recklessly Injure Victim < 4 years of age	7/28/2021		4
5-13-202(a)(4)	D	Battery 2nd Degree - Certain Victims	7/27/2011		4
5-13-204 (a)(1)	D	Aggravated Assault			3
5-13-204 (a)(2)	D	Aggravated Assault - Purposely Displays Firearm	7/16/2003		3
5-13-204 (a)(3)	D	Aggravated Assault - Impedes or Prevents Respiration of Another or Circulation of Another Person's Blood (includes pressure on chest 07/24/2019 and thereafter)	7/31/2009		3
<u>5-13-209 (a)(1) &amp; (b)(1)</u>	<u>B</u>	<u>Abuse of an athletic contest official - purpose to cause serious physical injury</u>	<u>8/1/2023</u>		<u>8</u>
<u>5-13-209 (a)(2) &amp; (b)(2)</u>	<u>C</u>	<u>Abuse of an athletic contest official - purpose to cause physical injury</u>	<u>8/1/2023</u>		<u>6</u>
5-13-210	Y	Intro C/S into Body - Schedule I-II, narcotic			7
5-13-210 (f)	Y	Intro C/S into Body to Commit Sexual Offense	7/30/1999		9
5-13-210	B	Intro C/S into Body Schedule I-III, non-narcotic			5
5-13-210	C	Intro C/S into Body Schedule IV-V			3
5-13-211	D	Aggravated Assault of Corrections Officer	8/1/1997	7/26/2011	3
5-13-211 (a)(1) & (b)(1)	D	Aggravated Assault upon a Certified Law Enforcement Officer or Employee of a Correctional Facility	7/27/2011		3
5-13-211 (a)(2) & (b)(2)	Y	Aggravated Assault Upon a Law Enforcement Officer or Employee of a Correctional Facility - Discharge of a Firearm	8/1/2017		9

Statute #	Class	Name of Crime	Start	End	Ranking
5-13-212 (b) & (c)	B	Fertility Treatment Abuse	7/28/2021		4
5-13-213	C	Aggravated Assault Against a First Responder	7/28/2021		3
<u>5-13-214 (b)(1) &amp; (b)(2)(A)</u>	<u>Y</u>	<u>Knowingly exposing another person to fentanyl in the first degree - certain victims</u>	<u>8/1/2023</u>		<u>10</u>
<u>5-13-214 (b)(1) &amp; (b)(2)(B)</u>	<u>A</u>	<u>Knowingly exposing another person to fentanyl in the first degree</u>	<u>8/1/2023</u>		<u>9</u>
<u>5-13-214 (c)(1) &amp; (c)(2)(A)</u>	<u>A</u>	<u>Knowingly exposing another person to fentanyl in the second degree- certain victims</u>	<u>8/1/2023</u>		<u>9</u>
<u>5-13-214 (c)(1) &amp; (c)(2)(B)</u>	<u>B</u>	<u>Knowingly exposing another person to fentanyl in the second degree</u>	<u>8/1/2023</u>		<u>8</u>
5-13-301	D	Terroristic Threatening 1st Degree			2
5-13-302	C	Threatening to Commit an Act of Mass Violence on School Property	7/24/2019		5
5-13-310	Y	Terrorist Act		8/11/2005	8
5-13-310	Y	Terroristic Act - Serious Physical Injury/Death	8/12/2005		9
5-13-310	B	Terroristic Act			5
5-14-103 (a)(1) & (c)(1)	Y	Rape - Forcible Compulsion			9
5-14-103 (a)(1) & (c)(2)	Y	Rape - Forcible Compulsion - Victim < 14			9
5-14-103 (a)(2) & (c)(1)	Y	Rape - Incapable of Consent			9
5-14-103 (a)(2) & (c)(2)	Y	Rape - Incapable of Consent - Victim < 14			9
5-14-103 (a)(3) & (c)(2)	Y	Rape - Victim < 14			9
5-14-103 (a)(4) & (c)(1)	Y	Rape - Certain Relationships with Victim			9
5-14-103 (a)(4) & (c)(2)	Y	Rape - Certain Relationships with Victim - Victim < 14			9
5-14-104	A	Carnal Abuse 1st Degree		8/12/2001	6
5-14-104	B	Carnal Abuse 1st Degree		7/28/1995	5
5-14-105	C	Carnal Abuse 2nd Degree		8/12/2001	5
5-14-105	D	Carnal Abuse 2nd Degree		7/28/1995	4
5-14-106	D	Carnal Abuse 3rd Degree		8/12/2001	3
5-14-108	C	Sexual Abuse 1st Degree		8/12/2001	5
5-14-110	D	Sexual Indecency with a Child	8/12/2005		4
5-14-110	D	Sexual Indecency with a Child	8/13/2001	8/11/2005	3
5-14-110	D	Sexual Solicitation of a Child	8/28/1995	8/11/2005	3
5-14-110 (a)(4)(B)	D	Sexual Indecency with a Child by a Court Ordered Supervision Officer	8/1/2017		4
5-14-112 (b)(3)	C	Indecent Exposure - Sixth and Subq. Offense	1/30/2007		4
<u>5-14-112 (b)(2)(A)</u>	<u>D</u>	<u>Indecent Exposure - Fourth and Fifth Offense</u>	<u>1/30/2007</u>		<u>3</u>
5-14-112	D	Indecent Exposure (Second and Subq. Offense)	8/13/2001	8/11/2005	2
5-14-112	D	Indecent Exposure to Age 12 and Under	8/1/1997	8/12/2001	2
<u>5-14-112 (b)(2)(B)</u>	<u>D</u>	<u>Indecent exposure - in custody of correctional of detention facility</u>	<u>1/1/2024</u>		<u>2</u>
5-14-113 (a)(1) & (b)	B	Sexual Extortion - Coerce to Engage in Sexual Contact	8/1/2017		6
5-14-113 (a)(2) & (b)	B	Sexual Extortion - Produce or Distribute Recording	8/1/2017		6
5-14-113 (a)(3) & (b)	B	Sexual Extortion - Knowing Coercion	8/1/2017		6
<u>5-14-113 (a)(4) &amp; (b)</u>	<u>B</u>	<u>Sexual extortion - demand of payment w/ threat to distribute explicit recording/depiction</u>	<u>1/1/2024</u>		<u>6</u>
5-14-120	C	Violation of a Minor 1st Degree		8/12/2001	4
5-14-121	D	Violation of a Minor 2nd Degree		8/12/2001	3
5-14-123	A	Knowingly Exposing Another to HIV (ranking as of 4/27/2001)			7
5-14-123	A	Knowingly Exposing Another to HIV (ranking prior to 4/27/2001)			6
5-14-124	A	Sexual Assault 1st Degree	8/13/2001		7
5-14-124 (a)(1)(B)	A	Sexual Assault by a Court Ordered Supervision Officer 1st Degree	8/1/2017		7
5-14-124 (a)(2)	A	Sexual Assault 1st Degree - school employees	8/16/2013		7
5-14-125	B	Sexual Assault 2nd Degree	8/13/2001		6
5-14-125 (a)(4)(A)(ii)	B	Sexual Assault by a Court Ordered Supervision Officer - 2nd Degree	8/1/2017		6

Statute #	Class	Name of Crime	Start	End	Ranking
5-14-125 (a)(6) & (b)(1)	B	Sexual Assault - 2nd Degree	7/27/2011	8/15/2013	6
5-14-125 (a)(6) & (b)(1)	B	Sexual Assault - 2nd Degree	8/16/2013		6
5-14-125	D	Sexual Assault - 2nd Degree - Offender is a Minor	7/16/2003		4
5-14-126	C	Sexual Assault - 3rd Degree	8/13/2001		4
5-14-126 (a)(1)(A) or (C) & (c)	C	Sexual Assault - 3rd Degree - Actor Must be in a Position of Trust or Authority Over the Victim	8/1/2017		4
5-14-126 (a)(1)(B) & (c)	C	Sexual Assault - 3rd Degree - Court Ordered Supervision Officer, Actor Must be in a Position of Trust or Authority Over the Victim	8/1/2017		4
5-14-127	D	Sexual Assault - 4th Degree	7/16/2003		3
5-14-128	D	Level 3 or 4 Registered Sex Offender Residing w/in 2000' of Certain Facilities	7/16/2003		3
5-14-128 (a)(2)	D	Level 4 Registered Sex Offender Residing w/in 2000' of a Church or Other Place of Worship	7/22/2015		3
5-14-129	D	Level 3 or 4 Registered Sex Offender Working w/ Children	8/12/2005		4
5-14-129 (a)(2)	D	Level 3 or 4 Registered Sex Offender Working w/ Children as Self-employed or an Independent Contractor	7/27/2011		4
5-14-130	D	Registered Sex Offender Providing Incorrect Address on Identification Card or Driver's License	3/20/2007		3
5-14-131	D	Level 3 or 4 Registered Sex Offender Living Near Victim	3/21/2007		4
5-14-132	D	Level 3 or 4 Registered Sex Offender Prohibited from Entering School Campus	7/31/2007		3
5-14-132 (b) & (e)	D	Level 3 Registered Sex Offender Prohibited from Entering on the Campus of a Public School Without Proper Notice - Event for Which Admission is Charged or Tickets are Sold/Distributed	8/1/2017		3
5-14-132 (b) & (e)	D	Level 4 Registered Sex Offender Prohibited from Entering on the Campus of a Public School - Event for Which Admission is Charged or Tickets are Sold/Distributed	8/1/2017		4
5-14-132 (f)	D	Level 3 or 4 Registered Sex Offender Prohibited from Entering on the Campus of a Private School Without Permission	8/1/2017		3
5-14-133 (b) & (c)	D	Level 3 or 4 Registered Sex Offender Prohibited from Entering Water Park	3/30/2011		3
5-14-134 (b) & (c)	D	Level 3 or 4 Registered Sex Offender Prohibited from Entering Swimming Area or Children's Playground w/in an Arkansas State Park	2/6/2013		3
5-14-135 (b)(1) & (d)	D	Level 3 or 4 Registered Sex Offender Prohibited from Distributing Candy as Part of a Halloween-related Event	7/24/2019		4
5-14-135 (b)(2) & (d)	D	Level 3 or 4 Registered Sex Offender Prohibited from Wearing a Mask or Other Costume at Halloween-related Events	7/24/2019		4
5-14-136 (b)(1) & (c)	C	Unlawful Female Genital Mutilation of a Minor - Knowingly Performing	3/26/2019		8
5-14-136 (b)(2) & (c)	C	Unlawful Female Genital Mutilation of a Minor - Knowingly Consenting to, Permitting, or Facilitating	3/26/2019		7
5-14-136 (b)(3) & (c)	C	Unlawful Female Genital Mutilation of a Minor - Knowingly Remove or Cause, Permit, or Facilitate the Removal of a Minor from this State	3/26/2019		7
5-14-137 (b)(1) & (c)	D	Level 3 or 4 Registered Sex Offender Prohibited from Recording Person Under 14 Years of Age - After Receiving Notice that it is Unlawful to do so	7/24/2019		4
5-14-137 (b)(2) & (c)	D	Level 3 or 4 Registered Sex Offender Prohibited from Recording Person Under 14 Years of Age - Unlawful Use of Recording Online	7/24/2019		4
<u>5-14-138 (b) &amp; (d)</u>	<u>D</u>	<u>Registered offender prohibited from purchasing, owning, possessing, using, or operating an unmanned aircraft</u>	<u>8/1/2023</u>		<u>4</u>
5-15-102	U	Slander - Adultery/Fornication		8/11/2005	1
5-15-103	U	Slander - False Swearing		8/11/2005	1
5-15-104	U	Slander - Proclaiming One as a Coward		8/11/2005	1
5-15-105	U	Slander		8/11/2005	1
5-16-101	D	Video Voyeurism	7/30/1999	7/23/2019	3
5-16-101 (a) & (c)(1)(A)	D	Video Voyeurism - 1st or 2nd Offense	7/24/2019		3
5-16-101 (a) & (c)(1)(B)	C	Video Voyeurism - 3rd or Subq. Offense	7/24/2019		4
5-16-101 (a) & (c)(1)(C)	C	Video Voyeurism - Victim is < 14 years of age	7/28/2021		4
5-16-102	D	Voyeurism	8/12/2005	7/23/2019	4

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5-16-102 (b) & (c)(1)(A)	D	Voyeurism - Victim is 17 Years of Age or Younger and Person Holds Position of Trust or Authority over Victim	7/24/2019	7/27/2021	4
5-16-102 (b) & (c)(1)(B)	D	Voyeurism - Prior Conviction for Voyeurism or Video Voyeurism	7/24/2019	7/27/2021	4
5-16-102 (b) & (c)(2)(A)	D	Voyeurism - Victim is 17 Years of Age or Younger and Person Holds Position of Trust or Authority over Victim	7/28/2021		4
5-16-102 (b) & (c)(2)(B)	D	Voyeurism - Prior Conviction for Voyeurism or Video Voyeurism	7/28/2021		4
5-16-102 (b) & (c)(1)	C	Voyeurism - Victim is < 14 years of age	7/28/2021		4
5-17-101	D	Death Threat Concerning School Employee or Student	8/13/2001		3
5-18-103 (a)(1)-(4) & (c)(1)	A	Trafficking of Persons	8/16/2013		8
5-18-103 (a)(1)-(4) & (c)(2)	Y	Trafficking of Persons - Victim is a Minor	8/16/2013		9
5-18-103 (a)(2) & (c)(1)	<u>A</u>	<u>Trafficking of persons - benefiting from participating in an involuntary servitude venture</u>	<u>8/16/2013</u>		<u>8</u>
5-18-103 (a)(2) & (c)(2)	<u>Y</u>	<u>Trafficking of persons - benefiting from participating in an involuntary servitude venture - victim is a minor</u>	<u>8/16/2013</u>		<u>9</u>
5-18-103 (a)(3) & (c)(1)	<u>A</u>	<u>Trafficking of persons - subjects a person to involuntary servitude</u>	<u>8/16/2013</u>		<u>8</u>
5-18-103 (a)(3) & (c)(2)	<u>Y</u>	<u>Trafficking of persons - subjects a person to involuntary servitude - victim is a minor</u>	<u>8/16/2013</u>		<u>9</u>
5-18-103 (a)(4) & (c)(1)	<u>A</u>	<u>Trafficking of persons - recruits etc a minor for commercial sexual activity</u>	<u>8/16/2013</u>		<u>8</u>
5-18-103 (a)(4) & (c)(2)	<u>Y</u>	<u>Trafficking of persons - recruits etc a minor for commercial sexual activity - victim is a minor</u>	<u>8/16/2013</u>		<u>9</u>
5-18-103 (a)(5) & (c)(1)	A	Trafficking of Persons - Selling or Advertising Travel Services	7/22/2015		8
5-18-103 (a)(5) & (c)(2)	Y	Trafficking of Persons - Selling or Advertising Travel Services, Victim is a Minor	7/22/2015		9
5-18-103 (a)(6) & (c)(1)	A	Trafficking of Persons - Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born	7/24/2019		8
5-18-103 (a)(6) & (c)(2)	Y	Trafficking of Persons - Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born - Victim is a Minor	7/24/2019		9
5-18-103 (a)(7) & (c)(1)	A	Trafficking of Persons - Benefitting from Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born	7/24/2019		8
5-18-103 (a)(7) & (c)(2)	Y	Trafficking of Persons - Benefitting from Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born - Victim is a Minor	7/24/2019		9
5-18-104 (a) & (b)(1)	B	Patronizing a Victim of Human Trafficking	8/16/2013		7
5-18-104 (a) & (b)(2)	A	Patronizing a Victim of Human Trafficking - Victim is a Minor	8/16/2013		8
5-18-106 (a) & (b)	B	Grooming a Minor for Future Sex Trafficking	7/28/2021		6
5-18-107 (b) & (c)	B	Traveling for the Purpose of an Unlawful Sex Act with a Minor	7/28/2021		7
5-26-202	A	Incest - Victim < 16	8/1/1997	7/15/2003	6
5-26-202	C	Incest			5
5-26-203	D	Concealing Birth	8/13/2001		2
5-26-204 (a)(1) & (a)(2)(A)	A	Unlawful Solicitation for the Relinquishment of Parental Rights in the 1st Degree - Use of Duress, Coercion, etc.	7/24/2019		8
5-26-204 (a)(1) & (a)(2)(B)	C	Unlawful Solicitation for the Relinquishment of Parental Rights in the 1st Degree	7/24/2019		3
5-26-204 (b)(1) & (b)(2)(A)	D	Unlawful Solicitation for the Relinquishment of Parental Rights in the 2nd Degree - Use of Duress, Coercion, etc.	7/24/2019		2
5-26-301	B	Wife Battering 1st Degree		7/28/1995	8
5-26-302	D	Wife Battering 2nd Degree		7/28/1995	4
5-26-303	A	Domestic Battering 1st Degree	7/30/1999	8/15/2013	8
<del>5-26-303 (a)(1) or (a)(3) - (a)(5) &amp; (b)(2)</del>	<del>A</del>	<del>Domestic Battering 1st Degree - Subq. Offense or to a Pregnant Woman</del>	<del>8/16/2013</del>		<del>8</del>
5-26-303 (a)(1) & (b)(1)	<u>B</u>	<u>Domestic Battering 1st Degree - serious phys. injury w/deadly weapon</u>	<u>7/28/1995</u>		<u>8</u>

Statute #	Class	Name of Crime	Start	End	Ranking
<u>5-26-303 (a)(1) &amp; (b)(2)(B)</u>	<u>A</u>	<u>Domestic Battering 1st Degree - serious phys. injury w/deadly weapon - Subq. Offense or to a Pregnant Woman</u>	<u>8/16/2013</u>		<u>8</u>
5-26-303 (a)(2) & (b)(2)(A)	Y	Domestic Battering 1st Degree - Purposely Causing Permanent Disfigurement	7/24/2019		9
<u>5-26-303 (a)(3) &amp; (b)(1)</u>	<u>B</u>	<u>Domestic Battering 1st Degree - serious phys. injury w/extreme indifference</u>	<u>7/28/1995</u>		<u>8</u>
<u>5-26-303 (a)(3) &amp; (b)(2)(B)</u>	<u>A</u>	<u>Domestic Battering 1st Degree - serious phys. injury w/extreme indifference - Subq. Offense or to a Pregnant Woman</u>	<u>8/16/2013</u>		<u>8</u>
<u>5-26-303 (a)(4) &amp; (b)(1)</u>	<u>B</u>	<u>Domestic Battering 1st Degree - serious phys. injury victim <math>\geq 60</math> or <math>&lt; 4</math></u>	<u>7/28/1995</u>		<u>8</u>
<u>5-26-303 (a)(4) &amp; (b)(2)(B)</u>	<u>A</u>	<u>Domestic Battering 1st Degree - serious phys. injury victim <math>\geq 60</math> or <math>&lt; 4</math> - Subq. Offense or to a Pregnant Woman</u>	<u>8/16/2013</u>		<u>8</u>
<u>5-26-303 (a)(5) &amp; (b)(1)</u>	<u>B</u>	<u>Domestic Battering 1st Degree - two or more in past 10 years</u>	<u>7/28/1995</u>		<u>8</u>
<u>5-26-303 (a)(5) &amp; (b)(2)(B)</u>	<u>A</u>	<u>Domestic Battering 1st Degree - two or more in past 10 years - Subq. Offense or to a Pregnant Woman</u>	<u>8/16/2013</u>		<u>8</u>
5-26-303 (a)(6) & (b)(1)	B	Domestic Battering 1st Degree - Use of a Firearm	8/1/2017		8
5-26-303 (a)(6) & (b)(2)(B)(i)	A	Domestic Battering 1st Degree - Use of a Firearm Against a Pregnant Woman	8/1/2017		9
5-26-303 (a)(6) & (b)(2)(B)(ii)	A	Domestic Battering 1st Degree - Use of a Firearm - Subq. Offense	8/1/2017		8
5-26-303 (a)(7) & (b)(2)(A)	Y	Domestic Battering 1st Degree - Victim is 4 Years of Age or Younger	7/24/2019		9
5-26-304	B	Domestic Battering 2nd Degree - Subq. Offense or to a Pregnant Woman	7/30/1999	8/15/2013	5
5-26-304 (a)(1) & (b)(1)	C	Domestic battering in the 2nd degree - serious physical injury	7/30/1999		4
5-26-304 (a)(1) & (b)(2)	B	Domestic battering in the 2nd degree - serious physical injury - prior conviction within five years or victim is pregnant	8/16/2013		5
5-26-304 (a)(2) & (b)(1)	C	Domestic battering in the 2nd degree - physical injury w/deadly weapon	7/30/1999		4
5-26-304 (a)(2) & (b)(2)	B	Domestic battering in the 2nd degree - physical injury w/ deadly weapon - prior conviction within five years or victim is pregnant	8/16/2013		5
<del>5-26-304 (b)(2)</del>	<del>B</del>	<del>Domestic Battering 2nd Degree - Subq. Offense or to a Pregnant Woman</del>	<del>8/16/2013</del>		<del>5</del>
<del>5-26-304</del>	<del>C</del>	<del>Domestic Battering 2nd Degree</del>	<del>7/30/1999</del>		<del>4</del>
5-26-304 (a)(3)(B) & (b)(1)	C	Domestic Battering 2nd Degree - Recklessly Causes Injury w/deadly weapon or to Victim $< 4$	7/28/2021		5
<u>5-26-304 (a)(3) &amp; (b)(2)</u>	<u>B</u>	<u>Domestic Battering 2nd Degree - Recklessly Causes Injury w/deadly weapon or to Victim <math>&lt; 4</math> - prior conviction within 5 years or victim is pregnant</u>	<u>7/28/2021</u>		<u>5</u>
<u>5-26-304 (a)(4) &amp; (b)(1)</u>	<u>C</u>	<u>Domestic Battering 2nd degree - physical injury victim <math>\geq 60</math> or <math>&lt; 4</math></u>	<u>7/28/2021</u>		<u>5</u>
<u>5-26-304 (a)(4) &amp; (b)(2)</u>	<u>B</u>	<u>Domestic Battering 2nd degree - serious injury victim <math>\geq 60</math> or <math>&lt; 4</math> - prior conviction within 5 years or victim is pregnant</u>	<u>8/16/2013</u>		<u>5</u>
5-26-304	D	Aggravated Assault on Wife 1st Degree		7/28/1995	3
5-26-304	D	Domestic Battering 2nd Degree	7/28/1995	7/29/1999	4
5-26-305	D	Domestic Battering 3rd Degree - Second Offense	7/28/1995	7/29/1999	3
5-26-305	D	Domestic Battering 3rd Degree	7/30/1999	8/15/2013	3
5-26-305 (b)(2)	D	Domestic Battering 3rd Degree - Subq. Offense or to a Pregnant Woman	8/16/2013		3
5-26-306 (a)(1) & (b)	D	Aggravated Assault on Family/Household Member	7/28/1995		3
5-26-306 (a)(2) & (b)	D	Aggravated Assault on Family/Household Member - Firearm	8/16/2013		3
5-26-306 (a)(3) & (b)	D	Aggravated Assault on Family/Household Member - Impedes or Prevents the Respiration or Circulation (Includes pressure on Chest as of Offense date 7/24/2019 and thereafter)	8/16/2013		3
5-26-401	B	Non-Support if Owe $> \$25,000$	8/1/1997		4
5-26-401	C	Non-Support if Owe $> \$10,000$ but $< \$25,000$	7/30/1999		3
5-26-401	D	Non-Support if Owe $> \$2,500$ if at least four months of support or leaves the state for 30+ days OR Subq. Offense	7/30/1999		3
5-26-401	D	Non-Support		7/29/1999	3
5-26-501	D	Interference with Visitation - Minor Taken or Kept Out of State			2
5-26-502	C	Interference with Court Ordered Custody	7/28/1995		3



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5-26-502	D	Interference with Court Ordered Custody		7/28/1995	3
5-26-502	D	Interference with Court Ordered Custody	7/28/1995		3
5-26-503	C	Interference with Custody	7/31/2007	7/26/2011	3
5-26-503 (a) & (b)	C	Interference with Custody	7/27/2011		3
5-27-201	D	Endangering the Welfare of Incompetent 1st Degree			3
5-27-205	D	Endangering the Welfare of a Minor 1st Degree			3
5-27-211 (b) & (d)	U	Re-homing of an Adopted Minor	7/22/2015		4
5-27-221	B	Permitting Child Abuse	8/13/2001		6
5-27-221	C	Permitting Child Abuse		8/12/2001	5
5-27-221	D	Permitting Child Abuse	8/13/2001		4
5-27-229	D	Soliciting Money/Property from Incompetent			3
5-27-230	B	Exposure of Child to Chemical Substance or Meth - Ingest, Inhale with Injury	7/16/2003		6
5-27-230	C	Exposure of Child to Chemical Substance or Meth - Ingest, Inhale, Have Contact with	7/16/2003		4
5-27-303	C	Engaging Child in Sex Explicit - First Offense		7/15/2003	5
5-27-303	B	Engaging Child in Sex Explicit - First Offense	7/16/2003	8/15/2013	6
5-27-303 (a)(1) or (b)(1)	B	Engaging Child in Sex Explicit - Offender is 18 or Older or Parent/Guardian of Victim - First Offense	8/16/2013	7/27/2021	6
5-27-303 (a)	Y	Engaging Child in Sexual Explicit Conduct - Offender is 18 or Older	7/28/2021		8
5-27-303	B	Engaging Child in Sex Explicit - Subq. Offense		7/15/2003	6
5-27-303	A	Engaging Child in Sex Explicit - Subq. Offense	7/16/2003	8/15/2013	8
5-27-303(a)(2) or (b)(2)	A	Engaging Child in Sex Explicit - Offender is 18 or Older or Parent/Guardian of Victim - Subq. Offense	8/16/2013	7/27/2021	8
5-27-303 (b)	Y	Engaging Child in Sexual Explicit Conduct - Offender is Parent/Guardian of Victim	7/28/2021		9
5-27-304	C	Pandering/Possession of Material Depicting Child - First Offense			4
5-27-304	B	Pandering/Possession of Material Depicting Child - Subq. Offense			5
5-27-305 (a) & (b)	Y	Transportation of a Minor for Prohibited Sexual Conduct	7/28/2021		8
5-27-305	A	Transportation of a Minor for Prohibited Sexual Conduct	7/31/2007	7/27/2021	7
5-27-305	C	Transportation of a Minor for Prohibited Sexual Conduct		7/30/2007	5
5-27-306	A	Internet Stalking - Arranges Meeting and Meets w/ Child 15 or Younger	8/24/2007	7/31/2017	8
5-27-306	A	Internet Stalking	8/12/2005	8/23/2007	7
5-27-306	B	Internet Stalking - Arranges Meeting w/ Child 15 or Younger	1/30/2007	7/31/2017	7
5-27-306	C	Internet Stalking	8/12/2005	1/30/2007	6
5-27-306 (a)(1) & (b)(1)(A)	B	Internet Stalking of a Child - Arranges a Meeting w/ a Child 15 or Younger	8/1/2017		7
5-27-306 (a)(1) & (b)(2)	Y	Internet Stalking of a Child - Meeting Actually Occurs w/ a Child 15 or Younger	8/1/2017		8
5-27-306 (a)(2) & (b)(1)(B)	B	Internet Stalking of a Child - Arranges a Meeting w/ Person Held Out to be 15 or Younger	8/1/2017		7
5-27-306 (a)(2) & (b)(2)	Y	Internet Stalking of a Child - Meeting Actually Occurs w/ Person Held out to be 15 or Younger	8/1/2017		8
5-27-306 (a)(3) & (b)(1)(A)	B	Internet Stalking of a Child - Compile Identifying Information on Children 15 or Younger	8/1/2017		7
5-27-306 (a)(4) & (b)(1)(B)	B	Internet Stalking of a Child - Compile Identifying Information on Persons Held out to be 15 or Younger	8/1/2017		7
5-27-306 (a)(5) & (b)(1)(C)	B	Internet Stalking of a Child - Arranging a Meeting w/ a Parent or Guardian	8/1/2017		7
5-27-307 (b) & (c)(1)	D	Sexually Grooming a Child - Offender is 21 or older	8/16/2013		4
5-27-402	C	Employ/Authorize Child < 17 Sexual Performance - First Offense			5
5-27-402	B	Employ/Authorize Child < 17 Sexual Performance - Subq. Offense			6
5-27-403 (a) & (b)	Y	Produce/Direct Sexual Performance of Child < 17	7/28/2021		8
5-27-403	B	Produce/Direct Sexual Performance of Child < 17		7/27/2021	6
5-27-502	B	Fraud ID Unlawful to Manufacture Personal ID Document - Subq. Offense			4
5-27-502	C	Fraud ID Unlawful to Manufacture Personal ID Document - First Offense			3
5-27-602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child - Second or Subq. Offense	8/13/2001		6

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5-27-602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child	8/13/2001		4
5-27-603	B	Computer Child Pornography	8/13/2001		6
5-27-605 (a)	Y	Computer Exploitation of Child 1st Degree	7/28/2021		8
5-27-605	B	Computer Exploitation of a Child 1st Degree - Subq. Offense	8/13/2001	7/15/2003	7
5-27-605	A	Computer Exploitation of a Child 1st Degree - Subq. Offense	7/16/2003	7/27/2021	8
5-27-605	C	Computer Exploitation of a Child 1st Degree - First Offense	8/13/2001	7/15/2003	5
5-27-605	B	Computer Exploitation of a Child 1st Degree - First Offense	7/16/2003	7/27/2021	6
5-27-605	D	Computer Exploitation of a Child 2nd Degree	8/13/2001	7/15/2003	4
5-27-605	C	Computer Exploitation of a Child 2nd Degree	7/16/2003		5
5-27-610 (b) & (c)(1)(A)	B	Unlawful Doxxing of a Minor Resulting in Death or Monetary Loss $\geq$ \$1M	7/28/2021		4
5-27-610 (b) & (c)(1)(B)	C	Unlawful Doxxing of a Minor Resulting in Physical Injury or Monetary Loss $\geq$ \$10k but $<$ \$1M	7/28/2021		3
5-27-610 (b) & (c)(1)(C)	D	Unlawful Doxxing of a Minor Resulting in Monetary Loss of $\geq$ \$500 but $<$ \$10k	7/28/2021		2
5-28-103	B	Abuse of Adults	8/12/2005		7
5-28-103	B	Abuse of Adults		8/11/2005	6
5-28-103	C	Abuse of Adults			5
5-28-103	D	Abuse of Adults			4
5-28-110	D	Making False Notification of Adult Abuse - Subq. Offense	7/30/1999		2
5-29-203 (b)(1)	B	Abuse of a vulnerable person - serious physical injury or subst. risk death	8/1/2023		6
5-29-203 (b)(2)	D	Abuse of a vulnerable person - physical injury	8/1/2023		4
5-29-204 (b)(1)	D	Neglect of a vulnerable person - serious physical injury or subst. risk death	8/1/2023		4
5-29-205 (b)(1)	B	Exploitation of a vulnerable person - value of assets $\geq$ \$2,500	8/1/2023		6
5-29-205 (b)(2)	C	Exploitation of a vulnerable person - value of assets $>$ \$200 $<$ \$2,500	8/1/2023		4
5-36-103	B	Theft of Property		7/26/2011	5
5-36-103 (b)(1)(A)	B	Theft of Property - Value $\geq$ \$25,000	7/27/2011		6
5-36-103 (b)(1)(B)	B	Theft of Property - Obtained by Threat of Serious Physical Injury or Destruction of Occupiable Structure	7/27/2011		6
5-36-103 (b)(1)(C)	B	Theft of Property - Obtained by Threat of Fiduciary	7/27/2011		6
5-36-103 (b)(1)(D)	B	Theft of Property - Anhydrous Ammonia	8/12/2005		5
5-36-103 (b)(1)(D)(iv)	B	Theft of Property - Oil & Gas Equipment - Value $>$ \$5,000 $<$ \$25,000	7/24/2019		6
5-36-103	B	Theft of Property - Building Materials - Value $\geq$ \$500	7/31/2007	7/26/2011	5
5-36-103	B	Theft of Property - Under a State of Emergency - Value $\geq$ \$500	7/31/2009	7/26/2011	5
5-36-103 (b)(1)(D)(iii)	B	Theft of Property - Utility Property - Value $\geq$ \$500	7/27/2011		5
5-36-103	C	Theft of Property		7/26/2011	3
5-36-103	C	Theft of Property - Value $>$ \$500	7/28/1995	7/26/2011	3
5-36-103 (b)(2)(A)	C	Theft of Property - Value $>$ \$5,000 $<$ \$25,000	7/27/2011		4
5-36-103 (b)(2)(B)	C	Theft of Property Obtained by Threat	7/27/2011		5
5-36-103 (b)(2)(C)	C	Theft of Property - Firearm - Value $\geq$ \$2,500	7/27/2011		3
5-36-103 (b)(2)(D)	C	Theft of Building Materials - Value $\geq$ \$500	7/31/2011		4
5-36-103 (b)(2)(E)	C	Theft of Property Under a State of Emergency - Value $\geq$ \$500	7/27/2011		5
5-36-103 (b)(2)(F)	C	Theft of Oil & Gas Equipment - Value $>$ \$1,000 $\leq$ \$5,000	7/24/2019		5
5-36-103	C	Theft of Property Under a State of Emergency - Value $\geq$ \$100 but $<$ \$500	7/31/2009	7/26/2011	3
5-36-103	D	Theft of Property		7/26/2011	2
5-36-103 (b)(3)(A)	D	Theft of Property - Value $>$ \$1,000 but $\leq$ \$5,000	7/27/2011		2
5-36-103 (b)(3)(B)	D	Theft of Property - Firearm - Value $<$ \$2,500	7/27/2011		3
5-36-103 (b)(3)(C)	D	Theft of Property - Credit/Debit Card or Account Number	7/27/2011		3
5-36-103 (b)(3)(D)	D	Theft of Property - Under State of Emergency - Value $\geq$ \$100 $<$ \$500	7/27/2011		4
5-36-103 (b)(3)(E)	D	Theft of Property - Livestock - Value $>$ \$200	7/27/2011		3

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5-36-103 (b)(3)(F)	D	Theft of Property - Power Line, Gas Line, Water Line, Wire or Fiber Insulator, etc.	7/27/2011		3
5-36-103 (b)(3)(G)	D	Theft of Property - Decorative or Memorial Item (Second or Subq. Offense)	7/24/2019		3
5-36-103 (b)(3)(H)	D	Theft of Property - Oil & Gas Equipment - Value ≤ \$1,000	7/24/2019		4
5-36-103 (b)(3)(I)	D	Theft of Property - Postal Package	3/15/2021		3
5-36-103 (b)(3)(J)	D	Theft of property - sub. conviction	1/1/2024		4
5-36-103	D	Theft of Property - During a Period of Emergency	8/13/2001	7/26/2011	3
5-36-103	D	Theft of Property - During a Criminal Episode	8/13/2001	7/26/2011	2
5-36-104	B	Theft of Services		7/26/2011	5
5-36-104 (c)(1)(A)	B	Theft of Services - Value ≥ \$25,000	7/27/2011		6
5-36-104 (c)(1)(B)	B	Theft of Services - Obtained by Threat of Serious Physical Injury or Destruction of Occupiable Structure	7/27/2011		6
5-36-104(c)(1)(C)	B	Theft of Services - Obtained by Threat of Fiduciary	7/27/2011		6
5-36-104 (c)(1)(D)	B	Theft of Services - Utility Service Resulting in Contamination or Release of Hazardous Material into the Environment	7/27/2011		6
5-36-104	C	Theft of Services		7/26/2011	3
5-36-104 (c)(2)(A)	C	Theft of Services - Value > \$5,000 < \$25,000	7/27/2011		4
5-36-104 (c)(2)(B)	C	Theft of Services - Obtained by Threat	7/27/2011		5
5-36-104 (c)(3)	D	Theft of Services - Value > \$1,000 < \$5,000	7/27/2011		2
5-36-105	D	Theft of Property - Lost/Mislaid/Delivered by Mistake - Value ≥ \$1,000			2
5-36-106	B	Theft by Receiving		7/26/2011	5
5-36-106 (e)(1)	B	Theft by Receiving - Value ≥ \$25,000	7/27/2011		6
5-36-106	C	Theft by Receiving		7/26/2011	3
5-36-106 (e)(2)(A)	C	Theft by Receiving - Value > \$5,000 < \$25,000	7/27/2011		4
5-36-106 (e)(2)(B)	C	Theft by Receiving - Firearm - Value ≥ \$2,500 or more	8/16/2013		4
5-36-106 (e)(3)(A)	D	Theft by Receiving - Value > \$1,000 ≤ \$5,000	7/27/2011		2
5-36-106 (e)(3)(B)	D	Theft by Receiving - Credit/Debit Card or Account Number or Firearm - Value < \$2,500	7/27/2011		3
5-36-109 (b)(1)(A) & (b)(2)	C	Operating a Chop Shop - own, operate, conduct	8/1/2023		4
5-36-109 (b)(1)(B) & (b)(2)	C	Operating a Chop Shop - transport to or from chop shop	8/1/2023		4
5-36-109 (b)(1)(C) & (b)(2)	C	Operating a Chop Shop - sell, transfer, etc.	8/1/2023		4
5-36-109 (b)(1)(D) & (b)(2)	C	Operating a Chop Shop - modify or remove VIN	8/1/2023		4
5-36-109 (c)(1) & (c)(2)	D	Dealing in stolen or forged parts	8/1/2023		2
5-36-115	B	Theft of Leased/Rented Property		7/26/2011	4
5-36-115	B	Theft of Leased/Rented Property - Value ≥ \$25,000	7/27/2011	7/21/2015	6
5-36-115 (g)(1)(A)	B	Theft of Leased/Rented Property - Value ≥ \$25,000	7/22/2015		6
5-36-115 (g)(1)(B)	B	Theft of Leased/Rented Property - Obtained by Threat of Serious Physical Injury or Destruction of Occupiable Structure	7/22/2015		6
5-36-115 (g)(1)(C)	B	Theft of Leased/Rented Property - Obtained by Threat of Fiduciary	7/22/2015		6
5-36-115	C	Theft of Leased/Rented Property		7/26/2011	3
5-36-115	C	Theft of Leased/Rented Property - Value > \$5,000 < \$25,000	7/27/2011	7/21/2015	4
5-36-115 (g)(2)(A)	C	Theft of Leased/Rented Property - Value > \$5,000 < \$25,000	7/22/2015		4
5-36-115 (g)(2)(B)	C	Theft of Leased/Rented Property - Obtained by Threat	7/22/2015		5
5-36-115 (g)(2)(C)	C	Theft of Leased/Rented Property - Firearm - Value ≥ \$2,500	7/22/2015		4
5-36-115 (g)(2)(D)	C	Theft of Leased/Rented Property - Under a State of Emergency - Value ≥ \$500	7/22/2015		4
5-36-115	D	Theft of Leased/Rented Property		7/26/2011	2
5-36-115	D	Theft of Leased/Rented Property - Value > \$1,000 ≤ \$5,000	7/27/2011	7/21/2015	2
5-36-115 (g)(3)(A)	D	Theft of Leased/Rented Property - Value > \$1,000 ≤ \$5,000	7/22/2015		2
5-36-115 (g)(3)(B)	D	Theft of Leased/Rented Property - Firearm - Value < \$2,500	7/22/2015		2
5-36-115(g)(3)(C)	D	Theft of Leased/Rented Property - Under a State of Emergency - Value ≥ \$100 < \$500	7/22/2015		2
5-36-115 (g)(3)(D)	D	Theft of Leased/Rented Property - Livestock - Value > \$200	7/22/2015		2
5-36-123 (g)(3)(E)	D	Theft of Leased/Rented Property - Power Line, Gas Line, Water Line, Wire of Fiber Insulator, etc.	7/22/2015		2
5-36-123	B	Theft of Scrap Metal > \$2,500	7/31/2007	7/26/2011	5
5-36-123	B	Theft of Scrap Metal ≥ \$25,000	7/27/2011	7/21/2015	6
5-36-123 (c)(1)(A)	B	Theft of Scrap Metal - Value ≥ \$25,000	7/22/2015		6

Statute #	Class	Name of Crime	Start	End	Ranking
5-36-123 (c)(1)(B)	B	Theft of Scrap Metal - Obtained by Threat of Serious Harm or Destruction of Occupiable Structure	7/22/2015		6
5-36-123 (c)(1)(C)	B	Theft of Scrap Metal - Obtained by Threat of Fiduciary	7/22/2015		6
5-36-123 (c)(1)(D)	B	Theft of Scrap Metal - Utility Property - Value $\geq$ \$500	7/22/2015		6
5-36-123	C	Theft of Scrap Metal - Value $>$ \$500 $<$ \$2,500	7/31/2007	7/26/2011	3
5-36-123	C	Theft of Scrap Metal - Value $\geq$ \$5,000 $<$ \$25,000	7/27/2011	7/21/2015	4
5-36-123 (c)(2)(A)	C	Theft of Scrap Metal - Value $>$ \$5,000 $<$ \$25,000	7/22/2015		4
5-36-123 (c)(2)(B)	C	Theft of Scrap Metal - Obtained by Threat	7/22/2015		5
5-36-123 (c)(2)(C)	C	Theft of Scrap Metal - Building Materials - Value $\geq$ \$500	7/22/2015		4
5-36-123 (c)(2)(D)	C	Theft of Scrap Metal - Under a State of Emergency - Value $\geq$ \$500	7/22/2015		4
5-36-123	D	Theft of Scrap Metal - Value $<$ \$500	7/31/2007	7/26/2011	2
5-36-123	D	Theft of Scrap Metal - Value $>$ \$1,000 $\leq$ \$5,000	7/27/2011	7/21/2015	2
5-36-123 (c)(3)(A)	D	Theft of Scrap Metal - Value $>$ \$1,000 $\leq$ \$5,000	7/22/2015		2
5-36-123 (c)(3)(B)	D	Theft of Scrap Metal - Under a State of Emergency - Value $\geq$ \$100 $<$ \$500	7/22/2015		2
5-36-123 (c)(3)(C)	D	Theft of Scrap Metal - Farm shop, On-farm grain drying and storage complex, Heating and cooling system, Environmental control system, etc.	7/22/2015		2
5-36-124 (b) & (c)(1)(A)	D	Theft by Receiving of Scrap Metal	7/27/2011	8/15/2013	2
5-36-124 (b) & (c)(2)	D	Theft by Receiving of Scrap Metal - Second or Subq. Offense	7/27/2011	8/15/2013	2
5-36-124 (b) & (c)(2)	D	Theft by Receiving of Scrap Metal - Value $>$ \$1,000 or Subq. Offense	8/16/2013		2
5-36-125 (a) & (b)(2)	D	Unlawful Transfer of Stolen Property to a Pawn Shop or Pawnbroker	8/16/2013		3
5-36-126 (b) & (f)	C	<u>Theft of a catalytic converter - theft of property</u>	8/1/2023		3
5-36-126 (c) & (g)(1)(A)	C	<u>Unauthorized possession of a catalytic converter - subsequent conviction</u>	8/1/2023		3
5-36-126 (c) & (g)(1)(B)	C	<u>Unauthorized possession of a catalytic converter - attempt, conspire, solicit to commit related offense</u>	8/1/2023		3
5-36-126 (c) & (g)(2)	D	<u>Unauthorized possession of a catalytic converter</u>	8/1/2023		3
5-36-202 (c)(1)	B	Theft of Public Benefits - Value $\geq$ \$2,500			5
5-36-202 (c)(2)	C	Theft of Public Benefits - Value $>$ \$500 $<$ \$2,500			3
5-36-303	B	Theft of Wireless Service	8/1/1997	7/26/2011	5
5-36-303	C	Theft of Wireless Service	8/1/1997	7/26/2011	3
5-36-303 (b)(2)(A)	D	Theft of Wireless Service - Aggregate Value $>$ \$1,000 $\leq$ \$5,000	7/27/2011		2
5-36-303 (b)(2)(B)	D	Theft of Wireless Service - Comm Threats of Injury by Bombing, Fire, Etc.	7/27/2011		4
5-36-303 (b)(3)(A)	C	Theft of Wireless Service - Aggregate Value $>$ \$5,000 $<$ \$25,000	7/27/2011		4
5-36-303 (b)(3)(B)	C	Theft of Wireless Service - Subq. Offense	7/27/2011		4
5-36-303 (b)(3)(C)	C	Theft of Wireless Service - Previous Conviction of Any Similar Crime in this or Any Other State or Federal Jurisdiction	7/27/2011		4
5-36-303 (b)(4)	B	Theft of Wireless Service - Aggregate Value $\geq$ \$25,000	7/27/2011		6
5-36-303	C	Theft of Wireless Service - Comm Threats or Injury by Bombing, Fire, Etc.	7/16/2003	7/26/2011	4
5-36-304	B	Facilitating Theft of Wireless Services	8/1/1997		5
5-36-304	C	Facilitating Theft of Wireless Services	8/1/1997		3
5-36-401	D	Unlawful Use of Theft Detection Shield Device - Subq. Offense	8/13/2001		2
5-36-402	D	Unlawful Possession of Theft Detection Shield Device - Subq. Offense	8/13/2001		2
5-36-403	D	Unlawful Possession of Theft Detection Device Remover - Subq. Offense	8/13/2001		2
5-36-404	D	Unlawful Removal of Theft Detection Device - Subq. Offense	8/13/2001		2
5-37-201	B	Forgery 1st Degree			5
5-37-201 (a)(2) or (a)(3) & (d)	B	Forgery 1st Degree	8/16/2013		5
5-37-201	C	Forgery 2nd Degree			3
5-37-201 (a)(2) or (a)(3) & (e)	C	Forgery 2nd Degree	8/16/2013		3
5-37-203	D	Defrauding a Secured Creditor 1st Degree			1
5-37-204	D	Fraud in Insolvency			1
5-37-207	C	Fraudulent Use of a Credit Card		7/26/2011	3
5-37-207(b)(1)	B	Fraudulent Use of Credit Card or Debit Card - Value $\geq$ \$25,000 in Six-month Period	7/27/2011		6
5-37-207(b)(2)	C	Fraudulent Use of Credit Card or Debit Card - Value $>$ \$5,000 $<$ \$25,000 in Six-month Period	7/27/2011		4

Statute #	Class	Name of Crime	Start	End	Ranking
5-37-207(b)(3)	D	Fraudulent Use of Credit Card or Debit Card - Value > \$1,000 ≤ \$5,000 in Six-month Period	7/27/2011		2
5-37-208	D	Criminal Impersonation 1st Degree	8/1/1997		2
5-37-208 (b)(1)(A)-(E) & (b)(2)(A)	D	Criminal Impersonation 2nd Degree	8/16/2013		2
5-37-208 (b)(1)(F) & (b)(2)(A)	D	Criminal Impersonation 2nd Degree - Impersonating a Member of the US Armed Forces or National Guard	8/1/2017		2
5-37-209	C	Possession of Forgery Device			3
5-37-210	D	Obtaining Signature by Deception			1
5-37-211	D	Defrauding Judgment Creditors			1
5-37-212	C	Using Slugs - Value > \$100			1
5-37-213	D	Criminal Simulation - Value < \$100			1
5-37-215	D	Fraudulently Filing a Uniform Commercial Code Financial Statement - Subq. Offense	7/31/2009		1
5-37-216 (b) & (c)(1)	B	Defrauding a Prospective Adoptive Parent	7/27/2011		4
5-37-216 (b) & (c)(2)	C	Defrauding a Prospective Adoptive Parent	7/27/2011		3
5-37-217 (a) & (b)(2)(A)	D	Healthcare Fraud - \$10,000 or more	7/1/2013	7/31/2017	2
5-37-217 (a) & (b)(2)(B)	C	Healthcare Fraud - \$25,000 or more	7/1/2013	7/31/2017	3
5-37-217 (a) & (b)(2)(C)	B	Healthcare Fraud - \$50,000 or more	7/1/2013	7/31/2017	5
5-37-217 (a) & (b)(2)(D)	A	Healthcare Fraud - \$1,000,000 or more	7/1/2013	7/31/2017	6
5-37-217 (b) & (c)(2)	C	Healthcare Fraud - Aggregate Amount w/in 1 year ≥ \$2,500, < \$5,000	8/1/2017		3
5-37-217 (b) & (c)(3)	B	Healthcare Fraud - Aggregate Amount w/in 1 year ≥ \$5,000, < \$25,000	8/1/2017		5
5-37-217 (b) & (c)(4)	A	Healthcare Fraud - Aggregate Amount w/in 1 year ≥ \$25,000	8/1/2017		6
5-37-219	C	Unlawful Possession of a Skimmer	8/1/2017		4
5-37-220 (b)(1) & (c)	C	Fertility Treatment Fraud - Misrepresent identity of donor	7/28/2021		3
5-37-220 (b)(2) & (c)	C	Fertility Treatment Fraud - Misrepresent quality of material	7/28/2021		3
5-37-226 (a) & (b)(1)(B)	D	Filing Instruments Affecting Title or Interest in Real Property - Sub. Offense	3/4/2011		2
5-37-226 (a) & (b)(2)	C	Filing Instruments Affecting Title or Interest in Real Property - Official Duties	3/4/2011		2
5-37-227	B	Financial Identity Fraud - Victim is Elderly or Disabled	7/31/2007	7/31/2017	5
5-37-227	C	Financial Identity Fraud	8/12/2005	7/31/2017	4
5-37-227	D	Financial Identity Fraud	7/30/1999	8/11/2005	3
5-37-227	C	Nonfinancial Identity Fraud - Victim is Elderly or Disabled	7/31/2007		4
5-37-227	D	Nonfinancial Identity Fraud	7/31/2007		3
5-37-227 (a)(1) & (e)(1)	C	Financial Identity Fraud - Accessing or Obtaining Records or Submitting them to a Financial Institution	8/1/2017		4
5-37-227 (a)(1) & (e)(2)	B	Financial Identity Fraud - Accessing or Obtaining Records or Submitting them to a Financial Institution - Victim is Elderly or Disabled	8/1/2017		5
5-37-227 (a)(2) & (e)(1)	C	Financial Identity Fraud - Using a Scanning Device or Skimmer	8/1/2017		4
5-37-227 (a)(2) & (e)(2)	B	Financial Identity Fraud - Using a Scanning Device or Skimmer - Victim is Elderly or Disabled	8/1/2017		5
5-37-227 (a)(3) & (e)(1)	C	Financial Identity Fraud - Transferring Financial Information to Another Person	8/1/2017		4
5-37-227 (a)(3) & (e)(2)	B	Financial Identity Fraud - Transferring Financial Information to Another Person - Victim is Elderly or Disabled	8/1/2017		5
5-37-302	B	Hot Check/Personal Services (> \$2,500)		7/26/2011	5
5-37-302	C	Hot Check/Personal Services (> \$200 < \$2,500)		7/26/2011	3
5-37-302 (b)(2)(A)	B	Arkansas Hot Check Law - Value Any One Instrument ≥ \$25,000	7/22/2015		6

Statute #	Class	Name of Crime	Start	End	Ranking
5-37-302 (b)(2)(B)	B	Arkansas Hot Check Law - More than One Instrument w/in 90 Days, each < \$25,000 and Total ≥ \$25,000	7/22/2015		6
5-37-302 (b)(3)(A)	C	Arkansas Hot Check Law - Value Any One Instrument > \$5,000 < \$25,000	7/22/2015		4
5-37-302 (b)(3)(B)	C	Arkansas Hot Check Law - More than One Instrument w/in 90 Days, each ≤ \$5,000 and Total > \$5,000	7/22/2015		4
5-37-302 (b)(4)(A)	D	Arkansas Hot Check Law - Value Any One Instrument > \$1,000 ≤ \$5,000	7/22/2015		2
5-37-302 (b)(4)(B)	D	Arkansas Hot Check Law - More than One Instrument w/in 90 days, each ≤ \$1,000 and Total > \$1,000	7/22/2015		2
5-37-305 (b)(1)(A)	B	Arkansas Hot Check Law Penalties - Value Any One Instrument ≥ \$25,000	7/27/2011	7/21/2015	6
5-37-305 (b)(1)(B)	B	Arkansas Hot Check Law Penalties - Value One or More Instrument w/in 90 Days, each < \$25,000 and Total ≥ \$25,000	7/27/2011	7/21/2015	6
5-37-305 (b)(2)(A)	C	Arkansas Hot Check Law Penalties - Value Any One Instrument > \$5,000 < \$25,000	7/27/2011	7/21/2015	4
5-37-305 (b)(2)(B)	C	Arkansas Hot Check Law Penalties - One or More Instrument w/in 90 Days, each > \$5,000 < \$25,000 and Total > \$5,000 < \$25,000	7/27/2011	8/15/2013	4
5-37-305 (b)(2)(B)	C	Arkansas Hot Check Law Penalties - One or More Instrument w/in 90 Days, each ≤ \$5,000 and Total > \$5,000	8/16/2013	7/21/2015	4
5-37-305 (b)(3)(A)	D	Arkansas Hot Check Law Penalties - Value Any One Instrument > \$1,000 ≤ \$5,000	7/27/2011	7/21/2015	2
5-37-305 (b)(3)(B)	D	Arkansas Hot Check Law Penalties - One or More Instrument w/in 90 days, each > \$1,000 ≤ \$5,000 and Total > \$1,000 ≤ \$5,000	7/27/2011	8/15/2013	2
5-37-305 (b)(3)(B)	D	Arkansas Hot Check Law Penalties - One or More Instrument w/in 90 days, each ≤ \$1,000 and Total > \$1,000	8/16/2013	7/21/2015	2
5-37-402(c)(2)	D	Theft of Communications Devices/Manuf. Sale of De-scrambling Devices	7/22/2015		2
5-37-402(c)(3)	C	Theft of Communications Devices, Two+ Prior Offenses or 50+ Devices	7/22/2015		3
5-37-403	D	Manufacture/Sale of De-scrambling Devices		7/21/2015	2
5-37-502	B	Marking/Altering Brand of Animal (See 5-36-103 for values)			3
5-37-502	C	Marking/Altering Brand of Animal (See 5-36-103 for values)			2
5-37-502	D	Marking/Altering Brand of Animal (See 5-36-103 for values)			1
5-37-503	U	False Registration - Pedigree Animal		8/11/2005	1
5-37-505 (b) & (c)	D	Insurance Fraud by Use of a Procurer	8/16/2013		2
5-37-506 (a)(1) or (2) & (b)	D	Prohibited Activity by a Procurer	8/16/2013		2
5-37-506 (a)(1)(C) & (b)	D	Prohibited Activity by a Procurer - Stating or Implying Insurance, Medical Provider, or AG Connections	7/28/2021		2
5-37-506 (a)(1)(D) & (b)	D	Prohibited Activity by a Procurer - Offering or Giving Something of Value	7/28/2021		2
5-37-506 (a)(1)(E) & (b)	D	Prohibited Activity by a Procurer - Using False Name or Identity	7/28/2021		2
5-37-506 (a)(1)(F) & (b)	D	Prohibited Activity by a Procurer - Providing or Promising a Prescription	7/28/2021		2
5-37-506 (a)(1)(G) & (b)	D	Prohibited Activity by a Procurer - Contacting Unregistered Telephone	7/28/2021		2
5-37-506 (a)(1)(H) & (b)	D	Prohibited Activity by a Procurer - Other Deceptive Statement	7/28/2021		2
5-37-507 (a) & (b)(1)	C	Software & Other Devices & Mechanisms Used to Falsify Electronic Records	8/16/2013		3
5-37-510(e)(2)	D	Unauthorized Copying or Sale of Recordings - Subq. Offense or 100+ sound recordings or 7+ audiovisual recordings)			1
5-37-521 (a)	<u>D</u>	<u>Farm implements - removal or alteration of serial number - conceal or misrepresent identitiv</u>	<u>8/1/2023</u>		<u>2</u>
5-37-521 (b)(1) & (b)(4)	<u>D</u>	<u>Farm implements - removal or alteration of serial number - purpose to defraud</u>	<u>8/1/2023</u>		<u>2</u>
5-37-521 (b)(2) & (b)(4)	<u>D</u>	<u>Farm implements - removal or alteration of serial number - fictitious</u>	<u>8/1/2023</u>		<u>2</u>
5-37-524	D	Fraud in Acquisition of Authorization to Provide Motor Vehicle Transportation of Property			1
5-37-525	D	Defrauding Materialman ≥ \$5,000			1
5-38-202	D	Threatening to Cause a Catastrophe		7/15/2003	2
5-38-202	D	Threatening to Cause a Catastrophe	7/16/2003		2
5-38-202	Y	Causing a Catastrophe		7/15/2003	9
5-38-202	Y	Causing a Catastrophe	7/16/2003		10
5-38-203	C	Criminal Mischief 1st Degree		7/26/2011	3

Statute #	Class	Name of Crime	Start	End	Ranking
5-38-203(b)(2)	D	Criminal Mischief 1st Degree - Damage > \$1,000 ≤ \$5,000	7/27/2011		2
5-38-203(b)(3)	C	Criminal Mischief 1st Degree - Damage > \$5,000 < \$25,000	7/27/2011		4
5-38-203 (b)(4)(A)	B	Criminal Mischief 1st Degree - Damage ≥ \$25,000	7/27/2011	7/27/2021	6
5-38-203 (b)(4)(A)	B	Criminal Mischief 1st Degree - Damage ≥ \$25,000	7/28/2021		6
5-38-203 (b)(4)(B)	B	Criminal Mischief 1st Degree - Critical Infrastructure	7/28/2021		6
5-38-204	D	Criminal Mischief 2nd Degree		7/26/2011	2
5-38-204(b)(2)	D	Criminal Mischief 2nd Degree - Damage ≥ \$5,000	7/27/2011		3
5-38-205	C	Impairing Operation of Vital Public Facility			4
5-38-206	D	Damaging Wires and Other Fixtures of Telephone, Cable, and Electric Power Companies	7/31/2009		3
5-38-207	C	Destroying or Taking Cemetery Marker	7/31/2007		3
5-38-301	Y	Arson (> \$100,000 Damage)		7/31/1997	8
5-38-301	A	Arson (> \$20,000 < \$100,000 Damage)		7/31/1997	7
5-38-301	B	Arson (< \$20,000 Damage)		7/31/1997	5
5-38-301	Y	Arson (≥ \$100,000 Damage)	8/1/1997		8
5-38-301	A	Arson (≥ \$15,000 < \$100,000 Damage)	8/1/1997		7
5-38-301	B	Arson (≥ \$5,000 < \$15,000 Damage)	8/1/1997		5
5-38-301	C	Arson (≥ \$2,500 < \$5,000 Damage)	8/1/1997		4
5-38-301	D	Arson (≥ \$500 < \$2,500 Damage)	8/1/1997		3
5-38-301 (a)(1)(G) & (b)(4)(B)	B	Arson - Real Property (Damage > \$5,000)	8/1/2017		5
5-38-302	D	Reckless Burning			2
5-38-311	C	Unlawful Burning - Miscellaneous Felonies	8/12/2005		2
5-38-311	U	Unlawful Burning - Miscellaneous Felonies		8/11/2005	2
5-39-201 (a)	B	Burglary - Residential (Ranking prior to 1/1/2018)		12/31/2017	6
5-39-201 (a)	B	Burglary - Residential (Ranking 1/1/2018 and thereafter through 12/31/2023)	1/1/2018	12/31/2023	7
5-39-201 (a)	B	Burglary - Residential (Ranking 1/1/2024 and thereafter)	1/1/2024		8
5-39-201 (b)	C	Burglary - Commercial			5
5-39-202	D	Breaking or Entering			3
5-39-203 (a)(1) or (2) & (b)(1)(A)	D	Criminal Trespass - Vehicle or Premises of Another Person and 2+ Prior Convictions	8/1/2017		2
5-39-203 (a)(3) & (b)(1)(B)	D	Criminal Trespass - Critical Infrastructure	7/28/2021		2
5-39-204	Y	Aggravated Residential Burglary	7/31/2007	12/31/2023	8
5-39-204 (a) & (b)(1)(A)	Y	Aggravated residential burglary - armed with a deadly weapon	1/1/2024		9
5-39-204 (a) & (b)(1)(B)	Y	Aggravated residential burglary - causes or attempts to cause death or serious physical injury	1/1/2024		9
5-39-204 (a) & (b)(2)	A	Aggravated residential burglary - residential structure occupied	1/1/2024		8
5-39-211	D	Mining in a Cemetery	8/12/2005		1
5-39-211	U	Mining in a Cemetery		8/11/2005	1
5-39-305 (a) & (b)(1)(A)	D	Criminal Trespass on Premises Located in Unincorporated Area - 2+ Prior Convictions	8/1/2017		2
5-39-305 (a) & (b)(1)(B)	D	Criminal Trespass on Premises Located in Unincorporated Area - Critical Infrastructure	7/28/2021		2
5-39-401	D	Destroying or Taking Cemetery Marker	8/1/1997	7/30/2007	2
5-41-103	D	Computer Fraud			1
5-41-104	D	Computer Trespass ≥ \$2,500 Damage			1
5-41-202	C	Unlawful Acts Regarding Computers - Damage > \$500 or to Obtain Property Illegally or Causing Interruption or Impairment of Public Service			3
5-41-203	C	Unlawful Interference w/ Access to Computers	8/13/2001		3
5-41-204	D	Unlawful Use of Encryption	8/13/2001		3
5-41-205	D	Unlawful Acts Involving Electronic Mail	8/13/2001		3
5-41-206	D	Computer Password Disclosure	8/13/2001		2
5-42-204	C	Criminal Use of Property or Laundering Criminal Proceeds			4
5-51-201	A	Treason			6
5-51-202	C	Advocating Assassination or Overthrow of Government	8/12/2005		4
5-51-202	U	Advocating Assassination or Overthrow of Government		8/11/2005	4
5-51-203	D	Usurping Office	8/12/2005		4
5-51-204	B	Usurping, Overturning, or Seizing Government			4
5-51-303	D	Intentional Injury to or Interference w/ Government Property	8/12/2005		2

Statute #	Class	Name of Crime	Start	End	Ranking
5-51-303	U	Intentional Injury to or Interference w/ Government Property		8/11/2005	2
5-51-304	D	Intentional Defective Workmanship	8/12/2005		2
5-51-304	U	Intentional Defective Workmanship		8/11/2005	2
5-51-403	U	Communist Party Organization		3/27/2003	1
5-51-404	D	Failure to Register Communist Party Member/Organization - Overthrow Govt		3/27/2003	1
5-52-101	D	Abuse of Public Trust	8/12/2005	7/21/2015	3
5-52-101 (a) & (c)(1)	B	Abuse of Public Trust - Value of Benefit $\geq$ \$25,000 (Includes those not yet occupying office - Offense date - 8/1/2017 and thereafter)	7/22/2015		5
5-52-101 (a) & (c)(2)	C	Abuse of Public Trust - Value of Benefit $\geq$ \$5,000 < \$25,000 (Includes those not yet occupying office - Offense date - 8/1/2017 and thereafter)	7/22/2015		4
5-52-101 (a) & (c)(3)	D	Abuse of Public Trust - Value of Benefit $\geq$ \$500 < \$5,000 (Includes those not yet occupying office - Offense date - 8/1/2017 and thereafter)	7/22/2015		3
5-52-103	D	Public Servant Bribery		8/11/2005	3
5-52-107 (a) & (b)(1)	B	Abuse of Office - Occupying or Not Yet Occupying Office - Value of Benefit $\geq$ \$25,000	8/1/2017		5
5-52-107(a) & (b)(2)	C	Abuse of Office - Occupying or Not Yet Occupying Office - Value of Benefit $\geq$ \$5,000 < \$25,000	8/1/2017		4
5-52-107(a) & (b)(3)	D	Abuse of Office - Occupying or Not Yet Occupying Office- Value of Benefit $\geq$ \$500 < \$5,000	8/1/2017		3
5-53-102 (a)(1) & (c)	C	Perjury - False Material Statement Under Oath			4
5-53-102 (a)(2) & (c)	C	Perjury - Absentee Ballot	7/22/2015		4
5-53-102 (a)(3) & (c)	C	Perjury - Knowingly Making a False Unsworn Declaration under the Uniform Unsworn Foreign Declarations Act	8/1/2017		4
5-53-108	C	Witness Bribery		7/23/2019	4
5-53-108	B	Witness Bribery	7/24/2019		5
5-53-109	C	Intimidating a Witness		7/23/2019	4
5-53-109	B	Intimidating a Witness	7/24/2019		5
5-53-110 (b)(1)	D	Tampering	7/24/2019		4
5-53-111 (a) & (b)(1)	D	Tampering with Physical Evidence - Impairs or Obstructs Prosecution or Defense of a Felony			4
5-53-112	D	Retaliation Against Certain Informants	8/1/1997		4
5-53-112	C	Retaliation Against Certain Informants	7/24/2019		5
5-53-113	C	Juror Bribery			4
5-53-114	C	Intimidating a Juror, a Witness, or an Informant		7/23/2019	4
5-53-114	B	Intimidating a Juror, a Witness, or an Informant	7/24/2019		6
5-53-115	D	Jury Tampering		7/23/2019	4
5-53-115	C	Jury Tampering	7/24/2019		5
5-53-131 (b)	C	Frivolous, Groundless, or Malicious Prosecution - Seeking to Subject a Person to Delayed Release	7/28/2021		2
5-53-133	D	Approaching Jury Commissioner to Influence Juror Selections		7/31/2017	2
5-53-134 (a)(1) or (a)(2) & (b)(2)	D	Violation of an Order of Protection (w/in 5 yrs of previous violation)	3/10/2009		3
5-53-134 (a)(3) & (b)(2)	D	Violation of a Military Order of Protection (w/in 5 yrs of previous violation)	8/1/2017		3
5-53-202	B	Threatening a Judicial Official or Juror	7/16/2003		5
5-53-202	C	Threatening a Judicial Official or Juror	7/16/2003		4
5-54-104	C	Interfering w/ Law Enforcement Officer or Code Enforcement Officer	7/31/2009		4
5-54-105	B	Hindering Apprehension or Prosecution			5
5-54-105	C	Hindering Apprehension or Prosecution			4
5-54-105	D	Hindering Apprehension or Prosecution			3
5-54-106	D	Aiding Consummation of Offense			2
5-54-107	B	Compounding			5
5-54-107	C	Compounding			3
5-54-107	D	Compounding			2
5-54-110	A	Escape 1st Degree - Person in custody of DOC, DCC, or law enfor. agency	7/31/2009		7
5-54-110	C	Escape 1st Degree			4
5-54-111	B	Escape 2nd Degree - Person in custody of DOC, DCC, or law enfor. agency	7/31/2009		6
5-54-111	D	Escape 2nd Degree			2
5-54-112	C	Escape 3rd Degree - Person in custody of DOC, DCC, or law enforcement agency	7/31/2009		4



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5-54-113	C	Permitting Escape 1st Degree			4
5-54-116	C	Aiding Unauthorized Departure			3
5-54-117	B	Assisting in or Furnishing Deadly Weapon for Escape	7/31/2009		6
5-54-117	C	Furnishing Implement for Escape		7/30/2009	4
5-54-117	C	Assisting in or Furnishing Implement for Escape	7/31/2009		4
5-54-117	D	Furnishing Implement for Escape		7/30/2009	3
5-54-118	C	Furnishing Implement for Unauthorized Departure - Implement is a Deadly Weapon			3
5-54-119 (b)(1)(A)	B	Furnishing, Possessing, or Using Prohibited Articles - Article Would Facilitate an Escape, Continuing Criminal Enterprise, or Violence w/in the Facility			5
5-54-119 (b)(1)(B)	C	Furnishing, Possessing, or Using Prohibited Articles			4
5-54-119 (c)	B	Furnishing, Possessing, or Using Prohibited Articles	7/31/2009	8/15/2013	5
5-54-119 (c)(1) (A) or (B) & (c)(2)	B	Possessing Prohibited Articles by an Inmate or Person in Custody of a Correctional Facility - Cellular Device	8/16/2013		5
5-54-119 (c)(1)(C) & (c)(2)	B	Possessing a Prohibited Article by an Inmate or Person in Custody of a Correctional Facility - Controlled Substance	7/24/2019		5
5-54-119 (d)	A	Using Prohibited Articles	7/31/2009	8/15/2013	7
5-54-119 (d)	A	Using Prohibited Articles - Inmate Uses to Facilitate Escape, Continuing Criminal Enterprise, or a Violent Felony	8/16/2013		7
5-54-119 (e ) (1) & (e)(2)(A)	A	Delivering a Prohibited Article by an Inmate of a Correctional Facility - Controlled Substance - Death or Serious Bodily Injury Results	7/24/2019		6
5-54-119 (e ) (1) & (e)(2)(B)	B	Delivering a Prohibited Article by an Inmate of a Correctional Facility - Controlled Substance	7/24/2019		5
5-54-120	C	Failure to Appear (ranking prior to 1/1/2018)			5
5-54-120	C	Failure to Appear (ranking 1/1/2018 and thereafter)			4
5-54-120 (d)(2)	D	Failure to Appear Regarding an Order to Appear Issued Before Revocation Hearing	8/16/2013		4
5-54-121	B	Tampering with Court Records	7/30/1999		6
5-54-121	C	Tampering with Court Records	7/30/1999		4
5-54-121	D	Tampering with Public Record			2
5-54-122	D	Filing False Report of Crime			2
5-54-122 (c)(1)(F)	D	Filing False Report of Crimes - Alleges Aggravating Circumstance for Delayed Release	7/28/2021		2
5-54-125 (d)(3)	C	Fleeing - Vehicle or Conveyance, with Serious Injury		7/27/2021	5
5-54-125 (d)(2)	D	Fleeing - Vehicle or Conveyance, with Substantial Danger of Causing Death or Serious Injury	7/28/1995	7/27/2021	3
5-54-125 (d)(2)	C	Fleeing in a Vehicle or Conveyance with Substantial Danger of Causing Death or Serious Physical Injury	7/28/2021	<u>7/31/2023</u>	4
5-54-125 (d)(2)	D	Fleeing by means of any vehicle or conveyance	8/1/2023		3
5-54-125 (d)(3)	B	Fleeing in a Vehicle or Conveyance with Serious Physical Injury	7/28/2021	<u>7/31/2023</u>	6
5-54-125 (d)(3)	C	Fleeing in a Vehicle or Conveyance with Substantial Danger of Causing Death or Serious Physical Injury	<u>8/1/2023</u>		4
5-54-125 (d)(4)	B	Fleeing in a Vehicle or Conveyance with Serious Physical Injury	<u>8/1/2023</u>		6
5-54-125 (c)	D	Fleeing - On foot and with Serious Injury			3
5-54-125	D	Fleeing		7/28/1995	2
5-54-126	D	Killing Animal Used by Law Enforcement Agency		7/30/2009	2
5-54-126	D	Killing, Injuring, or Attempting to Injure an Animal Used by Law Enforcement Agency	7/31/2009		3
5-54-127	B	Officer Failing to Execute Process		8/11/2005	4
5-54-127	C	Officer Failing to Execute Process		8/11/2005	3
5-54-127	D	Officer Failing to Execute Process		8/11/2005	2
5-54-131	D	Absconding			2
5-54-131 (a)(3)	D	Absconding - Person Released Pending Bed Space at ADC or ACC	7/24/2019		2
5-54-134	C	Disarming an officer	8/1/2023		4
5-54-202	Y	Soliciting Material Support for Terrorism	7/16/2003		8
5-54-202	Y	Providing Material Support for a Terrorist Act	7/16/2003		9
5-54-203	A	Making a Terrorist Threat	7/16/2003		7
5-54-204	B	Falsely Communicating a Terrorist Threat	7/16/2003		5
5-54-205	Y	Terrorism	7/16/2003		10
5-54-207	B	Hindering Prosecution of Terrorism	7/16/2003		7
5-54-207	D	Hindering Prosecution of Terrorism	7/16/2003		4
5-54-208	Y	Exposing Public to Toxic Biological, Chemical, or Radioactive Substances	7/16/2003		10

Statute #	Class	Name of Crime	Start	End	Ranking
5-54-209	C	Use of a Hoax Substance or Bomb	7/28/2021		4
5-54-209	D	Use of a Hoax Substance	7/16/2003	7/27/2021	3
5-55-103	B	Violation of Medicaid Fraud Act - Payments Claimed $\geq$ \$2,500 (in aggregate)		7/31/2017	4
5- 55-103	C	Violation of Medicaid Fraud Act - Payments Claimed $\geq$ \$200 < \$2,500		7/31/2017	3
5-55-103	C	Illegal Medicaid Participation - Third and Subq. Offense	7/16/2003	7/31/2017	3
5-55-103	D	Illegal Medicaid Participation - Second Offense	7/16/2003	7/31/2017	2
5-55-103 (b)(1)	C	Violation of Medicaid Fraud Act - Payments Claimed $\geq$ \$2,500 < \$5,000	8/1/2017		3
5-55-103 (b)(2)	B	Violation of Medicaid Fraud Act - Payments Claimed $\geq$ \$5,000 < \$25,000	8/1/2017		4
5-55-103 (b)(3)	A	Violation of Medicaid Fraud Act - Payments Claimed $\geq$ \$25,000	8/1/2017		5
5-55-104	D	Non-Maintenance of Medicaid Records			2
5-55-104 (g)	B	Non-Maintenance of Medicaid Records - Destroy or Alter Record to Conceal False Claim	8/1/2017		5
5-55-201	D	Traffic in Illegal Food Coupons or Vouchers	8/12/2005		2
5-55-203	D	Illegal Presentation of Food Coupons or Vouchers for Payment - Value $\geq$ \$100	8/12/2005		2
5-55-301	D	Knowingly Making a Material False Statement or Representation to SSA Disability Determination			3
5-55-501 (b) & (c)	D	Lottery Fraud	3/8/2011		2
5-55-601 (c)	D	Petition Fraud	3/8/2019		2
5-55-602	D	Criminal Impersonation in an Election	7/22/2015		2
5-56-101	D	Traffic in Illegal Food Coupons		8/11/2005	2
5-56-102	D	Illegal Use, etc. of Food Coupons		8/11/2005	1
5-56-103	D	Illegal Use of Food Coupons		8/11/2005	1
5-60-101	D	Abuse of Corpse		7/26/2011	1
5-60-101	C	Abuse of Corpse	7/27/2011		3
5-60-111	D	Communicating False Alarm by Radio		8/11/2005	1
5-60-123 (c)	D	Obstruction or Interference with Emergency Med Personnel or First Responder	8/1/2017		3
5-61-101	D	Willfully Inducing Abortion w/o Medical License		7/31/2017	2
5-61-101	D	Knowingly Inducing Abortion w/o Medical License	8/1/2017		2
5-61-102	D	Unlawful Abortion	8/12/2005		2
5-61-102	U	Unlawful Abortion		8/11/2005	2
5-61-203	D	Performing Partial Birth Abortion		9/19/2009	2
5-61-304	U	Performing abortion in violation of the Arkansas Human Life Protection Act (See Act 180 of 2019 for Effective Date)			3
5-61-404	U	Violation of the Arkansas Unborn Child Protection Act	7/28/2021		2
5-62-103	D	Cruelty to Animals - Fourth or Subq. Offense w/in 5 years	7/31/2009		2
5-62-104	C	Aggravated Cruelty to a Dog, Cat or Horse - Second or Subq. Offense w/in 5 years	7/31/2009	7/31/2017	4
5-62-104	D	Aggravated Cruelty to a Dog, Cat or Horse - First Offense	7/31/2009	7/31/2017	3
5-62-104 (a) & (c)	C	Aggravated Cruelty to a Dog, Cat or Equine - Second or Subq. Offense	8/1/2017		4
5-62-104 (a) & (b)	D	Aggravated Cruelty to a Dog, Cat or Equine - First Offense	8/1/2017		3
5-62-120	D	Unlawful Animal Fighting 1st Degree	7/31/2009		2
5-62-120	D	Dogfighting - First Offense		7/30/2009	1
5-62-124	D	Bear Exploitation			2
5-63-204 (a) & (b)	D	Automated Telephone Solicitation	7/24/2019		2
5-63-205 (a) & (g)	D	Misleading Caller Identification Information - Intent to Defraud	7/24/2019		2
5-63-205 (b) & (g)	D	Misleading Caller Identification Information	7/24/2019		2
5-63-205 (c) & (g)	D	Misleading Caller Identification Information - By a Telecommunications Service	7/24/2019		2
5-63-205 (d) & (g)	D	Misleading Caller Identification Information - Fictitious Name or Number	7/24/2019		2
5-64-401	B	Possession/Etc. Counterfeit Substance w/ Intent Schedule I - II		7/26/2011	6
5-64-401	C	Possession Control/Counterfeit Substance w/o Prescription - Third Offense		7/26/2011	3
5-64-401	D	Possession Control/Counterfeit Substance w/o Prescription Second Offense		7/26/2011	2
5-64-401.1	B	Manufacture, Etc. Controlled Substance Schedule I/II/III < 28 g		7/26/2011	4
5-64-401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V < 200 g		7/26/2011	3
5-64-401.1	Y	Manufacture/Delivery/Possession Control Substance Schedule I/II < 28 g		7/26/2011	7
5-64-401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III > 28 g < 400 g		7/26/2011	5
5-64-401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V > 200 g < 400 g		7/26/2011	4
5-64-401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 28 g < 200 g		7/26/2011	7
5-64-401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III > 200 g < 400 g		7/26/2011	5
5-64-401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V > 400 g		7/26/2011	4
5-64-401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 200 g < 400 g		7/26/2011	8
5-64-401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III > 400 g		7/26/2011	6
5-64-401.4	C	Possession of Controlled Substance - Schedule I/II		7/26/2011	4

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5-64-401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 400 g		7/26/2011	8
5-64-401.5	B	Manufacture/Delivery/Possession Marijuana > 10 lbs < 100 lbs		7/26/2011	5
5-64-401.5	C	Manufacture/Delivery/Possession Marijuana > 10 lbs < 100 lbs		7/28/1995	4
5-64-401.6	Y	Manufacture/Delivery/Possession Marijuana ≥ 500 lbs		7/26/2011	7
5-64-401.6	A	Manufacture/Delivery/Possession Marijuana > 100 lbs < 500 lbs		7/30/2007	6
5-64-401.6	C	Manufacture/Delivery/Possession Marijuana > 100 lbs		10/10/1994	4
5-64-401.7	C	Manufacture/Delivery/Possession Marijuana < 10 lbs		7/26/2011	3
5-64-401.8	D	Possession/Etc. Counterfeit Substance w/ Intent Unclassified Schedule		7/26/2011	2
5-64-401.9	C	Possession/Etc. Counterfeit Substance w/ Intent Schedule I-V		7/26/2011	3
5-64-402	B	Offenses Relating to Records - Drug Free Zone		7/26/2011	7
5-64-402 (a) & (b)(1)	C	Offenses Relating to Records - Maintaining Premises, Refuse Entry	7/27/2011		5
5-64-402 (a) & (b)(2)	B	Offenses Relating to Records - Maintaining Premises, etc. - Drug Free Zone	7/27/2011		7
5-64-402	D	Offenses Relating to Records - Drugs		7/26/2011	2
5-64-403	B	Delivery Drug Paraphernalia to Anyone < 18		7/26/2011	5
5-64-403	B	Paraphernalia to Manufacture Methamphetamine, Use of	4/9/1999	7/26/2011	6
5-64-403	B	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule I or II	8/12/2005	7/26/2011	5
5-64-403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule I/ II/III	8/12/2005	7/26/2011	4
5-64-403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule IV	8/12/2005	7/26/2011	4
5-64-403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule V	8/12/2005	7/26/2011	4
5-64-403	C	Advertise to Promote Sale of Counterfeit Substances or Objects to Use as Drug Paraphernalia	8/12/2005	7/26/2011	4
5-64-403	C	Delivery/Possession/Manufacture, Etc. Drugs		7/26/2011	3
5-64-403	D	Non-Controlled Substance Rep. as Classified Controlled Substance		7/26/2011	2
5-64-403 (a)(1) - (a)(4) & (b)(1)	D	Controlled Substances - Fraudulent Practices	7/27/2011		3
5-64-403 (a)(1) - (a)(4) & (c)	D	Controlled Substances - Fraudulent Practices - Second or Subq. Attempt to Violate	8/16/2013		3
5-64-403 (a)(5)(A) & (b)(2)(A)	C	Controlled Substances - Fraudulent Practices	7/27/2011		4
5-64-403 (a)(5)(A) & (b)(2)(B)	D	Controlled Substances - Fraudulent Practices	7/27/2011		4
5-64-404	C	Communication Device, Illegal Use of	8/12/2005		3
5-64-405	Y	Continuing Criminal Enterprise	8/12/2005		9
5-64-414	Y	Continuing Criminal Enterprise		8/11/2005	9
5-64-415	D	Drug Precursors - Unlawful Acts - Licenses - Penalties			3
5-64-417	C	Communication Facility, Illegal Use of		8/11/2005	3
5-64-419 (b)(1)(A)	D	Possession of Controlled Substance - Schedule I or II Methamphetamine or Cocaine < 2 g	7/27/2011	7/27/2021	3
5-64-419 (b)(1)(A)	D	Possession of Controlled Substance - Schedule I or II Methamphetamine, Cocaine, or Heroin < 2 g	7/28/2021		3
5-64-419 (b)(1)(B)	C	Possession of Controlled Substance - Schedule I or II Methamphetamine or Cocaine ≥ 2 g < 10 g	7/27/2011	7/27/2021	4
5-64-419 (b)(1)(B)	C	Possession of Controlled Substance - Schedule I or II Methamphetamine, Cocaine, or Heroin ≥ 2 g < 10 g	7/28/2021		4
5-64-419 (b)(1)(C)	B	Possession of Controlled Substance - Schedule I or II Methamphetamine or Cocaine ≥ 10 g < 200 g	7/27/2011	7/27/2021	5
5-64-419 (b)(1)(C)	B	Possession of Controlled Substance - Schedule I or II Methamphetamine, Cocaine, or Heroin ≥ 10 g < 200 g	7/28/2021		5
5-64-419 (b)(2)(A)	D	Possession of Controlled Substance - Schedule I or II not Methamphetamine or Cocaine < 2 g	7/27/2011	7/27/2021	3
5-64-419 (b)(2)(A)	D	Possession of Controlled Substance - Schedule I or II not Methamphetamine, Cocaine, Heroin, or Fentanyl < 2 g	7/28/2021		3
5-64-419 (b)(2)(B)	C	Possession of Controlled Substance - Schedule I or II not Methamphetamine or Cocaine ≥ 2 g < 28 g	7/27/2011	7/27/2021	4
5-64-419 (b)(2)(B)	C	Possession of Controlled Substance - Schedule I or II not Methamphetamine, Cocaine, Heroin, or Fentanyl ≥ 2 g < 28 g	7/28/2021		4
5-64-419 (b)(2)(C)	B	Possession of Controlled Substance - Schedule I or II not Methamphetamine or Cocaine ≥ 28 g < 200 g	7/27/2011	7/26/2011	5

Statute #	Class	Name of Crime	Start	End	Ranking
5-64-419 (b)(2)(C)	B	Possession of Controlled Substance - Schedule I or II not Methamphetamine, Cocaine, Heroin, or Fentanyl $\geq 28$ g < 200 g	7/28/2021		5
5-64-419 (b)(3)(A)(ii)	D	Possession of Controlled Substance - Schedule III < 2 g and Four or More Prior Convictions	8/16/2013		3
5-64-419 (b)(3)(B)	D	Possession of Controlled Substance - Schedule III $\geq 2$ g < 28 g	7/27/2011		3
5-64-419 (b)(3)(C)	C	Possession of Controlled Substance - Schedule III $\geq 28$ g < 200 g	7/27/2011		4
5-64-419 (b)(3)(D)	B	Possession of Controlled Substance - Schedule III $\geq 200$ g < 400 g	7/27/2011		5
5-64-419 (b)(4)(A)(ii)	D	Possession of Controlled Substance - Schedule IV or V < 28g and four or more prior convictions	8/16/2013		3
5-64-419 (b)(4)(B)	D	Possession of Controlled Substance - Schedule IV or V $\geq 28$ g < 200 g	7/27/2011		3
5-64-419 (b)(4)(C)	C	Possession of Controlled Substance - Schedule IV or V $\geq 200$ g < 400 g	7/27/2011		4
5-64-419 (b)(4)(D)	B	Possession of Controlled Substance - Schedule IV or V $\geq 400$ g < 800 g	7/27/2011		5
5-64-419 (b)(5)(ii)	D	Possession of Controlled Substance - Schedule VI $\geq 1$ oz < 4 oz and two previous convictions	7/27/2011	8/15/2013	3
5-64-419 (b)(5)(iii)	D	Possession of Controlled Substance - Schedule VI $\geq 4$ oz < 10 lbs	7/27/2011	8/15/2013	3
5-64-419 (b)(5)(iv)	C	Possession of Controlled Substance - Schedule VI $\geq 10$ lbs < 25 lbs	7/27/2011	8/15/2013	5
5-64-419 (b)(5)(v)	B	Possession of Controlled Substance - Schedule VI $\geq 25$ lbs < 100 lbs	7/27/2011	8/15/2013	6
5-64-419 (b)(5)(vi)	A	Possession of Controlled Substance - Schedule VI $\geq 100$ lbs < 500 lbs	7/27/2011	8/15/2013	7
5-64-419 (b)(5)(B)	D	Possession of Controlled Substance - Schedule VI $\geq 1$ oz < 4 oz and four previous convictions	8/16/2013		3
5-64-419 (b)(5)(C)	D	Possession of Controlled Substance - Schedule VI $\geq 4$ oz < 10 lbs	8/16/2013		3
5-64-419 (b)(5)(D)	C	Possession of Controlled Substance - Schedule VI $\geq 10$ lbs < 25 lbs (Ranking prior to 6/26/2015)	8/16/2013		5
5-64-419 (b)(5)(D)	C	Possession of Controlled Substance - Schedule VI $\geq 10$ lbs < 25 lbs (New Ranking as of 6/26/15)	8/16/2013		3
5-64-419 (b)(5)(E)	B	Possession of Controlled Substance - Schedule VI $\geq 25$ lbs < 100 lbs (Ranking prior to 6/26/2015)	8/16/2013		6
5-64-419 (b)(5)(E)	B	Possession of Controlled Substance - Schedule VI $\geq 25$ lbs < 100 lbs (New Ranking as of 6/26/2015)	8/16/2013		4
5-64-419 (b)(5)(F)	A	Possession of Controlled Substance - Schedule VI $\geq 100$ lbs < 500 lbs	8/16/2013		7
5-64-420 (b)(1)	C	Possession of Methamphetamine or Cocaine w/ Purpose to Deliver < 2 g	7/27/2011	7/27/2021	6
5-64-420 (b)(1)	C	Possession of Methamphetamine, Cocaine, or Heroin w/ Purpose to Deliver < 2 g	7/28/2021		6
5-64-420 (b)(2)	B	Possession of Methamphetamine or Cocaine w/ Purpose to Deliver $\geq 2$ g < 10 g	7/27/2011	7/27/2021	6
5-64-420 (b)(2)	B	Possession of Methamphetamine, Cocaine, or Heroin w/ Purpose to Deliver $\geq 2$ g < 10 g	7/28/2021		6
5-64-420 (b)(3)	A	Possession of Methamphetamine or Cocaine w/ Purpose to Deliver $\geq 10$ g < 200g	7/27/2011	7/27/2021	7
5-64-420 (b)(3)	A	Possession of Methamphetamine, Cocaine, or Heroin w/ Purpose to Deliver $\geq 10$ g < 200g	7/28/2021		7
5-64-421 (a)	C	Possession of Fentanyl	7/28/2021		4
5-64-421 (b)	A	Possession of Fentanyl w/ Purpose to Deliver	7/28/2021		7
5-64-421 (c)	Y	Delivery of Fentanyl	7/28/2021		7
5-64-421 (d)	Y	Manufacture of Fentanyl	7/28/2021		8
5-64-421 (i)(1)(A) & (i)(2)	U	Possession of fentanyl - predatory marketing	4/11/2023		10
5-64-422(b)(1)	C	Delivery of Methamphetamine or Cocaine < 2g	7/27/2011	7/27/2021	6
5-64-422(b)(1)	C	Delivery of Methamphetamine, Cocaine, or Heroin < 2g	7/28/2021		6
5-64-422(b)(2)	B	Delivery of Methamphetamine or Cocaine $\geq 2$ g < 10 g	7/27/2011	7/27/2021	7
5-64-422(b)(2)	B	Delivery of Methamphetamine, Cocaine, or Heroin $\geq 2$ g < 10 g	7/28/2021		7
5-64-422(b)(3)	Y	Delivery of Methamphetamine or Cocaine $\geq 10$ g < 200 g	7/27/2011	7/27/2021	7
5-64-422(b)(3)	Y	Delivery of Methamphetamine, Cocaine, or Heroin $\geq 10$ g < 200 g	7/28/2021		7
5-64-423 (a)(2)(A)	C	Manufacture of Methamphetamine < 2 g	7/27/2011		6
5-64-423	Y	Manufacture of Methamphetamine $\geq 2$ g	7/27/2011		7
5-64-423 (a)(2)(B)(ii)	A	Manufacture of Methamphetamine - Personal Use $\geq 2$ g	7/27/2011		7
5-64-423(a)(3)	Y	Manufacture of Methamphetamine - One or More Prior Convictions in Any Amount	7/27/2011		8
5-64-423 (b)(2)(A)	C	Manufacture of Cocaine < 2 g	7/27/2011		6
5-64-423 (b)(2)(B)	B	Manufacture of Cocaine $\geq 2$ g < 10 g	7/27/2011		7
5-64-423 (b)(2)(C)	Y	Manufacture of Cocaine $\geq 10$ g < 200 g	7/27/2011		7
5-64-423 (c)(2)(A)	C	Manufacture of Heroin < 2 g	7/28/2021		6

Statute #	Class	Name of Crime	Start	End	Ranking
5-64-423 (c)(2)(B)	B	Manufacture of Heroin $\geq 2$ g $< 10$ g	7/28/2021		7
5-64-423 (c)(2)(C)	Y	Manufacture of Heroin $\geq 10$ g $< 200$ g	7/28/2021		7
5-64-424(b)(1)	C	Possession of Schedule I or II Controlled Substance not Methamphetamine/Cocaine w/ Purpose to Deliver $< 2$ g (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		4
5-64-424(b)(2) (A)-(E)	B	Possession of Schedule I or II Controlled Substance not Methamphetamine/Cocaine w/ Purpose to Deliver (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		5
5-64-424(B)(3) (A)-(E)	A	Possession of Schedule I or II Controlled Substance not Methamphetamine/Cocaine w/ Purpose to Deliver (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		6
5-64-426(c)(1)	C	Delivery of Schedule I or II Controlled Substance not Methamphetamine/Cocaine $< 2$ g (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		4
5-64-426(c)(2) (A)-(E)	B	Delivery of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		5
5-64-426(c)(3) (A)-(E)	A	Delivery of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		6
5-64-427(c)(1)	C	Manufacture of Schedule I or II Controlled Substance not Methamphetamine/Cocaine $< 2$ g (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		4
5-64-427(c)(2) (A)-(E)	B	Manufacture of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		5
5-64-427(c)(3) (A)-(E)	A	Manufacture of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)	7/27/2011		6
5-64-428(b)(1) (A)-(C)	C	Possession of Schedule III Controlled Substance w/ Purpose to Deliver	7/27/2011	8/15/2013	4
5-64-428(b)(1) (A)-(C)	C	Possession of Schedule III Controlled Substance w/ Purpose to Deliver	8/16/2013		4
5-64-428(b)(2) (A)-(C)	B	Possession of Schedule III Controlled Substance w/ Purpose to Deliver	7/27/2011		5
5-64-428(b)(3) (A)-(C)	A	Possession of Schedule III Controlled Substance w/ Purpose to Deliver	7/27/2011		6
5-64-430(b)(1)	C	Delivery of Schedule III Controlled Substance $< 28$ g	7/27/2011		4
5-64-430(b)(2)	B	Delivery of Schedule III Controlled Substance $\geq 28$ g $< 200$ g	7/27/2011		5
5-64-430(b)(3)	A	Delivery of Schedule III Controlled Substance $\geq 200$ g $< 400$ g	7/27/2011		6
5-64-431(b)(1)	C	Manufacture of Schedule III Controlled Substance $< 28$ g	7/27/2011		4
5-64-431(b)(2)	B	Manufacture of Schedule III Controlled Substance $\geq 28$ g $< 200$ g	7/27/2011		5
5-64-431(b)(3)	A	Manufacture of Schedule III Controlled Substance $\geq 200$ g	7/27/2011		6
5-64-432(b)(1) (A)-(C)	D	Possession of Schedule IV or V Controlled Substance w/ Purpose to Deliver	7/27/2011	8/15/2013	3
5-64-432(b)(1) (A)-(C)	D	Possession of Schedule IV or V Controlled Substance w/ Purpose to Deliver	8/16/2013		3
5-64-432(b)(2) (A)-(C)	C	Possession of Schedule IV or V Controlled Substance w/ Purpose to Deliver	7/27/2011		4
5-64-432(b)(3) (A)-(C)	B	Possession of Schedule IV or V Controlled Substance w/ Purpose to Deliver	7/27/2011		5
5-64-434(b)(1)	D	Delivery of Schedule IV or V Controlled Substance $< 200$ g	7/27/2011		3
5-64-434(b)(2)	C	Delivery of Schedule IV or V Controlled Substance $\geq 200$ g $< 400$ g	7/27/2011		4
5-64-434(b)(3)	B	Delivery of Schedule IV or V Controlled Substance $\geq 400$ g $< 800$ g	7/27/2011		5
5-64-435(b)(1)	D	Manufacture of Schedule IV or V Controlled Substance $< 200$ g	7/27/2011		3
5-64-435(b)(2)	C	Manufacture of Schedule IV or V Controlled Substance $\geq 200$ g $< 400$ g	7/27/2011		4
5-64-435(b)(3)	B	Manufacture of Schedule IV or V Controlled Substance $\geq 400$ g	7/27/2011		5
5-64-436(b)(2)	D	Possession of Schedule VI Controlled Substance w/ Purpose to Deliver $> 14$ g $< 4$ oz	7/27/2011		3
5-64-436(b)(3)	C	Possession of Schedule VI Controlled Substance w/ Purpose to Deliver $\geq 4$ oz $< 25$ lbs	7/27/2011		4
5-64-436(b)(4)	B	Possession of Schedule VI Controlled Substance w/ Purpose to Deliver $\geq 25$ lbs $< 100$ lbs	7/27/2011		5

Statute #	Class	Name of Crime	Start	End	Ranking
5-64-436(b)(5)	A	Possession of Schedule VI Controlled Substance w/ Purpose to Deliver $\geq 100$ lbs < 500 lbs	7/27/2011		7
5-64-438(b)(1)(B)	D	Delivery of Schedule VI Controlled Substance < 14 g and Four or More Prior Convictions	8/16/2013		3
5-64-438(b)(2)	D	Delivery of Schedule VI Controlled Substance $> 14$ g < 4 oz	7/27/2011		3
5-64-438(b)(3)	C	Delivery of Schedule VI Controlled Substance $\geq 4$ oz < 25 lbs	7/27/2011		4
5-64-438(b)(4)	B	Delivery of Schedule VI Controlled Substance $\geq 25$ lbs < 100 lbs	7/27/2011		5
5-64-438(b)(5)	A	Delivery of Schedule VI Controlled Substance $\geq 100$ lbs < 500 lbs	7/27/2011		7
5-64-439(b)(2)	D	Manufacture of Schedule VI Controlled Substance $> 14$ g < 4 oz	7/27/2011		3
5-64-439(b)(3)	C	Manufacture of Schedule VI Controlled Substance $\geq 4$ oz < 25 lbs	7/27/2011		4
5-64-439(b)(4)	B	Manufacture of Schedule VI Controlled Substance $\geq 25$ lbs < 100 lbs	7/27/2011		5
5-64-439(b)(5)	A	Manufacture of Schedule VI Controlled Substance $\geq 100$ lbs	7/27/2011		7
5-64-440 (b) & (c)	Y	Trafficking a Controlled Substance - Possession Only	7/27/2011	8/15/2013	8
<u>5-64-440 (b) &amp; (c)(2)</u>	<u>U</u>	<u>Trafficking a controlled substance - Fentanyl</u>	<u>4/11/2023</u>		<u>9</u>
5-64-440 (b) & (c)	Y	Trafficking a Controlled Substance	8/16/2013		8
5-64-441(b)(1)	D	Possession of Counterfeit Substance w/o Prescription Schedule I or II	7/27/2011		3
5-64-441(b)(3)	D	Possession of Counterfeit Substance w/o Prescription - Third or Subq. Offense	7/27/2011		3
5-64-442(b)(1)	C	Delivery or Manufacture of Counterfeit Substance - Schedule I or II	7/27/2011	8/15/2013	3
5-64-442(b)(1)	C	Possession w/ the Purpose to Deliver, Delivery, or Manufacture of Counterfeit Substance - Schedule I or II	8/16/2013		3
5-64-442(b)(2)	D	Delivery or Manufacture of Counterfeit Substance - Schedule III	7/27/2011	8/15/2013	3
5-64-442(b)(2)	D	Possession w/ the Purpose to Deliver, Delivery, or Manufacture of Counterfeit Substance - Schedule III	8/16/2013		3
5-64-443 (a)(2)	D	Possession of Drug Paraphernalia- Meth./ Cocaine/ Heroin/ Fentanyl (Subq. Conviction)	7/28/2021		3
5-64-443 (b)(1)	D	Possession of Drug Paraphernalia to Manufacture, Etc.	7/28/2021		3
5-64-443 (b)(2)	B	Possession of Drug Paraphernalia to Manufacture, Etc. - Meth/ Cocaine/ Heroin/Fentanyl	7/28/2021		6
5-64-443(a)(2)	D	Possession of Drug Paraphernalia to Ingest, Inhale, etc.	7/27/2011	7/23/2019	3
5-64-443(a)(2)	D	Possession of Drug Paraphernalia to Ingest, Inhale, etc. - Methamphetamine, Cocaine, Heroin, or Fentanyl	7/24/2019	7/27/2021	3
5-64-443(b)	B	Use or Possession of Paraphernalia to Manufacture, etc. Methamphetamine or Cocaine	7/27/2011	7/31/2017	6
5-64-443(b)	B	Use or Possession of Paraphernalia to Manufacture, etc. (but not store, contain or conceal) Methamphetamine or Cocaine	8/1/2017	7/23/2019	6
5-64-443(b)	B	Use or Possession of Paraphernalia to Manufacture, etc. (but not store, contain or conceal) Methamphetamine, Cocaine, Heroin, or Fentanyl	7/24/2019	7/27/2021	6
5-64-443(c)	D	Use or Possession of Paraphernalia to Manufacture, etc. Controlled Substance not Methamphetamine or Cocaine	7/27/2011	7/31/2017	3
5-64-443(c)	D	Use of Possession of Paraphernalia with Purpose to Store, Contain or Conceal a Controlled Substance - Methamphetamine or Cocaine	8/1/2017	7/23/2019	3
5-64-443(c)	D	Use of Possession of Paraphernalia with Purpose to Store, Contain or Conceal a Controlled Substance - Methamphetamine, Cocaine, Heroin, or Fentanyl	7/24/2019	7/27/2021	3
5-64-443(d)	D	Use or Possession of Paraphernalia to Manufacture, etc. (but not store, contain, or conceal) Controlled Substance not Methamphetamine or Cocaine	8/1/2017	7/23/2019	3
5-64-443(d)	D	Use or Possession of Paraphernalia to Manufacture, etc. (but not store, contain, or conceal) Controlled Substance not Methamphetamine, Cocaine, Heroin, or Fentanyl	7/24/2019	7/27/2021	3
5-64-444(a)	B	Drug Paraphernalia - Delivery to a Minor	7/27/2011		5
5-64-445	C	Advertisement of a Counterfeit Substance or Drug Paraphernalia	7/27/2011		3
5-64-802	C	Conduct Illegal Drug Paraphernalia Business - Third or Subq. Offense			3
5-64-802	D	Conduct Illegal Drug Paraphernalia Business - Second Offense			2
5-64-1101	D	Possession of $> 5$ g Ephedrine or $> 9$ g Pseudoephedrine	8/1/1997		2
5-64-1102 (a)(1) & (a)(2)(A)	D	Possession of Ephedrine, etc. w/ Purpose to Manufacture, Capable of Producing $\leq 10$ g of Methamphetamine	7/27/2011		2
5-64-1102 (a)(1) & (a)(2)(B)	B	Possession of Ephedrine, etc., w/ Purpose to Manufacture, Capable of Producing $> 10$ g of Methamphetamine	7/27/2011		4
5-64-1102 (b)(1) & (b)(2)	B	Possession of Ephedrine, etc., w/ Purpose to Manufacture Capable of Producing $\geq 28$ g of Schedule I or II that is a Narcotic Drug or Methamphetamine w/ Purpose to Manufacture	7/27/2011		5

Statute #	Class	Name of Crime	Start	End	Ranking
5-64-1102 (c)(1) & (c)(2)	D	Possession of Any Product Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine, etc., w/ the Purpose to Manufacture - Unlawful Distribution	7/27/2011		3
5-64-1102	D	Possess w/ Intent to Manufacture	8/1/1997	7/26/2011	2
5-64-1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc. w/ Intent to Manufacture	8/13/2001	7/26/2011	3
5-64-1103	C	Violation of Sales, Purchase, Acquisitions, etc. Limits for Ephedrine - Fourth or Subq. Offense	7/31/2009		4
5-64-1103	D	Violation of Sales, Purchase, Acquisitions, etc. Limits for Ephedrine - Third Offense	7/31/2009		3
5-64-1301	B	Possession of Anhydrous Ammonia in Unlawful Containers	7/30/1999		5
<u>5-65-103</u>	<u>U</u>	<u>DWI, Violation of Omnibus Act - (See penalties at 5-65-111)</u>	<u>7/22/2015</u>		<u>3</u>
5-65-103	U	DWI, Violation of Omnibus Act - Fourth Offense		7/21/2015	3
5-65-111	U	DWI, Violation of Omnibus Act - Fifth Offense	7/6/2003	7/21/2015	4
5-65-111(d)(1)	U	Driving or Boating While Intoxicated - Fourth Offense	7/22/2015		3
5-65-111 (e)(1)	U	Driving or Boating While Intoxicated - Fifth Offense	7/22/2015		4
5-65-111 (f)(1)	B	Driving or Boating While Intoxicated - Sixth Offense	7/22/2015		6
5-65-122	B	DWI, Violation of Omnibus Act - Sixth Offense		7/21/2015	6
5-66-103	D	Keeping a Gambling House	7/31/2007		2
5-66-103	U	Keeping a Gambling House		7/30/2007	1
5-66-115	D	Bribery of a Sports Participant			2
5-66-117	D	Unlawful Wagering on Horse Racing			1
5-66-118	D	Operation of a Lottery - Second or Subq. Offense			1
5-66-119	D	Promotion of a Lottery			1
5-68-203	D	Sale or Attempt to Distribute Obscene Film	8/12/2005		2
5-68-203	U	Sale or Possession of Obscene Film		8/11/2005	2
5-68-303	D	Promoting Obscene Materials			2
5-68-304	D	Promoting Obscene Performance			2
5-68-305	C	Obscene Performance at Live Public Show			2
5-68-307	D	Public Display of Hardcore Sex Conduct			2
5-68-405	D	Sale/Distribution of Obscene Material	8/12/2005		2
5-68-405	U	Sale/Distribution of Obscene Material		8/11/2005	2
5-69-103(a)(1)	D	Pipelines & Pipeline Facilities - Violation of Notifying Operators of Underground Facilities	8/16/2013		2
5-69-103(a)(2)	D	Pipelines & Pipeline Facilities - Violation of an Order, Safety Standard, Rule or Regulation of the Arkansas Public Service Commission	8/16/2013		2
5-69-103(a)(3)	D	Pipelines & Pipeline Facilities - Violation of Records Requirements	8/16/2013		2
5-69-103(a)(4)	D	Pipelines & Pipeline Facilities - Violation of Records Requirements or Failure to Produce Records for Inspection	8/16/2013		2
5-69-103(a)(5)	D	Pipelines & Pipeline Facilities - Violation of Inspection and Maintenance Requirements	8/16/2013		2
5-69-103(a)(6)	D	Pipelines & Pipeline Facilities - Violation of Compliance Requirements	8/16/2013		2
5-69-103(b)	D	Pipelines & Pipeline Facilities - Serious Physical Injury, Property Damage > \$50,000, Failure to Report, or Release > 50 Barrels of Hazardous Liquid	8/16/2013		2
5-69-103(c)	D	Pipelines & Pipeline Facilities - Unauthorized Disposal of Solid Waste w/in the Right of Way of a Pipeline Facility	8/16/2013		2
5-69-103(d)(2)	D	Pipelines & Pipeline Facilities - Knowingly Damage or Destroy Pipeline Facility - Damage > \$1,000 < \$5,000	8/16/2013		3
5-69-103(d)(3)	C	Pipelines & Pipeline Facilities - Knowingly Damage or Destroy Pipeline Facility - Damage > \$5,000 < \$25,000	8/16/2013		4
5-69-103(d)(4)	B	Pipelines & Pipeline Facilities - Knowingly Damage or Destroy Pipeline Facility - Damage > \$25,000	8/16/2013		6
5-69-103(e)(2)	D	Pipelines & Pipeline Facilities - Knowingly Tamper with Sign - Damage > \$1,000 < \$25,000	8/16/2013		3
5-69-103(e)(3)	C	Pipelines & Pipeline Facilities - Knowingly Tamper with Sign - Damage > \$5,000 < \$25,000	8/16/2013		4
5-69-103(e)(4)	B	Pipelines & Pipeline Facilities - Knowingly Tamper with Sign - Damage > \$25,000	8/16/2013		6
5-70-104	D	Promoting Prostitution 1st Degree		<u>12/31/2023</u>	3
<u>5-70-104 (a)(1) &amp; (b)(1)</u>	<u>D</u>	<u>Promoting Prostitution 1st Degree</u>	<u>1/1/2024</u>		<u>3</u>
<u>5-70-104 (a)(2) &amp; (b)(2)</u>	<u>B</u>	<u>Promoting prostitution in the first degree - victim is a minor</u>	<u>1/1/2024</u>		<u>5</u>

Statute #	Class	Name of Crime	Start	End	Ranking
<u>5-70-107 (a)(1) &amp; (d)</u>	<u>B</u>	<u>Sexual solicitation of a minor - offer/agree to pay a minor</u>	<u>8/1/2023</u>		<u>4</u>
<u>5-70-107 (a)(2) &amp; (d)</u>	<u>B</u>	<u>Sexual solicitation of a minor - offer/agree to pay another person</u>	<u>8/1/2023</u>		<u>4</u>
<u>5-70-107 (a)(3) &amp; (d)</u>	<u>B</u>	<u>Sexual solicitation of a minor - solicit, offer, agree to accept</u>	<u>8/1/2023</u>		<u>4</u>
<u>5-70-107 (a)(4) &amp; (d)</u>	<u>B</u>	<u>Sexual solicitation of a minor - pays to engage</u>	<u>8/1/2023</u>		<u>4</u>
5-71-202	D	Aggravated Riot			3
5-71-203	D	Inciting Riot - Causes Injury to a Person or Damage to Property			3
5-71-204	B	Arming Rioter			4
5-71-210	C	Communicating False Alarm - Physical Injury Results	7/16/2003		3
5-71-210	D	Communicating False Alarm - Damage to Property Results or is a School Bombing Threat, or Second or Subq. Offense (if no injury, property damage, or communication of false alarm)	7/16/2003		2
5-71-210	D	Communicating False Alarm		7/15/2003	2
5-71-210	D	Communicating False Alarm to an Educational Institution	8/13/2001	7/15/2003	3
5-71-211	D	Threatening a Fire or Bombing, if Physical Injury Results			2
5-71-215 (b)(1)(B)	D	Defacing or Damaging a Public Building or Object of Public Respect - Damage ≤ \$500 and Object is a Cemetery or Burial Monument	7/28/2021		2
5-71-215 (b)(2)(A)	D	Defacing or Damaging a Public Building or Object of Public Respect - Damage > \$500 < \$2,500	7/28/2021		2
5-71-215 (b)(2)(B)	C	Defacing or Damaging a Public Building or Object of Public Respect - Damage > \$500 ≤ \$2,500 and Object is a Cemetery or Burial Monument	7/28/2021		3
5-71-215 (b)(3)(A)	C	Defacing or Damaging a Public Building or Object of Public Respect - Damage > \$2,500	7/28/2021		3
5-71-215 (b)(3)(B)	B	Defacing or Damaging a Public Building or Object of Public Respect - Damage > \$2,500 and Object is a Cemetery or Burial Monument	7/28/2021		4
5-71-215 (b)(1)(B)	D	Defacing Objects of Public Respect - Damage ≤ \$500 and Object is a Cemetery or Burial Monument	7/31/2007	7/27/2021	2
5-71-215 (b)(2)(A)	D	Defacing Objects of Public Respect - Damage > \$500 < \$2,500		7/27/2021	2
5-71-215 (b)(2)(B)	C	Defacing Objects of Public Respect - Damage > \$500 ≤ \$2,500 and Object is a Cemetery or Burial Monument	7/31/2007	7/27/2021	3
5-71-215 (b)(3)(A)	C	Defacing Objects of Public Respect - Damage > \$2,500		7/27/2021	3
5-71-215 (b)(3)(B)	B	Defacing Objects of Public Respect - Damage > \$2,500 and Object is a Cemetery or Burial Monument	7/31/2007	7/27/2021	4
5-71-229	B	Stalking 1st Degree		8/15/2013	6
5-71-229(a)	C	Stalking 1st Degree	8/16/2013	7/27/2021	5
5-71-229 (a)	B	Stalking 1st Degree	7/28/2021		6
5-71-229	C	Stalking 2nd Degree		8/15/2013	4
5-71-229(b)	D	Stalking 2nd Degree	8/16/2013	7/27/2021	4
5-71-229 (b)	C	Stalking 2nd Degree	7/28/2021		5
5-71-302	C	Promoting Civil Disorder 1st Degree			3
5-72-109	D	Injuring Levees	8/12/2005		2
5-72-109	U	Injuring Levees		8/11/2005	2
5-72-111	U	Making Cut-Offs on the River		8/11/2005	1
<u>5-73-103 (c)(1)</u>	<u>B</u>	<u>Possession of Firearm by Certain Persons - Prior crime violent or present use to commit crime (or Subq. Offense 8/31/2001 or thereafter)(No parole for offense date 04/28/2021 and thereafter)</u>	<u>7/28/1995</u>	<u>12/31/2023</u>	<u>5</u>
<u>5-73-103 (c)(1)(A)</u>	<u>B</u>	<u>Possession of Firearm by Certain Persons - Prior crime violent</u>	<u>7/28/1995</u>		<u>5</u>
<u>5-73-103 (c)(1)(B)</u>	<u>B</u>	<u>Possession of Firearm by Certain Persons - Used in commission of crime</u>	<u>7/28/1995</u>		<u>5</u>
<u>5-73-103 (c)(1)(C)</u>	<u>B</u>	<u>Possession of firearms by certain persons - Prior felony w/ deadly weapon</u>	<u>1/1/2024</u>		<u>5</u>
<u>5-73-103 (c)(1)(D)</u>	<u>B</u>	<u>Possession of Firearm by Certain Persons - Subq. Offense</u>	<u>8/31/2001</u>		<u>5</u>
5-73-103	B	Possession of Firearm by Certain Persons	10/10/1994	7/28/1995	3
5-73-103	D	Possession of Firearm by Certain Persons		10/10/1994	2
5-73-103 (c)(2)	D	Possession of Firearm by Certain Persons (Prior crime non-violent and present use mere possession)	7/28/1995		2
5-73-104	B	Criminal Use of Prohibited Weapons			5
5-73-104	D	Criminal Use of Prohibited Weapons			3
5-73-106	D	Defacing a Firearm			2
5-73-107	D	Possession of Defaced Firearm - Serial Number Irretrievable	7/28/1995		2
5-73-108	B	Criminal Possession of Explosive Material or Destructive Device		8/11/2005	5
5-73-108 (a)	B	Criminal Possession of Explosive Material or Destructive Device	8/12/2005		7



Statute #	Class	Name of Crime	Start	End	Ranking
5-73-108 (b)	C	Criminal Distribution of Explosive Material	8/12/2005		5
5-73-108 (c)	C	Possession of Stolen Explosive Material	8/12/2005		5
5-73-108 (d)	C	Unlawful Receipt or Possession of Explosive Material	8/12/2005		5
5-73-108 (f)	B	Theft of Explosive Material w/ Intent to Cause Harm	8/12/2005		7
5-73-109 (b)(2)	B	Furnishing Illegal Weapon to Minor	8/12/2005		5
5-73-109 (b)	B	Furnishing Illegal Weapon to Minor	10/10/1994	8/11/2005	4
5-73-111 (b) & (d)	D	Unlawful Procurement of Firearm/Ammunition	8/15/2013		2
5-73-119	D	Possession of Handgun on Public or Private School Property or Bus		7/29/1999	3
5-73-119 (b)	D	Possession of Firearm on Public or Private School Property or Bus	7/30/1999		4
5-73-119 (a)	D	Possession of Handgun by Juvenile Delinquent	10/10/1994		2
5-73-122	D	Possessing Handgun in a Courtroom	8/1/1997	7/31/2017	3
5-73-126	D	Booby Trap Unlawful to Install/Maintain			2
5-73-129	B	Furnishing Prohibited Weapon to Felon	10/10/1994		5
5-73-131	D	Possession of Weapon by Incarcerated Person	7/28/1995		3
5-73-132	B	Sale, Rental or Transfer of Firearm to Prohibited Person	7/30/1999		5
5-73-133	B	Furnishing a Taser Stun Gun to a Person < 18	8/12/2005		5
5-73-204	U	Violation of Uniform Machine Gun Act			7
5-73-211	A	Perpetrating Crime with Machine Gun	8/12/2005		8
5-73-211	U	Perpetrating Crime with Machine Gun		8/11/2005	8
5-74-104	Y	Engaging in Continuing Gang Org. or Enterprise 1st Degree			8
5-74-104	A	Engaging in Continuing Gang Org. or Enterprise 1st Degree			7
5-74-104	B	Engaging in Continuing Gang Org. or Enterprise 1st Degree			6
5-74-104	Y	Engaging in Continuing Gang Org. or Enterprise 2nd Degree			7
5-74-104	A	Engaging in Continuing Gang Org. or Enterprise 2nd Degree			6
5-74-104	B	Engaging in Continuing Gang Org. or Enterprise 2nd Degree			5
5-74-104	C	Engaging in Continuing Gang Org. or Enterprise 2nd Degree			4
5-74-105	B	Unauthorized Use of Property to Facilitate Crime			5
5-74-106	Y	Simultaneous Possession of Drugs and Firearms			8
5-74-107	Y	Discharge of a Firearm From Vehicle 1st Degree			9
5-74-107	B	Discharge of a Firearm From Vehicle 2nd Degree			7
5-74-108	-	Violent Criminal Group Activity Enhancement (See Enhanced Offense Policy).			-
5-74-203	C	Soliciting a Minor to Join a Gang - First Offense	10/10/1994		4
5-74-203	B	Soliciting a Minor to Join a Gang - Second Offense w/in One Year	10/10/1994		6
5-75-102 (b)(2)	D	Aircraft DWI - Subq. Offense			2
5-75-102 (b)(3)	D	Aircraft DWI - With a Weapon	7/16/2003		3
5-77-201	D	Illegal Purchase or Sale of Blue Lights	8/1/1997	7/31/2017	1
5-77-201	C	Unlawful Possession, Purchase, Sale, or Transfer of a Blue Light or Blue Lens Cap	8/1/2017		2
5-77-202	D	Law Enforcement Insignia Sales	8/1/2017		1
5-79-101 (a)(1) or (a)(2) & (c )	D	Criminal Possession of Body Armor	8/16/2013		3
6-13-701(i)	C	Fraud. Use of Funds by School District Treasurer or School Board Member	8/12/2005		3
6-18-110 (e)(3)	D	False Report of Threat Against School Safety - Second or Subq. Offense	7/24/2019		3
<u>6-24-115</u>	<u>U</u>	<u>Knowingly Violating Education Ethical Guidelines</u>	<u>8/13/2001</u>		<u>2</u>
7-1-104	D	Election Felonies	8/1/1997		2
7-1-111	U	Destruction of a Ballot or Ballot Materials	8/16/2013		2
7-5-702	D	Preservation of Election Materials (See penalty at 7-1-104)			-
7-6-102	D	Falsely Signing Political Pledge			1
7-6-203(f)(6)(A)	B	Knowingly Taking Campaign Funds as Personal Income - Value ≥ \$25,000	7/24/2019		5
7-6-203(f)(6)(B)	C	Knowingly Taking Campaign Funds as Personal Income - Value ≥ \$5,000 but < \$25,000	7/24/2019		4
7-6-203(f)(6)(C )	D	Knowingly Taking Campaign Funds as Personal Income - Value ≥ \$2,500 but < \$5,000	7/24/2019		3
7-9-109 (d)	D	False Info on Petition Verification	8/1/1997		2
7-9-109 (e)	D	False Info on Petition Verification - Allowing False Verification Affidavit	4/27/2021		2
7-9-109 (f)	D	False Info on Petition Verification - Paying for or Submitting Signatures not Verified by Canvasser	4/27/2021		2
8-4-201	U	Violate Law Regulating Pollution Control Commission			2
8-7-204 (a)(4)	U	Release of Hazardous Waste w/ Danger of Death/Serious Bodily Injury			6
8-7-204 (a)(3)	U	Release of Hazardous Waste			5
8-7-204 (a)(2)	U	Hazardous Waste/Violation of Provisions			3
8-7-205	U	Leave/Remove Self After Violate Hazardous Waste Management Act			1

Statute #	Class	Name of Crime	Start	End	Ranking
9-9-206	C	Accepting Compensation for Adoption			3
<u>11-6-103 (i)(2)</u>	<u>C</u>	<u>Child labor violations - subsequent convictions</u>	8/1/2023		<u>4</u>
11-9-106	D	Workers' Compensation Fraud (Employee Misrepresentation)			2
11-9-107	D	Workers' Compensation Fraud (Employer Misrepresentation)			2
11-10-723	C	Knowingly Evading Payment of Unemployment Insurance Tax	8/12/2005		3
12-6-701 (c)	D	Allowing Unauthorized Access to Records Depicting Death of Law Enforcement Officer	3/21/2017		3
12-12-212	U	Release or Disclosure to Unauthorized Person		7/26/2011	1
12-12-212 (b)	D	Release or Disclosure to Unauthorized Person	7/27/2011		1
12-12-504	D	False Allegation of Child Abuse - Second Offense		7/30/2009	3
12-12-904	C	Sex Offender Failing to Comply with Registration Requirements	4/7/2006		3
12-12-904 (a)(1)(A)(iv)	C	Sex Offender Failing to Register - Filing False Paperwork or Documentation	8/16/2013		3
12-12-904	D	Sex Offender Failing to Register	8/1/1997	4/6/2006	2
12-12-906 (f)	C	Failing to Register Sex Offender Name Change	4/7/2006		3
12-12-906	D	Failing to Register Sex Offender Name Change	8/13/2001	4/6/2006	2
12-12-923	C	Sex Offender Not Reporting for Electronic Monitoring	4/7/2006		3
12-12-923	C	Altering, Tampering, Damaging or Destroying Electronic Equipment Worn by Sex Offender	4/7/2006		4
12-12-923	D	Sex Offender Filing False Certificate of Indigency	4/7/2006		2
12-12-929	C	Sex Offender Prohibited from Holding a Position of Public Trust (See penalty at 12-12-904)			-
12-12-1002	D	Unauthorized Releasing or Disclosure of Criminal Database Info	7/30/2009	7/26/2011	3
12-12-1002 (c)	D	Unauthorized Release or Disclosure of Criminal Database Info	7/27/2011		1
12-12-1008	D	Unauthorized Use of Criminal History (See penalty at 12-12-1002)			-
12-12-1110	D	Refusal to Provide DNA Sample	7/16/2013		3
12-12-1115	D	Prohibited Disclosure of DNA Information	7/31/2009		2
12-12-1116	D	Disclosure of DNA Information for Pecuniary Gain	7/31/2009		2
12-12-1720	D	False Reporting of Adult Abuse - Subq. Offense	7/31/2009		2
12-18-203	D	Making a False Report Under the Child Maltreatment Act	7/31/2009		3
12-29-110	U	Selling/Trading Position, Working Condition, or Promotion			2
13-2-803 (a) & (b)(1)	B	Unauthorized Removal or Willful Mutilation of Library Materials	7/28/1995		4
13-2-803 (a) & (b)(2)	C	Unauthorized Removal or Willful Mutilation of Library Materials	7/28/1995		3
13-6-306	D	Disturbing State Archeological Landmarks > \$1,000	7/31/2007		2
13-6-306	C	Disturbing State Archeological Landmarks - Subq. Offense > \$1,000	7/31/2007		3
13-6-307	D	Digging Up or Removing Artifacts w/o Permission > \$1,000	7/31/2007		2
13-6-308	D	Vandalism of Archeological Site and Artifacts > \$1,000	7/31/2007		2
13-6-308	C	Vandalism of Archeological Site and Artifacts - Subq. Offense > \$1,000	7/31/2007		3
13-6-406	D	Trading or Collecting Skeletal Remains	7/30/1999		2
13-6-406	C	Trading or Collecting Skeletal Remains - Second Offense	7/30/1999		3
13-6-407	C	Display of Skeletal Remains	7/30/1999		3
13-6-408	D	Desecration of Burial Grounds	7/30/1999		3
13-6-408	C	Desecration of Burial Grounds - Second Offense	7/30/1999		4
14-27-110(a)	D	Failure to Notify Operators of Underground Facilities - Location ID (See penalty at 5-69-103(a)(1))			-
15-32-603	D	Timber Theft	8/13/2001		2
16-22-501	D	Unauthorized Practice of Law - Second Offense	8/1/1997		2
16-84-114	D	Violation of Bail Bond Agent Law	7/30/1999		2
16-87-213	D	False Statement in Certificate of Indigency			2
16-93-302	D	Using First Offender Program a Second Time	8/12/2005		2
<u>16-95-105</u>	<u>U</u>	<u>Escape pursuant to Agreement on Detainers.</u>			<u>2</u>
17-14-411	D	Appraisal Management Companies - Injunctive Relief	1/1/2010		1
17-16-115(a)	D	Athlete Agents - Prohibited Conduct	7/27/2011		1
17-20-308	D	Violation of Barber Law	8/1/2017		4
17-23-103	U	Precious Metals Violate Buyers Act		8/15/2013	1
17-23-103	D	Precious Metals Violate Buyers Act - Value of Property is > \$500	8/16/2013		2
17-26-702 (f)	D	Unlawful to Perform Permanent Cosmetics on Person < 18 - Falsely Claiming to be Minor's Parent or Legal Guardian	7/28/2021		2
17-26-702 (g)	D	Unlawful to Perform Permanent Cosmetics on Person < 18 - Unlicensed Facility	7/28/2021		2

Statute #	Class	Name of Crime	Start	End	Ranking
17-26-703	D	Permanent Cosmetics Establishment or Institution Owner Operating w/o a Current License	7/28/2021		2
17-27-104	D	Practicing Counseling w/o a License - Subq. Offense	7/31/2009		1
17-29-401	D	Embalming, Cremating, Engaging in Funeral Directing, etc. w/o a License	7/22/2015		2
17-30-102	D	Professional Engineers and Professional Surveyors Licensure Violations - Penalties - Second and Subq. Offenses	7/31/2009		1
17-40-104 (b)	D	Violation of Private Investigator Law - Second Offense w/in 1 year	7/30/1999		2
17-40-301	-	Unlawful Acts- Private Investigators and Private Security Agencies (See penalty at 17-40-104 (b))	7/28/2021		-
17-42-105	D	Acting as Real Estate Broker w/o a License			2
17-44-102 (f)(2)(B)(iii)	D	Violation of Scrap Metal Recycler Law - Concerning Scrap Metal Transactions	8/16/2013		2
17-44-109	D	Violation of Used Catalytic Converter Buyer Law - Third or Subq. Offense	7/28/2021		2
17-82-104	D	Unlawful Practice of Dentistry (See penalty at 17-82-301)			-
17-82-301	D	Practicing Dentistry w/o a License			2
18-11-110 (b) & (d)	U	<u>Land ownership by foreign-party-controlled business prohibited</u>	8/1/2023		<u>2</u>
18-11-704 (e)	U	<u>Interest in agricultural land owned by prohibited foreign parties</u>	8/1/2023		<u>2</u>
18-29-204	D	Violation of "Unused Property" Act - Third Offense	7/30/1999		2
18-44-132	U	Failure to Discharge Lien			1
19-11-270	D	Violation of State Procurement Laws	8/1/2015		2
20-6-310 (a)(1) & (b)	D	Conceal, Cancel, etc. Physician Order for Life-Sustaining Treatment Form	8/1/2017		3
20-6-310 (a)(2) & (b)	D	Fraudulently Inducing to Execute a Physician Order for Life-Sustaining Treatment Form	8/1/2017		3
20-6-310 (a)(3) & (b)	D	Falsifying or Forging a Physician Order for Life-Sustaining Treatment Form	8/1/2017		3
20-7-611 (b)(1) & (b)(2)	D	Prescription Drug Monitoring Program Act - Unlawful Acts & Penalties	7/27/2011		2
20-7-611 (c)(1) & (c)(2)	C	Prescription Drug Monitoring Program Act - Unlawful Acts & Penalties	7/27/2011		3
20-7-611 (d)(1) & (d)(2)	C	Prescription Drug Monitoring Program Act - Unlawful Acts & Penalties	7/27/2011		3
20-7-611 (e)(1) & (e)(2)	C	Prescription Drug Monitoring Program Act - Unlawful Acts & Penalties	7/27/2011		3
20-16-604	D	Infanticide - Using Born-alive Infant for Experimentation	1/1/2018		4
20-16-606	D	Qualifications to Perform an Abortion	7/24/2019		3
20-16-1002	C	Human Cloning	7/16/2003		4
20-16-1203	D	Partial-Birth Abortion	2/20/2009		3
20-16-1405	D	Abortion of Unborn Child 20 or More Weeks Post-Fertilization Age	2/26/2013		3
20-16-1803	D	Performing Dismemberment Abortion - Conduct (See penalty at 20-16-1805)			-
20-16-1805	D	Performing Dismemberment Abortion	8/1/17		3
20-16-2004	D	Performing an Abortion in Violation of the Cherish Act - Conduct (See penalty at 20-16-2006)			-
20-16-2006	D	Performing an Abortion in Violation of the Cherish Act			3
20-16-2103	D	Performing an Abortion in Violation of the Down Syndrome Discrimination by Abortion Prohibition Act - Conduct (See penalty at 20-16-2104)			-
20-16-2104	D	Performing an Abortion in Violation of the Down Syndrome Discrimination by Abortion Prohibition Act	7/24/2019		3
20-17-1018 (a)(1) & (b)	U	Cemeteries - Violations and Criminal Penalties	7/18/2011		1
20-23-403	U	Failure to Inspect Boilers	7/30/1999		1
20-27-1502	D	Unlawful to Perform Body Art on Person < 18 - Unlicensed Facility	7/31/2009	8/15/2013	2
20-27-1502 (h)(2)	D	Unlawful to Perform Body Art on Person < 18 - Falsely Claiming to be Minor's Parent or Legal Guardian	8/16/2013		2
20-27-1502 (i)(1)	D	Unlawful to Perform Body Art on Person < 18 - Unlicensed Facility	8/16/2013		2
20-27-1503 (e)(6)	D	Body Art Studio or Business Owner Operating w/o a Current License	8/16/2013		2
20-32-103 (a)	U	Disposal of Commercial Medical Waste	7/18/2011		1
20-60-214	U	Sale/Disp Adulterated/Uninspected Meat			1
20-64-210	U	Failure to Label Narcotic (See penalty at 20-64-220)			-
20-64-211	U	Authorized possession of narcotic drug by individuals (See penalty at 20-64-220)			-
20-64-217	U	Fraud/Deceit Procure Narcotic (See penalty at 20-64-220)			-
20-64-220	U	Violation of Uniform Narcotic Drug Act - First Offense	8/16/2013		2

Statute #	Class	Name of Crime	Start	End	Ranking
20-64-220	U	Violation of Uniform Narcotic Drug Act - Second Offense	8/16/2013		3
20-64-220	U	Violation of Uniform Narcotic Drug Act - Third or Subq. Offense	8/16/2013		4
20-64-304	U	Fraud Obtaining Depressant or Stimulant Drug - First Offense			2
20-64-304	U	Fraud Obtaining Depressant or Stimulant Drug - Second Offense			3
20-64-304	U	Fraud Obtaining Depressant or Stimulant Drug - Third or Subq. Offense			4
21-1-405	D	Violation of Act Regulating State Employment	7/30/1999		2
21-14-312	D	Wrongful Possession, Concealment, or Destruction of Notary Software or Hardware	4/29/2021		2
22-3-2106	D	Violation of the Arkansas State Capital and Historical Monument Protection Act	4/28/2021		2
23-15-206(b)	D	Natural Gas Pipeline Safety Act - Reports & Records to be Maintained Violation (See penalty at 5-69-103(a)(3))			-
23-15-206(c )	D	Natural Gas Pipeline Safety Act - Reports & Records to be Maintained - Failure to provide information (See penalty at 5-69-103(a)(4))			-
23-15-208(a)	D	Natural Gas Pipeline Safety Act: Inspection & Maintenance Plan Violation (See penalty at 5-69-103(a)(5))			-
23-15-209(a)	D	Natural Gas Pipeline Safety Act: Compliance & Waiver Violation (See penalty at 5-69-103(a)(6))			-
23-35-801	D	Misleading Conduct or Use of Words "Credit Union"	8/12/2005		2
23-35-805	U	Spread False Report About Credit Union			1
23-38-403	D	Suppressing Evidence/Building and Loan Associations		8/1/2019	2
23-39-104	B	False Security Statement (Repealed 1/1/2004)		1/1/2004	4
23-39-105	B	Violate Mortgage Loan Co/Loan Broker Act		1/1/2004	3
23-39-405	D	Prohibition of Advance Fee Loan Brokerage	8/16/2013		2
23-39-516	B	Violation of Fair Mortgage Lending Act	1/1/2004		5
23-40-106	D	Failure to Deposit Funeral Trust Funds	7/30/1999	7/31/2017	3
23-40-106 (a)(2)(A)(i)	D	Failure to Deposit Proceeds on Cash-Funded Pre-Paid Funeral Contracts	8/1/2017		3
23-40-106 (a)(2)(A)(ii)	D	Failure to Forward Proceeds on Insurance or Annuity-Funded Contracts	8/1/2017		3
23-42-104(a)	B	Securities Fraud			4
23-42-104(b)	D	Knowingly Offering or Selling Unregistered and Nonexempt Securities			2
23-42-104(e)	D	Violation of Arkansas Securities Fraud Act			3
23-42-501	D	Securities Fraud (See penalty at 23-42-104(d))			-
23-42-507	B	Securities Fraud (See penalty at 23-42-104(a))			-
23-50-105	U	Embezzlement by Officer, Agent, or Employee of Bank or Subsidiary Trust	6/1/1997		7
23-55-806(a)	B	Intentional Violation of Uniform Money Services Act	1/1/2008		5
23-55-806(b)	B	Knowing Violation > \$500 w/in 30 Days of Uniform Money Services Act	1/1/2008		5
23-60-109	D	False or Misleading Statements/Arkansas Insurance Code	8/12/2005		2
23-65-101	D	Unauthorized Insurance Transactions	7/16/2003		2
23-66-502	D	Fraudulent Insurance Acts (See penalty at 23-66-512)			-
23-66-512	D	Fraudulent Insurance Acts	8/1/1997		2
23-69-134	D	Removal of Insurance Records	8/12/2005		2
23-69-134	U	Removal of Insurance Records	7/30/1999	8/11/2005	2
23-89-504	D	Operation of an Amusement Attraction w/o Insurance and Inspection			2
<u>23-112-603 (a)(2)</u>	<u>D</u>	<u>Used Motor Vehicle Buyer's Protection - second or subsequent violation</u>			<u>2</u>
<u>23-112-603 (a)(3)</u>	<u>D</u>	<u>Used Motor Vehicle Buyer's Protection - third or subsequent violation</u>			<u>2</u>
<u>23-112-603 (b)</u>	<u>C</u>	<u>Selling a used Motor Vehicle as a dealer or salesperson while license is suspended or revoked</u>			<u>3</u>
23-115-902	D	Lottery Ticket Fraud	3/25/2009	3/7/2011	2
23-115-902	D	Fraudulently Influencing Lottery Winning	3/25/2009	3/7/2011	2
23-115-903	D	False Statement on Lottery License Application	3/25/2009		2
25-16-614	U	Refusal by Treasurer of State to Allow Access to Books			2
26-18-201(a)	C	Attempt to Evade or Defeat Tax - Taxpayer			2
26-18-201(b)	C	Attempt to Evade or Defeat Tax - Assisting Taxpayer			2
26-18-202	D	Failure to Pay or File Tax Return			1
26-18-203	D	False or Fraudulent Tax Reports			2
26-18-204	D	False Answers on Tax Questions or Affidavits			2
26-18-205	D	Failure to Obey Summons			2
26-37-205	D	Submitting Fraudulent Claim for Funds from Sale of Tax Delinquent Lands	8/12/2005		2
26-57-240	D	Unlawful Counterfeiting of Cigarette Stamps	7/31/2009		2
26-57-241	D	Unlawful Reuse of Containers	8/12/2005		2
26-57-245(a)(1)	C	Unstamped Products or Products w/ Unpaid Taxes	7/27/2011		2

Statute #	Class	Name of Crime	Start	End	Ranking
26-57-263 (b)(1) & (b)(3)(A)	C	Cigarette Inputs - Cigarette Rolling Machines	7/27/2011		2
27-14-307	U	False Evidence of Title or Registration			1
<u>27-14-2210</u>	<u>D</u>	<u>Vehicles or engines without manufacturer's numbers</u>	<u>8/1/2023</u>		<u>2</u>
27-14-2210	D	Buying or Selling Vehicle w/o Manf. Serial Number - Second or Subq. Offense	7/16/2003	<u>7/31/2023</u>	2
27-14-2211	C	Altering, Changing Engine Numbers	7/16/2003		2
27-14-2212	U	Mutilating Serial Numbers - Vehicles		<u>7/31/2023</u>	2
<u>27-14-2212 (a)(1) &amp; (b)</u>	<u>D</u>	<u>Mutilation of serial numbers - Vehicles</u>	<u>8/1/2023</u>		<u>2</u>
27-22-210 (d)	C	Violation of Arkansas Online Insurance Verification System Act	1/1/2019	7/23/2019	3
27-22-210 (d)	D	Violation of Arkansas Online Insurance Verification System Act	7/24/2019		2
27-50-309 (c)(1)(A)	D	Racing on a Public Highway - Impedes or Stops Flow of Traffic	7/28/2021		2
27-50-309 (c)(1)(B)	D	Racing on a Public Highway - Gathering of $\geq 10$ Individuals	7/28/2021		2
27-52-102	D	Interfere with Traffic Control Device			2
27-53-101	D	Failure to Stop After Accident with Injury or Death		7/27/2021	2
27-53-101 (c)	D	Failure to Stop After Accident - Physical Injury	7/28/2021		2
27-53-101 (d)	B	Failure to Stop After Accident - Serious Physical Injury or Death	7/28/2021		4
27-53-102(d)(2)	D	Failure to Stop After Accident with Property Damage $\geq$ \$10,000	8/1/2017		2
27-53-103	D	Duty to Give Info or Render Aid			2
27-65-132	U	Unlawful Contracting Between Highway Commission & its Employees			2
27-65-133	U	Corruption in Office by Highway Commission Employee			2
<u>27-101-703</u>	<u>B</u>	<u>Boating equipment without boating equipment identification number</u>	<u>8/1/2023</u>		<u>2</u>
27-101-703	D	Knowingly Buying, Selling, Possessing, etc. Boating Equipment w/o Identification Number - Subq. Offense	8/12/2005		2
27-101-705	D	Possession of Boating Equipment with Mutilated Boating Identification Numbers	8/12/2005		2
27-101-704	C	Fraudulent Use of, Altering Boat Identification Number	8/12/2005		3
27-116-502	C	Operating Aircraft w/o ID Markings			2

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1125

By: Representative Evans  
By: Senator Hill

## For An Act To Be Entitled

AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM  
PURCHASING, OWNING, POSSESSING, USING, OR OPERATING  
AN UNMANNED AIRCRAFT FOR PRIVATE USE; AND FOR OTHER  
PURPOSES.

## Subtitle

TO PROHIBIT A REGISTERED SEX OFFENDER  
FROM PURCHASING, OWNING, POSSESSING,  
USING, OR OPERATING AN UNMANNED AIRCRAFT  
FOR PRIVATE USE.

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

SECTION 1. Arkansas Code § 5-4-109 is amended to read as follows:  
5-4-109. Sentencing for sex offense.

A person who is convicted of an offense for which he or she is required  
to register as a sex offender under the Sex Offender Registration Act of  
1997, § 12-12-901 et seq., shall be notified at his or her sentencing by the  
court that he or she is prohibited from:

(1) ~~recording~~ Recording a person under fourteen (14) years of  
age under § 5-14-137 if he or she is assessed as a Level 3 or Level 4  
offender; or

(2) Purchasing, owning, possessing, using, or operating an  
unmanned aircraft under § 5-14-138 if he or she is assessed as a Level 3 or  
Level 4 offender.



1       SECTION 2. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended  
2 to add an additional section to read as follows:

3       5-14-138. Registered offender prohibited from purchasing, owning,  
4 possessing, using, or operating an unmanned aircraft.

5       (a) As used in this section, "unmanned aircraft" means an aircraft,  
6 including an aircraft commonly known as a drone, that is operated without the  
7 possibility of direct human intervention from within or on the aircraft and  
8 has the ability to photographically or electronically record.

9       (b) It is unlawful for a person who is required to register under the  
10 Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been  
11 assessed as a Level 3 or Level 4 offender to knowingly purchase, own,  
12 possess, use, or operate an unmanned aircraft.

13       (c) This section does not apply to a person who:

14               (1) Is required to purchase, own, possess, use, or operate an  
15 unmanned aircraft as part of his or her employment; and

16               (2) Purchases, owns, possesses, uses, or operates an unmanned  
17 aircraft as part of his or her employment.

18       (d) A violation of this section is a Class D felony.  
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23                               **APPROVED: 2/3/23**  
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State of Arkansas As Engrossed: H2/14/23 H2/27/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1365

By: Representatives Holcomb, Barker, Beaty Jr., M. Berry, Cozart, Eubanks, L. Fite, Fortner, J.

Mayberry, McClure, Richmond, Rye, Unger, Vaught, Watson, D. Whitaker, Wooten

By: Senators Gilmore, J. Payton

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING RECORDS MAINTAINED  
BY SCRAP METAL RECYCLERS; TO CREATE OFFENSES FOR  
THEFT OF A CATALYTIC CONVERTER AND UNAUTHORIZED  
POSSESSION OF A CATALYTIC CONVERTER; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING RECORDS  
MAINTAINED BY SCRAP METAL RECYCLERS; AND  
TO CREATE OFFENSES FOR THEFT OF A  
CATALYTIC CONVERTER AND UNAUTHORIZED  
POSSESSION OF A CATALYTIC CONVERTER.

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

SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended  
to add an additional section to read as follows:

5-36-126. Theft of a catalytic converter – Unauthorized possession of  
a catalytic converter.

(a) As used in this section:

(1) "Catalytic converter" means an exhaust emission control  
device that reduces toxic gases and pollutants from internal combustion  
engines; and

(2) "Permanently marked" means marked in a permanent manner,  
including without limitation engraving or permanent ink, that clearly and





1 legibly indicates the:

2 (A) Date the catalytic converter was removed from the  
3 motor vehicle; and

4 (B) Vehicle identification number of the motor vehicle the  
5 catalytic converter was removed from.

6 (b) A person commits theft of a catalytic converter if he or she  
7 commits, aids, or is an accomplice to a commission of theft of property under  
8 § 5-36-103(a) and the property is a catalytic converter.

9 (c) A person commits unauthorized possession of a catalytic converter  
10 if the person:

11 (1) Knowingly possesses a catalytic converter that has been  
12 removed from a motor vehicle and that is not permanently marked; and

13 (2) Is not:

14 (A) The owner of the motor vehicle from which the  
15 catalytic converter was removed; or

16 (B) Possessing the catalytic converter in the ordinary  
17 course of the person's business.

18 (d) There is a presumption that a person is possessing the catalytic  
19 converter in the ordinary course of the person's business if the person  
20 engages in any of the following businesses:

21 (1) An automotive wrecking and salvage yard;

22 (2) A scrap metal recycler;

23 (3) A licensed vehicle dealer or licensed vehicle converter;

24 (4) A licensed salvage vehicle dealer;

25 (5) A licensed vehicle storage facility;

26 (6) A garage or shop that is engaged in the business of  
27 repairing motor vehicles;

28 (7) A towing company;

29 (8) A used automotive parts recycler;

30 (9) A person who holds a vehicle dealer number;

31 (10) A motor vehicle demolisher;

32 (11) A for-hire carrier, including without limitation a person  
33 who provides services such as mail, freight, or package delivery by air,  
34 water, rail, or surface transportation;

35 (12) A person located out of state and regulated by another  
36 state in the performance of a business activity under subdivisions (d)(1)-

1 (11) of this section; or

2 (13) An employee of or independent contractor providing services  
3 to a person described in subdivisions (d)(1)-(11) of this section and who  
4 possesses the catalytic converter when acting within the course and scope of  
5 the person's employment or independent contractor services.

6 (e) The presumption established under subsection (d) of this section  
7 does not apply to a person who knows that the catalytic converter was  
8 unlawfully removed from a motor vehicle or otherwise unlawfully obtained.

9 (f)(1) Theft of a catalytic converter is a Class C felony.

10 (2) The court may order a person convicted of theft of a  
11 catalytic converter to pay restitution for the value of the repair or  
12 replacement of the catalytic converter.

13 (g) Unauthorized possession of a catalytic converter is a:

14 (1) Class C felony if the person:

15 (A) Has a prior conviction for unauthorized possession of  
16 a catalytic converter; or

17 (B) In the course of the unauthorized possession of a  
18 catalytic converter, the person commits or attempts, conspires, or solicits  
19 another person to commit an offense related to a catalytic converter; or

20 (2) Class D felony if otherwise committed.

21  
22 Section 2. Arkansas Code § 17-44-101(7), concerning the definition of  
23 scrap metal, is amended to read as follows:

24 (7)(A) "Scrap metal" means bits and pieces of metal parts that:

25 (i) ~~may~~ May be combined together with bolts or  
26 soldering; and

27 (ii) ~~can~~ Can be recycled when worn or superfluous.

28 (B) "Scrap metal" includes detached catalytic converters;

29  
30 SECTION 3. Arkansas Code § 17-44-109(a)(1), concerning a buyer of used  
31 catalytic converters, is amended to read as follows:

32 (a)(1) A buyer of a used catalytic converter ~~other than a scrap metal~~  
33 ~~recycler~~ shall file an electronic record of the used catalytic converter  
34 purchase.

35  
36 SECTION 4. Arkansas Code § 17-44-109(b), concerning a buyer of used

1 catalytic converters, is amended to read as follows:

2 (b) The buyer of a used catalytic converter ~~other than a scrap metal~~  
3 ~~recycler~~:

4 (1) Shall maintain a receipt of the electronic record entry as a  
5 record of the purchase of a used catalytic converter; and

6 (2) Is subject to the penalties under § 17-44-102(f)(2)(B) for  
7 failure to file an electronic report of the purchase of a used catalytic  
8 converter.

9  
10 SECTION 5. Arkansas Code § 17-44-109(e)(1), concerning a buyer of used  
11 catalytic converters, is amended to read as follows:

12 (e)(1) A buyer of a used catalytic converter ~~other than a scrap metal~~  
13 ~~recycler must~~ shall be registered with the county sheriff.

14  
15 /s/Holcomb

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18 **APPROVED: 3/13/23**  
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State of Arkansas

As Engrossed: H3/6/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1459

By: Representatives C. Fite, Gazaway, Lundstrum, J. Mayberry

By: Senators K. Hammer, *Gilmore*

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING  
AND RELATED OFFENSES; TO AMEND THE LAW CONCERNING  
FINES FOR HUMAN TRAFFICKING; TO AMEND THE LAW  
CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND;  
TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR  
SEXUALLY EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING HUMAN  
TRAFFICKING AND RELATED OFFENSES; AND TO  
AMEND THE LAW CONCERNING FINES FOR HUMAN  
TRAFFICKING.

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

SECTION 1. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking  
of persons, are amended to read as follows:

(1) Recruits, harbors, transports, obtains, entices, solicits,  
isolates, provides, or maintains a person ~~knowing~~ when he or she knows or  
should know that the person will be subjected to involuntary servitude;

(2) Benefits financially or benefits by receiving anything of  
value from participation in a venture that he or she knows or should know is  
engaged in conduct prohibited under subdivision (a)(1) of this section;

(3) Subjects a person to involuntary servitude;

(4) Recruits, entices, solicits, isolates, harbors, transports,  
provides, maintains, or obtains a minor for commercial sexual activity;



1 (5) Sells or offers to sell travel services that he or she knows  
2 or should know include an activity prohibited under subdivisions (a)(1)-(4)  
3 of this section;

4  
5 SECTION 2. Arkansas Code § 5-18-103(d), concerning trafficking of  
6 persons, is amended to read as follows:

7 (d)(1) In addition to any other sentence authorized by this section, a  
8 person who violates this section by offering to pay, agreeing to pay, or  
9 paying a fee to engage in sexual activity upon conviction shall be ordered to  
10 pay a fine of ~~two hundred fifty dollars (\$250)~~ to not less than five thousand  
11 dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

12 (2) Fine payments received under subdivision (d)(1) of this  
13 section shall be deposited as follows:

14 (A) Fifty percent (50%) into the Safe Harbor Fund for  
15 Sexually Exploited Children; and

16 (B) Fifty percent (50%) into the Human Trafficking Victim  
17 Support Fund.

18  
19 SECTION 3. Arkansas Code § 5-18-104(a), concerning patronizing a  
20 victim of human trafficking, is amended to read as follows:

21 (a) A person commits the offense of patronizing a victim of human  
22 trafficking if he or she knowingly engages in commercial sexual activity with  
23 another person ~~knowing that the other person~~ who he or she knows or should  
24 know is a victim of human trafficking.

25  
26 SECTION 4. Arkansas Code § 5-18-104, concerning patronizing a victim  
27 of human trafficking, is amended to add an additional subsection to read as  
28 follows:

29 (c)(1) In addition to any other sentence authorized by this section, a  
30 person who violates this section by offering to pay, agreeing to pay, or  
31 paying a fee to engage in sexual activity upon conviction shall be ordered to  
32 pay a fine of not less than five thousand dollars (\$5,000) nor more than  
33 fifteen thousand dollars (\$15,000).

34 (2) Fine payments received under subdivision (c)(1) of this  
35 section shall be deposited as follows:

36 (A) Fifty percent (50%) into the Safe Harbor Fund for

1 Sexually Exploited Children; and

2 (B) Fifty percent (50%) into the Human Trafficking Victim  
3 Support Fund.

4  
5 SECTION 5. Arkansas Code § 5-18-106, concerning grooming a minor for  
6 future sex trafficking, is amended to add an additional subsection to read as  
7 follows:

8 (c)(1) In addition to any other sentence authorized by this section, a  
9 person who violates this section by offering to pay, agreeing to pay, or  
10 paying a fee to engage in sexual activity upon conviction shall be ordered to  
11 pay a fine of not less than five thousand dollars (\$5,000) nor more than  
12 fifteen thousand dollars (\$15,000).

13 (2) Fine payments received under subdivision (c)(1) of this  
14 section shall be deposited as follows:

15 (A) Fifty percent (50%) into the Safe Harbor Fund for  
16 Sexually Exploited Children; and

17 (B) Fifty percent (50%) into the Human Trafficking Victim  
18 Support Fund.

19  
20 SECTION 6. Arkansas Code § 5-18-107, concerning traveling for the  
21 purpose of an unlawful sex act with a minor, is amended to add an additional  
22 subsection to read as follows:

23 (f)(1) In addition to any other sentence authorized by this section, a  
24 person who violates this section by offering to pay, agreeing to pay, or  
25 paying a fee to engage in sexual activity upon conviction shall be ordered to  
26 pay a fine of not less than five thousand dollars (\$5,000) nor more than  
27 fifteen thousand dollars (\$15,000).

28 (2) Fine payments received under subdivision (f)(1) of this  
29 section shall be deposited as follows:

30 (A) Fifty percent (50%) into the Safe Harbor Fund for  
31 Sexually Exploited Children; and

32 (B) Fifty percent (50%) into the Human Trafficking Victim  
33 Support Fund.

34  
35 SECTION 7. Arkansas Code § 5-70-102(e), concerning prostitution, is  
36 amended to read as follows:

1 (e)(1) In addition to any other sentence authorized by this section, a  
2 person who violates this section by offering to pay, agreeing to pay, or  
3 paying a fee to engage in sexual activity upon conviction shall be ordered to  
4 pay a fine of two hundred fifty dollars (\$250) to:

5 (A) One thousand dollars (\$1,000) if convicted of a Class  
6 B misdemeanor; or

7 (B) Two thousand five hundred dollars (\$2,500) if  
8 convicted of a Class A misdemeanor.

9 (2) Fine payments received under subdivision (e)(1) of this  
10 section shall be deposited as follows:

11 (A) Fifty percent (50%) into the Safe Harbor Fund for  
12 Sexually Exploited Children; and

13 (B) Fifty percent (50%) into the Human Trafficking Victim  
14 Support Fund.

15  
16 SECTION 8. Arkansas Code § 5-70-103(d), concerning the solicitation of  
17 sex, is amended to read as follows:

18 (d)(1) In addition to any other sentence authorized by this section, a  
19 person who violates this section by offering to pay, agreeing to pay, or  
20 paying a fee to engage in sexual activity upon conviction shall be ordered to  
21 pay a fine of ~~two hundred fifty dollars (\$250)~~ two thousand five hundred  
22 dollars (\$2,500).

23 (2) Fine payments received under subdivision (d)(1) of this  
24 section shall be deposited as follows:

25 (A) Fifty percent (50%) into the Safe Harbor Fund for  
26 Sexually Exploited Children; and

27 (B) Fifty percent (50%) into the Human Trafficking Victim  
28 Support Fund.

29  
30 SECTION 9. Arkansas Code § 5-70-104, concerning promoting prostitution  
31 in the first degree, is amended to add an additional subsection to read as  
32 follows:

33 (c)(1) In addition to any other sentence authorized by this section, a  
34 person who violates this section by offering to pay, agreeing to pay, or  
35 paying a fee to engage in sexual activity upon conviction shall be ordered to  
36 pay a fine of two thousand five hundred dollars (\$2,500).

1           (2) Fine payments received under subdivision (c)(1) of this  
2 section shall be deposited as follows:

3           (A) Fifty percent (50%) into the Safe Harbor Fund for  
4 Sexually Exploited Children; and

5           (B) Fifty percent (50%) into the Human Trafficking Victim  
6 Support Fund.

7  
8           SECTION 10. Arkansas Code § 5-70-105, concerning promoting  
9 prostitution in the second degree, is amended to add an additional subsection  
10 to read as follows:

11           (c)(1) In addition to any other sentence authorized by this section, a  
12 person who violates this section by offering to pay, agreeing to pay, or  
13 paying a fee to engage in sexual activity upon conviction shall be ordered to  
14 pay a fine of two thousand five hundred dollars (\$2,500).

15           (2) Fine payments received under subdivision (c)(1) of this  
16 section shall be deposited as follows:

17           (A) Fifty percent (50%) into the Safe Harbor Fund for  
18 Sexually Exploited Children; and

19           (B) Fifty percent (50%) into the Human Trafficking Victim  
20 Support Fund.

21  
22           SECTION 11. Arkansas Code § 5-70-106, concerning promoting  
23 prostitution in the third degree, is amended to add an additional subsection  
24 to read as follows:

25           (c)(1) In addition to any other sentence authorized by this section, a  
26 person who violates this section by offering to pay, agreeing to pay, or  
27 paying a fee to engage in sexual activity upon conviction shall be ordered to  
28 pay a fine of one thousand dollars (\$1,000).

29           (2) Fine payments received under subdivision (c)(1) of this  
30 section shall be deposited as follows:

31           (A) Fifty percent (50%) into the Safe Harbor Fund for  
32 Sexually Exploited Children; and

33           (B) Fifty percent (50%) into the Human Trafficking Victim  
34 Support Fund.

35  
36           SECTION 12. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor



1 Fund for Sexually Exploited Children, is amended to read as follows:

2 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-  
3 18-104(c), 5-18-106(c), 5-18-107(f), ~~5-70-102(d)~~ 5-70-102(e), 5-70-103(d), 5-  
4 70-104(c), 5-70-105(c), and 5-70-106(c) and any other revenues authorized by  
5 law.

6  
7 SECTION 13. Arkansas Code § 19-5-1261(b), concerning the Human  
8 Trafficking Victim Support Fund, is amended to read as follows:

9 (b) The fund shall consist of fees collected under § 5-5-501(d), fin  
10 es collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-70-  
11 102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c), and any other  
12 revenues authorized by law.

13  
14 SECTION 14. Arkansas Code § 19-5-1261(c), concerning the Human  
15 Trafficking Victim Support Fund, is amended to read as follows:

16 (c)(1) The fund shall be administered by the Attorney General.

17 (2) The Attorney General shall use the fund to provide:

18 (A) Grants to nonprofit, religious, and other third-party  
19 organizations that provide services and treatment, such as securing  
20 residential housing, health services, and social services for victims of  
21 human trafficking; ~~and~~

22 (B) Training and education related to human trafficking to  
23 law enforcement; and

24 (C) For the management and operation of the fund.

25  
26 /s/C. Fite

27  
28  
29 **APPROVED: 3/21/23**

State of Arkansas *As Engrossed: S2/15/23 S2/21/23 H3/13/23*

94th General Assembly

Regular Session, 2023

# A Bill

SENATE BILL 81

By: Senators D. Sullivan, *Stone*

By: Representatives Gonzales, *Bentley*

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING LIBRARIES AND  
OBSCENE MATERIALS MADE AVAILABLE TO MINORS; TO AMEND  
THE LAW CONCERNING THE POSSESSION, SALE,  
DISTRIBUTION, OR FURNISHING OF OBSCENE MATERIALS; TO  
CREATE THE OFFENSE OF FURNISHING A HARMFUL ITEM TO A  
MINOR; TO AMEND THE CRIMINAL CODE IN RELATION TO  
OBSCENE MATERIALS LOANED BY A LIBRARY; TO ALLOW A  
PARENT OR LEGAL GUARDIAN OF A MINOR TO ACCESS THE  
MINOR'S LIBRARY RECORDS; TO PROVIDE FOR A CIVIL CAUSE  
OF ACTION AGAINST GOVERNMENTAL ENTITIES THAT POSSESS,  
SELL, OR DISTRIBUTE OBSCENE MATERIALS; TO AMEND THE  
LAW CONCERNING THE PROCESS FOR CHALLENGING MATERIALS  
INCLUDED IN A LIBRARY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING LIBRARIES AND  
OBSCENE MATERIALS; TO CREATE THE OFFENSE  
OF FURNISHING A HARMFUL ITEM TO A MINOR;  
AND TO AMEND THE LAW CONCERNING OBSCENE  
MATERIALS LOANED BY A LIBRARY.

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

SECTION 1. Arkansas Code Title 5, Chapter 27, Subchapter 2, is amended  
to add an additional section to read as follows:

5-27-212. Furnishing a harmful item to a minor – Failure to report.



1 (a) As used in this section:

2 (1) "Harmful to minors" means the same as defined in § 5-68-501;

3 (2) "Internet" means the combination of computer facilities and  
4 electromagnetic transmission media, and related equipment and software,  
5 comprising the interconnected worldwide network of computer networks that  
6 employ the Transmission Control Protocol/Internet Protocol (TCP/IP) or any  
7 successor protocol to transmit information;

8 (3) "Internet website" means a location where material placed in  
9 a computer server-based file archive is publicly accessible over the internet  
10 using hypertext transfer protocol or any successor protocol; and

11 (4)(A) "Item" means a material or performance that depicts or  
12 describes nudity, sexual conduct, sexual excitement, or sadomasochistic  
13 abuse, as those terms are defined in § 5-68-501.

14 (B) "Item" includes without limitation:

15 (i) A book, leaflet, pamphlet, magazine, booklet,  
16 picture, drawing, photograph, film, negative, slide, motion picture, figure,  
17 object, article, novelty device, recording, transcription, live or recorded  
18 telephone message, or other similar item whether tangible or intangible;

19 (ii) A performance, exhibition, transmission, or  
20 dissemination of any of the items listed in subdivision (a)(4)(B)(i) of this  
21 section; and

22 (iii) A live performance or exhibition that depicts  
23 nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as those  
24 terms are defined in § 5-68-501, to the public or an audience of one (1) or  
25 more persons.

26 (b) A person commits furnishing a harmful item to a minor if, knowing  
27 the character of the item involved, the person knowingly:

28 (1) Furnishes, presents, provides, makes available, gives,  
29 lends, shows, advertises, or distributes to a minor an item that is harmful  
30 to minors; or

31 (2) Transmits or sends to a person that he or she believes to be  
32 a minor by means of electronic mail, personal messaging, or any other direct  
33 internet communication an item that is harmful to minors when the person  
34 knows or believes at the time of the transmission that a minor in this state  
35 will receive the item.

36 (c)(1) Subdivision (b)(1) of this section does not apply to the

1 transmission or sending of items over the internet.

2 (2) Subdivision (b)(2) of this section does not apply to:

3 (A) Posting material on an internet website, bulletin  
4 board, or newsgroup; or

5 (B) Sending material via a mailing list, listserv, or  
6 other method of internet communication in which a message is sent to an  
7 internet address and then retransmitted to one (1) or more subscribers, that  
8 is not administered by the sender.

9 (d) Furnishing a harmful item to a minor is a Class A misdemeanor.

10  
11 SECTION 2. Arkansas Code § 5-68-308(c), concerning defenses to state  
12 standards that define and regulate obscenity, is amended to read as follows:

13 (c) No employee, director, or trustee of a bona fide ~~school~~, museum,  
14 ~~or public library~~, acting within the scope of his or her regular employment,  
15 is liable to prosecution for a violation of this subchapter for disseminating  
16 a writing, film, slide, drawing, or other visual reproduction that is *claimed*  
17 to be obscene.

18  
19 SECTION 3. Arkansas Code § 5-68-405 is amended to read as follows:  
20 5-68-405. Possession, sale, or distribution.

21 (a) ~~Any person that, with knowledge of its contents,~~ A person that  
22 knowingly sends or causes to be sent or brings or causes to be brought into  
23 this state for sale or commercial distribution, or in this state prepares,  
24 publishes, sells, exhibits, loans at a library, or commercially distributes,  
25 or gives away or offers to give away or has in the person's possession with  
26 ~~intent the purpose~~ to sell or commercially distribute or to exhibit or to  
27 give away, ~~any~~ obscene printed or written matter or material other than  
28 mailable matter, or any mailable matter known by the person to have been  
29 judicially found to be obscene under this subchapter, or that knowingly  
30 informs another of when, where, how, or from whom or by what means any of  
31 these things can be purchased or obtained, upon conviction is guilty of a  
32 Class D felony.

33 (b) ~~Any person that, with knowledge of its contents,~~ A person that  
34 knowingly has in the person's possession ~~any~~ obscene printed or written  
35 matter or material other than mailable matter, or any mailable matter known  
36 by that person to have been judicially found to be obscene under this

1 subchapter, upon conviction is guilty of a Class A misdemeanor.

2  
3 SECTION 4. Arkansas Code § 6-25-105 is amended to read as follows:

4 6-25-105. Establishment of guidelines for selection, ~~removal~~  
5 relocation, and retention of materials.

6 (a) Media centers shall have written policies to establish guidelines  
7 for the selection, ~~removal~~ relocation, and retention of physical materials  
8 that are available to the public.

9 (b) The school district shall have a written policy for addressing  
10 challenged material that is physically present in the library and available  
11 to the public and meets the requirements stated in subsection (c) of this  
12 section.

13 (c) A written policy adopted by a school district under subsection (b)  
14 of this section shall provide, at a minimum, the following:

15 (1) A parent or guardian of a student affected by the material  
16 to be challenged or an employee of the school district may challenge the  
17 appropriateness of material available in the school district's media center;

18 (2) The school district shall decide if material being  
19 challenged shall remain available throughout the challenge process;

20 (3) Before a person can file a challenge, the person shall  
21 request a conference through the principal's office with a licensed media  
22 center employee;

23 (4) Before a conference under subdivision (c)(3) of this section  
24 occurs, the school district shall provide a copy of the following to a person  
25 who requests a conference under subdivision (c)(3) of this section:

26 (A) The written policy adopted by a school district under  
27 subsection (b) of this section; and

28 (B) A form or other method by which a person may request a  
29 reconsideration of the appropriateness of the material being challenged;

30 (5) After the conference requested under subdivision (c)(3) of  
31 this section occurs, if the person who requested the conference wants to  
32 formally challenge the appropriateness of the material that was the subject  
33 of the conference, the person shall complete and submit the request for  
34 reconsideration using the form or other method provided under subdivision  
35 (c)(4)(B) of this section to challenge the material that was the subject of  
36 the conference;

1 (6)(A) In conducting a review of material being challenged, the  
2 principal of the school district shall select a committee of licensed  
3 personnel.

4 (B) The principal or his or her designee shall be a member  
5 of the committee and may serve as the chair of the committee established  
6 under subdivision (c)(6)(A) of this section.

7 (C) At least one (1) member of the committee established  
8 under subdivision (c)(6)(A) of this section shall be a media specialist.

9 (D) The committee members who are not the principal or a  
10 media specialist shall be licensed personnel with curriculum knowledge  
11 appropriate for the material being challenged and be representative of  
12 diverse viewpoints;

13 (7)(A) The committee established under subdivision (c)(6)(A) of  
14 this section shall determine if the material being challenged meets the  
15 criteria of selection.

16 (B) Material being challenged:

17 (i) Shall not be withdrawn solely for the viewpoints  
18 expressed within the material; and

19 (ii) Shall be reviewed in its entirety and shall not  
20 have selected portions taken out of context;

21 (8) The school district shall convene a meeting of the committee  
22 established under subdivision (c)(6)(A) of this section after allowing a  
23 reasonable time for the committee members to adequately review the material  
24 being challenged and the request submitted under subdivision (c)(5) of this  
25 section by the person challenging the appropriateness of the material;

26 (9) The committee established under subdivision (c)(6)(A) of  
27 this section shall allow the person who submitted the request under  
28 subdivision (c)(5) of this section to present his or her request to the  
29 committee;

30 (10) After hearing from the person who submitted the request  
31 under subdivision (c)(5) of this section, the committee established under  
32 subdivision (c)(6)(A) of this section shall meet to discuss the material  
33 being challenged;

34 (11)(A) The committee established under subdivision (c)(6)(A) of  
35 this section shall vote to determine whether the material being challenged  
36 shall be relocated within the media center's collection to an area that is

1 not accessible to minors under the age of eighteen (18) years.

2 (B) A member of the committee established under  
3 subdivision (c)(6)(A) of this section who votes with the majority under  
4 subdivision (c)(11)(A) of this section shall write a summary of the reasons  
5 for the majority's decision.

6 (C) Notice of the committee's decision under subdivision  
7 (c)(11)(A) of this section and the summary prepared under subdivision  
8 (c)(11)(B) of this section shall be given by hand or by certified mail to the  
9 person who submitted the request under subdivision (c)(5) of this section;

10 (12)(A) If the committee established under subdivision (c)(6)(A)  
11 of this section decides not to relocate the material being challenged, the  
12 person who submitted the request under subdivision (c)(5) of this section may  
13 appeal the committee's decision to the board of directors for the school  
14 district by filing a written appeal to the superintendent within five (5)  
15 working days of the committee's decision or written receipt of the  
16 committee's decision.

17 (B)(i) If a person appeals the decision of a committee  
18 under this subdivision (c)(12), the superintendent shall present the material  
19 being challenged, the request submitted by the person under subdivision  
20 (c)(5) of this section, the committee's decision under subdivision (c)(11)(A)  
21 of this section, and the summary prepared under subdivision (c)(11)(B) of  
22 this section to the board of directors within fifteen (15) days of the  
23 committee's decision.

24 (ii) In addition to the information required to be  
25 provided under subdivision (c)(12)(B)(i) of this section, the superintendent  
26 may also include the administration's recommendation regarding the appeal  
27 submitted under this subdivision (c)(12).

28 (C)(i) The members of the board of directors shall review  
29 the information submitted to them under this subdivision (c)(12) and shall  
30 make a decision on the appeal within thirty (30) days of receiving the  
31 information.

32 (ii) The decision of a board of directors under  
33 subdivision (c)(12)(C)(i) of this section is final; and

34 (13) A meeting held regarding a challenge or an appeal submitted  
35 under a written policy adopted by a school district under subsection (b) of  
36 this section shall be a public meeting and the records submitted and

1 considered at a meeting shall be public records under the Freedom of  
2 Information Act of 1967, § 25-19-101 et seq.

3  
4 SECTION 5. Arkansas Code Title 13, Chapter 2, Subchapter 1, is amended  
5 to add an additional section to read as follows:

6 13-2-106. Establishment of guidelines for selection, relocation, and  
7 retention of materials.

8 (a) Each county or municipal library shall have a written policy to  
9 establish guidelines for the selection, relocation, and retention of physical  
10 materials that are available to the public.

11 (b) A county or municipal library shall have a written policy for  
12 addressing challenged material that is physically present in the library and  
13 available to the public and meets the requirements stated in subsection (c)  
14 of this section.

15 (c) A written policy adopted by a county or municipal library under  
16 subsection (b) of this section shall provide, at a minimum, the following:

17 (1) A person affected by the material to be challenged or an  
18 employee of the county or municipal library may challenge the appropriateness  
19 of material available in the county or municipal library;

20 (2) The county or municipal library shall decide if material  
21 being challenged shall remain available throughout the challenge process;

22 (3) Before a person can file a challenge, the person shall  
23 request a meeting with the librarian of the county or municipal library;

24 (4) Before a meeting under subdivision (c)(3) of this section  
25 occurs, the county or municipal library shall provide a copy of the following  
26 to a person who requests a meeting under subdivision (c)(3) of this section:

27 (A) The written policy adopted by the county or municipal  
28 library under subsection (b) of this section; and

29 (B) A form or other method by which a person may request a  
30 reconsideration of the appropriateness of the material being challenged;

31 (5) After the meeting requested under subdivision (c)(3) of this  
32 section occurs, if the person who requested the meeting wants to formally  
33 challenge the appropriateness of the material that was the subject of the  
34 meeting, the person shall complete and submit the request for reconsideration  
35 using the form or other method provided under subdivision (c)(4)(B) of this  
36 section to challenge the material that was the subject of the meeting;



1           (6)(A) In conducting a review of material being challenged, the  
2 librarian of the county or municipal library shall select a committee of  
3 library personnel.

4           (B) The librarian or his or her designee shall be a member  
5 of the committee and may serve as the chair of the committee established  
6 under subdivision (c)(6)(A) of this section.

7           (C) The committee members who are not the librarian shall  
8 have knowledge appropriate for the material being challenged and be  
9 representative of diverse viewpoints;

10          (7)(A) The committee established under subdivision (c)(6)(A) of  
11 this section shall determine if the material being challenged meets the  
12 criteria of selection.

13           (B) Material being challenged:

14           (i) Shall not be withdrawn solely for the viewpoints  
15 expressed within the material; and

16           (ii) Shall be reviewed in its entirety and shall not  
17 have selected portions taken out of context;

18          (8) The county or municipal library shall convene a meeting of  
19 the committee established under subdivision (c)(6)(A) of this section after  
20 allowing a reasonable time for the committee members to adequately review the  
21 material being challenged and the request submitted under subdivision (c)(5)  
22 of this section by the person challenging the appropriateness of the  
23 material;

24          (9) The committee established under subdivision (c)(6)(A) of  
25 this section shall allow the person who submitted the request under  
26 subdivision (c)(5) of this section to present his or her request to the  
27 committee;

28          (10) After hearing from the person who submitted the request  
29 under subdivision (c)(5) of this section, the committee established under  
30 subdivision (c)(6)(A) of this section shall meet to discuss the material  
31 being challenged;

32          (11)(A) The committee established under subdivision (c)(6)(A) of  
33 this section shall vote to determine whether the material being challenged  
34 shall be relocated within the library's collection to an area that is not  
35 accessible to minors under the age of eighteen (18) years.

36          (B) A member of the committee established under

1 subdivision (c)(6)(A) of this section who votes with the majority under  
2 subdivision (c)(11)(A) of this section shall write a summary of the reasons  
3 for the majority's decision.

4 (C) Notice of the committee's decision under subdivision  
5 (c)(11)(A) of this section and the summary prepared under subdivision  
6 (c)(11)(B) of this section shall be given by hand or by certified mail to the  
7 person who submitted the request under subdivision (c)(5) of this section;

8 (12)(A) If the committee established under subdivision (c)(6)(A)  
9 of this section decides not to relocate the material being challenged, the  
10 person who submitted the request under subdivision (c)(5) of this section may  
11 appeal the committee's decision to the governing body of the county or city  
12 by filing a written appeal to the executive head of the governing body of the  
13 county or city within five (5) working days of the committee's decision or  
14 written receipt of the committee's decision.

15 (B)(i) If a person appeals the decision of a committee  
16 under this subdivision (c)(12), the executive head of the county or city  
17 shall present the material being challenged, the request submitted by the  
18 person under subdivision (c)(5) of this section, the committee's decision  
19 under subdivision (c)(11)(A) of this section, and the summary prepared under  
20 subdivision (c)(11)(B) of this section to the governing body of the county or  
21 city within fifteen (15) days of the committee's decision.

22 (ii) In addition to the information required to be  
23 provided under subdivision (c)(12)(B)(i) of this section, the executive head  
24 of the county or city may also include his or her recommendation regarding  
25 the appeal submitted under this subdivision (c)(12).

26 (C)(i) The members of the governing body of the county or  
27 city shall review the information submitted to them under this subdivision  
28 (c)(12) and shall make a decision on the appeal within thirty (30) days of  
29 receiving the information.

30 (ii) The decision of the governing body of the  
31 county or city under subdivision (c)(12)(C)(i) of this section is final; and

32 (13) A meeting held regarding a challenge or an appeal submitted  
33 under a written policy adopted by a county or city library under subsection  
34 (b) of this section shall be a public meeting and the records submitted and  
35 considered at a meeting shall be public records under the Freedom of  
36 Information Act of 1967, § 25-19-101 et seq.

1 (d) As used in this section:

2 (1) "Executive head of the county or city" means:

3 (A) For a county library, the executive head of the  
4 county;

5 (B) For a city library, the executive head of the city;  
6 and

7 (C) For a library that is funded by both a county and a  
8 city, the executive head of the county or city that provides the majority of  
9 the funding for the library; and

10 (2) "Governing body of the county or city" means:

11 (A) For a county library, the county;

12 (B) For a city library, the city; and

13 (C) For a library that is funded by both a county and a  
14 city, the county or city that provides the majority of the funding for the  
15 library.

16  
17 SECTION 6. Arkansas Code § 13-2-704 is amended to read as follows:

18 13-2-704. Disclosure permitted.

19 (a) A library may disclose personally identifiable information  
20 concerning any patron to:

21 (1) The patron;

22 (2) Any person with the informed, written consent of the patron;

23 (3) A law enforcement agency or civil court, under a search  
24 warrant; or

25 (4) Any person, including without limitation the patron, who has  
26 received an automated telephone notification or other electronic  
27 communication for overdue materials or reserve materials if the person making  
28 the request can verify the telephone number or email address to which the  
29 notice was sent.

30 (b) A library may disclose confidential library records to:

31 (1) The patron; and

32 (2) The parent or legal guardian of a patron who is younger than  
33 eighteen (18) years of age.

34  
35 /s/D. Sullivan

36 APPROVED: 3/30/23

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1474

By: Representative Gazaway  
By: Senator Irvin

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CRIMINAL CODE; TO ADD AN  
UNDERGROUND STORAGE FACILITY TO THE DEFINITION OF  
CRITICAL INFRASTRUCTURE; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE ARKANSAS CRIMINAL CODE; AND  
TO ADD AN UNDERGROUND STORAGE FACILITY TO  
THE DEFINITION OF CRITICAL  
INFRASTRUCTURE.

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

SECTION 1. Arkansas Code § 5-38-101(2), concerning the definition of  
"critical infrastructure", is amended to read as follows:

(2) "Critical infrastructure" means any of the following  
facilities that are either completely enclosed by a fence or other physical  
barrier that is designed to exclude persons without permission to be in the  
facility or otherwise is clearly marked with signs that are reasonably likely  
to be seen by another person that indicate entry or unauthorized access is  
forbidden without facility authorization:

(A) A chemical or rubber manufacturing facility;  
(B) A water intake structure, water treatment facility,  
wastewater facility, drainage facility, water management facility, or any  
similar water or sewage treatment system and the water or sewage treatment  
system's piping;

(C) A food processing or manufacturing facility;



1 (D) A natural gas company facility, an underground gas  
2 storage facility, or interstate natural gas pipeline, including without  
3 limitation:

4 (i) A pipeline interconnection;  
5 (ii) A natural gas compressor station and associated  
6 facility;  
7 (iii) A city gate or town border station;  
8 (iv) A metering station;  
9 (v) Aboveground piping;  
10 (vi) A regulator station;  
11 (vii) A valve site;  
12 (viii) A delivery station; and  
13 (ix) Fabricated assembly and any part of a natural  
14 gas storage facility involved in the gathering, storage, transmission, or  
15 distribution of gas;

16 (E) Wireline or wireless telecommunications  
17 infrastructure, including telecommunications towers, telephone poles,  
18 telephone lines, and fiber optic lines;

19 (F) A port, trucking terminal, or other freight  
20 transportation facility;

21 (G) A gas processing plant, including a gas processing  
22 plant used in the processing, treatment, or fractionation of natural gas or  
23 natural gas liquids;

24 (H) A crude oil or refined products storage and  
25 distribution facility, including without limitation:

26 (i) A valve site;  
27 (ii) A pipeline interconnection;  
28 (iii) A pump station;  
29 (iv) A metering station;  
30 (v) A belowground or aboveground pipeline or piping;  
31 (vi) A truck loading or off-loading facility; and  
32 (vii) An aboveground portion of a well, well pad, or  
33 production operation;

34 (I) A laydown area or construction site for pipe and other  
35 equipment intended for use on an interstate or intrastate natural gas or  
36 crude oil pipeline;

1 (J) A portion of an oil, gas, hazardous liquid, or  
2 chemical pipeline, tank, or other storage facility that is aboveground;

3 (K) A video service network and broadband infrastructure,  
4 including without limitation:

5 (i) Associated buildings and facilities;

6 (ii) Video service headends, towers, utility poles,  
7 and utility lines; and

8 (iii) Fiber optic lines;

9 (L) A mining operation, including any processing  
10 equipment, batching operation, or support facility for that mining operation;

11 (M) A facility installed in a public right-of-way on a  
12 utility pole or in a conduit that is aboveground and concerns a video service  
13 network or broadband or wireless telecommunications infrastructure;

14 (N) Railroad property; and

15 (O) Property owned by and considered an electronic asset  
16 of any of the following:

17 (i) An electric utility;

18 (ii) An electric cooperative;

19 (iii) A municipal electric utility;

20 (iv) A natural gas company that is a public utility;

21 (v) A telephone company that is a public utility; or

22 (vi) A video service provider, including a cable  
23 operator;

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26 **APPROVED: 3/30/23**  
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State of Arkansas

As Engrossed: H3/15/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1496

By: Representatives Hawk, Evans, Jean, McCullough

By: Senator Crowell

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ABUSE OF AN  
ATHLETIC CONTEST OFFICIAL; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING ABUSE OF AN  
ATHLETIC CONTEST OFFICIAL.

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

SECTION 1. Arkansas Code § 5-13-209 is amended to read as follows:

5-13-209. Abuse of athletic contest officials.

(a) A person commits abuse of an athletic official if, ~~with the purpose of causing physical injury to another person, the person strikes or otherwise physically abuses an athletic contest official~~ immediately prior to, during, or immediately following an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest in which ~~the~~ an athletic contest official is participating~~r~~, the person:

(1) With the purpose of causing serious physical injury to an athletic contest official, causes serious physical injury to an athletic contest official;

(2) With the purpose of causing physical injury to an athletic contest official, causes serious physical injury to an athletic contest official;

(3) With the purpose of causing physical injury to an athletic contest official, causes physical injury to an athletic contest official; or

(4) Purposely creates apprehension of imminent physical injury



1 in an athletic contest official.

2 (b) Abuse of an athletic contest official is a:

3 1) Class A ~~misdemeanor~~, B felony under subdivision (a)(1) of  
4 this section;

5 (2) Class C felony under subdivision (a)(2) of this section;

6 (3) Class A misdemeanor under subdivision (a)(3) of this section  
7 with a minimum fine of two thousand five hundred dollars (\$2,500); and

8 (4) Class A misdemeanor under subdivision (a)(4) of this  
9 section.

10 /s/Hawk

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13 APPROVED: 3/30/23  
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State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1503

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF OPERATING A CHOP  
SHOP; TO CREATE THE OFFENSE OF DEALING IN STOLEN OR  
FORGED MOTOR VEHICLE PARTS; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE OFFENSE OF OPERATING A CHOP  
SHOP; AND TO CREATE THE OFFENSE OF  
DEALING IN STOLEN OR FORGED MOTOR VEHICLE  
PARTS.

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

SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended  
to add an additional section to read as follows:

5-36-109. Operating a chop shop – Dealing in stolen or forged motor  
vehicle parts.

(a) As used in this section:

(1) “Chop shop” means a place used for the purpose of selling,  
transferring, purchasing, or receiving a motor vehicle or a motor vehicle  
part with the purpose to misrepresent the identity of or prevent the  
identification of the motor vehicle or motor vehicle part by modifying the  
vehicle identification number;

(2) “Modify” means to:

(A) Alter;

(B) Counterfeit;

(C) Deface;

(D) Destroy;



1           (E) Disguise;

2           (F) Falsify;

3           (G) Forge;

4           (H) Obliterate; or

5           (I) Remove; and

6           (3)(A) "Motor vehicle" means a device:

7                   (i) In, upon, or by which a person or property is or  
8 may be transported or drawn upon a highway; and

9                   (ii) That is self-propelled or may be connected to  
10 and towed by a self-propelled device.

11           (B) "Motor vehicle" includes a land-based, self-propelled  
12 device not designed for use upon a highway, including without limitation:

13                   (i) Farm machinery; and

14                   (ii) A steam shovel.

15           (b)(1) A person commits operating a chop shop if he or she knowingly:

16                   (A) Owns, operates, or conducts a chop shop;

17                   (B) Transports a motor vehicle or motor vehicle part to or  
18 from a chop shop;

19                   (C) Sells, transfers, purchases, or receives a motor  
20 vehicle or motor vehicle part either to or from a chop shop; or

21                   (D) Modifies or removes a vehicle identification number  
22 with the purpose of misrepresenting the identity or preventing the  
23 identification of a motor vehicle or motor vehicle part.

24           (2) Operating a chop shop is a Class C felony.

25           (c)(1) A person commits dealing in stolen or forged motor vehicle  
26 parts if he or she knowingly sells, transfers, purchases, possesses, or  
27 receives a motor vehicle or motor vehicle part with a modified vehicle  
28 identification number.

29           (2) Dealing in stolen or forged motor vehicle parts is a Class D  
30 felony.

31           (d) This section does not apply to:

32                   (1) A motor vehicle scrap processor who, in the normal course of  
33 a legal business and in good faith, processes a motor vehicle or motor  
34 vehicle part by crushing, compacting, or other similar method, if the vehicle  
35 identification number is not removed from the motor vehicle or motor vehicle  
36 part before or during processing; or

1           (2)(A) An owner or authorized possessor of a motor vehicle or  
2 motor vehicle part:

3                   (i) That has been recovered by a law enforcement  
4 agency or law enforcement officer after having been stolen; or

5                   (ii) With a vehicle identification number that has  
6 been modified and the modification of the vehicle identification number of  
7 the motor vehicle or motor vehicle part is known to or has been reported to a  
8 law enforcement agency or law enforcement officer.

9           (B) It is presumed that a law enforcement agency or law  
10 enforcement officer has knowledge of all vehicle identification numbers on a  
11 motor vehicle or motor vehicle part that are modified when the law  
12 enforcement agency or law enforcement officer delivers or returns the motor  
13 vehicle or motor vehicle part to its owner or authorized possessor after it  
14 has been recovered by a law enforcement agency or law enforcement officer  
15 after having been reported stolen.

16           (e) In addition to any other sentence authorized by law, a person who  
17 commits operating a chop shop or dealing in stolen or forged motor vehicle  
18 parts upon conviction shall be ordered to make restitution to:

19                   (1) A lawful owner of the stolen motor vehicle or the stolen  
20 motor vehicle part;

21                   (2) A lawful owner's insurer if the lawful owner has been  
22 compensated by the insurer; and

23                   (3) Any other person who sustained financial loss as a result of  
24 the commission of operating a chop shop or dealing in stolen or forged motor  
25 vehicle parts.

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28                           **APPROVED: 4/10/23**  
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State of Arkansas

As Engrossed: H4/3/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1456

By: Representatives Gazaway, Beaty Jr., M. Berry, Lundstrum, Maddox, S. Berry, C. Cooper, Eubanks,  
Gonzales, Haak, Hollowell, Long, J. Mayberry, S. Meeks, J. Moore, Ray, Richmond, Rye, Watson,  
Wooldridge

By: Senators Gilmore, J. Dismang, J. Boyd, J. Bryant, Crowell, B. Davis, Dees, J. Dotson, J. English,  
Flippo, K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, B. King, M. McKee, J. Payton, C. Penzo,  
J. Petty, Rice, Stone, G. Stubblefield, D. Sullivan, D. Wallace

## For An Act To Be Entitled

AN ACT CREATING THE FENTANYL ENFORCEMENT AND  
ACCOUNTABILITY ACT OF 2023; TO DECLARE AN EMERGENCY;  
AND FOR OTHER PURPOSES.

## Subtitle

CREATING THE FENTANYL ENFORCEMENT AND  
ACCOUNTABILITY ACT OF 2023; CONCERNING  
FENTANYL AND OTHER CONTROLLED SUBSTANCES;  
TO ESTABLISH INCREASED PENALTIES; AND TO  
DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. This act shall be known and may be cited as  
the "Fentanyl Enforcement and Accountability Act of 2023".

SECTION 2. Arkansas Code Title 5, Chapter 10, is amended to add an  
additional subchapter to read as follows:

### Subchapter 2 – Death by Delivery

5-10-201. Definitions.



1 As used as this subchapter:

2 (1) "Cocaine" includes without limitation cocaine, an analog of  
3 cocaine that is a cocaine-related controlled substance, and any chemical  
4 structure modification to cocaine or a cocaine analog, including without  
5 limitation the isomers, esters, ethers, and salts of cocaine;

6 (2) "Controlled substance" means the same as defined in § 5-64-  
7 101;

8 (3)(A) "Convey" means to provide to a person or cause to pass  
9 from a person to another person a controlled substance or counterfeit  
10 substance.

11 (B) "Convey" does not include a person providing  
12 prescription medication in good faith to a family member within the third  
13 degree of consanguinity for the purpose of providing short-term relief for a  
14 medical condition or physical injury;

15 (4) "Counterfeit substance" means the same as defined in § 5-64-  
16 101;

17 (5) "Deliver" or "delivery" means the same as defined in § 5-64-  
18 101;

19 (6) "Dispense" means the same as defined in § 5-64-101;

20 (7) "Fentanyl" means the same as defined in § 5-64-101;

21 (8) "Heroin" includes without limitation heroin, an analog of  
22 heroin that is a heroin-related controlled substance, and any chemical  
23 structure modification to heroin or a heroin analog, including without  
24 limitation the isomers, esters, ethers, and salts of heroin;

25 (9) "Methamphetamine" includes without limitation  
26 methamphetamine, an analog of methamphetamine that is a methamphetamine-  
27 related controlled substance, and any chemical structure modification to  
28 methamphetamine or a methamphetamine analog, including without limitation the  
29 isomers, esters, ethers, and salts of methamphetamine;

30 (10) "Minor" means a person who is younger than eighteen (18)  
31 years of age; and

32 (11) "Practitioner" means the same as defined in § 5-64-101.

33  
34 5-10-202. Aggravated death by delivery.

35 (a) A person commits the offense of aggravated death by delivery if:

36 (1)(A) He or she knowingly delivers or conveys fentanyl to

1 another person; and

2 (B) The injection, ingestion, inhalation, or other  
3 introduction of the fentanyl, including any adulterants or diluents, is the  
4 cause of death of the other person; or

5 (2)(A) He or she knowingly delivers or conveys fentanyl,  
6 methamphetamine, heroin, or cocaine to a minor; and

7 (B) The injection, ingestion, inhalation, or other  
8 introduction of the fentanyl, methamphetamine, heroin, or cocaine, including  
9 any adulterants or diluents, causes the death of the minor.

10 (b)(1) A person who commits the offense of aggravated death by  
11 delivery under subdivision (a)(1) of this section upon conviction is guilty  
12 of an unclassified felony and shall be sentenced to term of imprisonment of  
13 no less than twenty (20) years nor more than sixty (60) years, or life.

14 (2)(A) Except as provided in subdivision (b)(2)(B) of this  
15 section, a person who commits the offense of aggravated death by delivery  
16 under subdivision (a)(2) of this section upon conviction is guilty of an  
17 unclassified felony and shall be sentenced to a term of life imprisonment.

18 (B) A person who commits the offense of aggravated death  
19 by delivery under subdivision (a)(2) of this section who is less than three  
20 (3) years older than the minor whose death was caused upon conviction is  
21 guilty of an unclassified felony and shall be sentenced to a term of  
22 imprisonment of no less than twenty (20) years nor more than sixty (60)  
23 years, or life.

24  
25 5-10-203. Death by delivery in the first degree.

26 (a) A person commits the offense of death by delivery in the first  
27 degree if:

28 (1) He or she knowingly delivers or conveys methamphetamine,  
29 heroin, or cocaine to another person; and

30 (2) The injection, ingestion, inhalation, or other introduction  
31 of the methamphetamine, heroin, or cocaine, including any adulterants or  
32 diluents, is the cause of death of the person.

33 (b)(1) Except as provided in subdivision (b)(2) of this section, death  
34 by delivery in the first degree is a Class Y felony.

35 (2) Death by delivery in the first degree is a Class A felony if  
36 the defendant proves by a preponderance of the evidence one (1) or more of

1 the following factors:

2 (A) The defendant does not have a prior felony conviction;

3 (B) The defendant played a minor or passive role in the  
4 delivery or conveyance of the methamphetamine, heroin, or cocaine;

5 (C) The defendant was unaware of adulterants or diluents  
6 in the methamphetamine, heroin, or cocaine that accelerated or contributed to  
7 the death of the other person; or

8 (D) The defendant possessed the methamphetamine, heroin,  
9 or cocaine for personal use and the conveyance was not part of a transaction  
10 for which the defendant obtained income, resources, or benefits.

11  
12 5-10-204. Death by delivery in the second degree.

13 (a) A person commits the offense of death by delivery in the second  
14 degree if:

15 (1) He or she knowingly delivers or conveys to another person:

16 (A) A controlled substance that is not fentanyl,  
17 methamphetamine, heroin, or cocaine; or

18 (B) A counterfeit substance; and

19 (2) The injection, ingestion, inhalation, or other introduction  
20 of the controlled substance or counterfeit substance, including any  
21 adulterants or diluents, is the cause of death of the person.

22 (b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this  
23 section, death by delivery in the second degree is a Class A felony.

24 (2) Death by delivery in the second degree is a Class B felony  
25 if the defendant proves by a preponderance of the evidence one (1) or more of  
26 the following factors:

27 (A) The defendant does not have a prior felony conviction;

28 (B) The defendant played a minor or passive role in the  
29 delivery or conveyance of the controlled substance or counterfeit substance;

30 (C) The defendant was unaware of adulterants or diluents  
31 in the controlled substance or counterfeit substance that accelerated or  
32 contributed to the death of the other person; or

33 (D) The defendant possessed the controlled substance or  
34 counterfeit substance for personal use and the conveyance was not part of a  
35 transaction for which the defendant obtained income, resources, or benefits.

36 (3) Death by delivery in the second degree is a Class Y felony

1 if the state proves beyond a reasonable doubt one (1) or more of the  
2 following factors:

3 (A) The defendant has a prior felony conviction for  
4 delivery of a controlled substance under the Uniform Controlled Substances  
5 Act, § 5-64-401 et. seq. or a similar law of another jurisdiction;

6 (B) The defendant manifested extreme indifference to the  
7 value of human life during the commission of the offense; or

8 (C) The defendant knew the victim was vulnerable because  
9 the victim was a minor, was sixty (60) years of age or older, or was an  
10 incompetent person as defined in § 5-64-407.

11  
12 5-10-205. Effect of subchapter on Joshua Ashley-Pauley Act.

13 This subchapter does not restrict or interfere with the rights and  
14 immunities provided in the Joshua Ashley-Pauley Act, § 20-13-1701 et. seq.

15  
16 5-10-206. Exemptions.

17 The following are not offenses under this subchapter:

18 (1) An individual practitioner acting in the usual course of  
19 professional practice issuing a valid prescription for a controlled substance  
20 for a legitimate medical purpose;

21 (2) A pharmacy, pharmacist, or an individual practitioner  
22 dispensing, delivering, or administering a controlled substance pursuant to a  
23 prescription;

24 (3) A permitted manufacturer, wholesaler, pharmacy, hospital,  
25 long-term care facility, or other medical provider delivering, prescribing,  
26 administering, or transferring a controlled substance available by  
27 prescription for lawful purposes and in compliance with state and federal  
28 law; and

29 (4) A pharmaceutical company manufacturing a controlled  
30 substance available by prescription in compliance with state and federal law.

31  
32 5-10-207. Consensual ingestion not a defense.

33 It is not a defense to a prosecution under this subchapter that a  
34 person knowingly and voluntarily consented to the injection, ingestion,  
35 inhalation, or other introduction of the controlled substance or counterfeit  
36 substance.



1  
2 5-10-208. Penalties not exclusive.

3 This subchapter and the criminal penalties provided in this subchapter  
4 are in addition to any other criminal penalty a person may be subject to  
5 under the Arkansas Criminal Code or the Uniform Controlled Substances Act, §  
6 5-64-101 et. seq.  
7

8 5-10-209. Factors considered when determining whether a person  
9 possessed a controlled substance for personal use.

10 For purposes of this subchapter, possession of a controlled substance  
11 or counterfeit substance for personal use may be demonstrated through the  
12 consideration of certain factors, including without limitation:

13 (1) The person does not possess the means to weigh, separate, or  
14 package the controlled substance or counterfeit substance;

15 (2) The person does not possess a record indicating a drug-  
16 related transaction;

17 (3) The controlled substance or counterfeit substance is not  
18 separated or packaged in a manner to facilitate delivery;

19 (4) The person does not possess a firearm that is in the  
20 immediate physical control of the person at the time of the delivery or  
21 conveyance of the controlled substance or counterfeit substance; and

22 (5) The person does not possess other controlled substances or  
23 counterfeit substances at the time of the delivery or conveyance.  
24

25 5-10-210. Accomplice liability.

26 An individual who is an accomplice under § 5-2-403 to the delivery or  
27 conveyance in § 5-10-202, § 5-10-203, or § 5-10-204 is an accomplice for the  
28 purposes of this section.  
29

30 SECTION 3. Arkansas Code § 5-64-101(12), concerning the definition of  
31 "drug paraphernalia" under the Uniform Controlled Substances Act, is amended  
32 to add an additional subdivision to read as follows:

33 (D) "Drug paraphernalia" does not include a disposable,  
34 single-use test strip that can detect the presence of fentanyl or fentanyl  
35 analogs in a substance;  
36

1       SECTION 4. Arkansas Code § 5-64-421, concerning offenses related to  
2 the possession and delivery of fentanyl, is amended to add an additional  
3 subsection to read as follows:

4       (i)(1)(A) A person commits the offense of predatory marketing of  
5 fentanyl to minors if he or she possesses fentanyl with the purpose to  
6 deliver, delivers fentanyl, or manufactures fentanyl; and

7       (B) The fentanyl possessed, delivered, or manufactured is  
8 likely to appeal to minors due to the shape, color, taste, or design of the  
9 fentanyl or the fentanyl's packaging, including without limitation:

10       (i) Products that are modeled after noncontrolled  
11 substance products primarily consumed by and marketed to minors;

12       (ii) Products in the shape of an animal, a vehicle,  
13 a person, or a character; or

14       (iii) Products that resemble food or beverages that  
15 are attractive to minors and that are commonly sold in retail establishments  
16 regardless of whether the food or beverages are generic, trademarked, or  
17 branded products, including without limitation products that resemble candy.

18       (2) A person who commits predatory marketing of fentanyl to  
19 minors upon conviction is guilty of an unclassified felony and shall be  
20 sentenced to a term of life imprisonment and a fine of one million dollars  
21 (\$1,000,000).

22  
23       SECTION 5. Arkansas Code § 5-64-440(c), concerning the offense of  
24 trafficking a controlled substance, is amended to read as follows:

25       (c)(1) Trafficking a controlled substance is a Class Y felony.

26       (2) Trafficking of fentanyl is an unclassified felony with a  
27 sentence of imprisonment of not less than twenty-five (25) years nor more  
28 than sixty (60) years, or life, and a fine of one million dollars  
29 (\$1,000,000).

30  
31       SECTION 6. Arkansas Code § 16-93-1802(1)(B), if enacted by SB495 of  
32 the Ninety-fourth General Assembly, concerning the list of offenses within  
33 the definition of "felony ineligible for earned release credits", is amended  
34 to add additional subdivisions to read as follows:

35       (xix) Aggravated death by delivery, § 5-10-202; and

36       (xx) Predatory marketing of fentanyl to minors, § 5-

1 64-421(i).

2  
3 SECTION 7. Arkansas Code § 16-93-1802(2)(B), if enacted by SB495 of  
4 the Ninety-fourth General Assembly, concerning the list of offenses within  
5 the definition of "restricted release felony", is amended to add additional  
6 subdivisions to read as follows:

7 (liv) Death by delivery in the first degree, § 5-10-  
8 203; and

9 (lv) Death by delivery in the second degree, § 5-10-  
10 204.

11  
12 SECTION 8. DO NOT CODIFY. EFFECTIVE DATE.

13 (a) Sections 6 and 7 of this act shall become effective on January 1,  
14 2024, if SB495 of the Ninety-fourth General Assembly is enacted by the  
15 General Assembly and becomes an act.

16 (b) If SB495 of the Ninety-fourth General Assembly does not become an  
17 act, Sections 6 and 7 of this act shall not become effective.

18  
19 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly of the State of Arkansas that illegal controlled substances,  
21 including fentanyl, are a public health crisis; that the Arkansas State Crime  
22 Labratory performed autopsies on four hundred ninety-six (496) drug overdose  
23 deaths in 2021, and of those, two hundred eighty-two (282) or fifty-eight and  
24 six-tenths percent (58.6%) involved fentanyl; that five (5) years prior, in  
25 2016, there were two hundred seven (207) drug overdose deaths; that of those,  
26 only eight (8) or three and eight-tenths percent (3.8%) involved fentanyl;  
27 that the data reflects a one hundred forty percent (140%) increase in overall  
28 drug overdose deaths and a three thousand four hundred twenty-five percent  
29 (3,425%) increase in drug overdose deaths involving fentanyl; and this act  
30 should become effective immediately to create enforcement and accountability  
31 for the distribution of illegal substances and protect the health of Arkansas  
32 citizens. Therefore, an emergency is declared to exist, and Sections 1  
33 through 5 of this act being immediately necessary for the preservation of the  
34 public peace, health, and safety shall become effective on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the  
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is  
4 overridden, the date the last house overrides the veto.

5  
6 /s/Gazaway

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9 **APPROVED: 4/11/23**  
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State of Arkansas *As Engrossed: H3/6/23 H3/29/23*

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1521

By: Representatives Wing, Scott, Watson

By: Senator K. Hammer

## For An Act To Be Entitled

AN ACT TO CREATE THE CRIMINAL OFFENSE OF DISARMING AN  
OFFICER; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE CRIMINAL OFFENSE OF  
DISARMING AN OFFICER.

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

SECTION 1. Arkansas Code Title 5, Chapter 54, Subchapter 1, is amended  
to add an additional section to read as follows:

5-54-134. Disarming an officer.

(a) As used in this section "taser stun gun" means the same as defined  
in § 5-73-133.

(b) A person commits disarming an officer if, with the purpose of  
causing physical injury to the law enforcement officer or another person, the  
person purposely uses physical force to take from a law enforcement officer,  
the law enforcement officer's:

(1) Firearm;

(2) Nightstick;

(3) Taser stun gun;

(4) Personal protection chemical dispensing device; or

(5) Any other protective gear or weapon carried by the law  
enforcement officer that could be used to cause physical injury to another  
person.

(c) Disarming an officer is a Class C felony.



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*/s/Wing*

**APPROVED: 4/11/23**

State of Arkansas As Engrossed: H3/27/23 H3/30/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1650

By: Representatives M. Shepherd, Achor, Brooks, Dalby, Ennett, Eubanks, D. Ferguson, K. Ferguson, C. Fite, D. Hodges, Lynch, McAlindon, McGrew, McNair, Painter, Perry, Richmond, Scott, Tosh, D. Whitaker, Wooten, Beaty Jr.

By: Senators Hester, Crowell, J. Petty, Stone

## For An Act To Be Entitled

AN ACT CONCERNING THE SALE OF EVENT TICKETS; TO  
CREATE THE EVENT TICKETING AND RESALE CONSUMER  
PROTECTION ACT; TO DECLARE AN EMERGENCY; AND FOR  
OTHER PURPOSES.

## Subtitle

CONCERNING THE SALE OF EVENT TICKETS; TO  
CREATE THE EVENT TICKETING AND RESALE  
CONSUMER PROTECTION ACT; AND TO DECLARE  
AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add  
an additional subchapter to read as follows:

Subchapter 11 – Event Ticketing and Resale Consumer Protection Act

4-88-1101. Title.

This subchapter shall be known and may be cited as the "Event Ticketing  
and Resale Consumer Protection Act".

4-88-1102. Definitions.

As used in this subchapter:

(1) "Character strings" means a linear sequence of characters



1 that are typically stored in or processed by a computer;

2 (2) "Event" means a theatrical or musical production, concert,  
3 show, sporting event, competition, tournament, festival, dance performance,  
4 rodeo, pageant, speaker, exhibition, or other entertainment open to the  
5 public in this state for which tickets are normally sold;

6 (3) "Internet domain name" means a globally unique, hierarchical  
7 reference to an internet host or service, that:

8 (A) Is assigned through centralized internet naming  
9 authorities;

10 (B) Is comprised of a series of character strings  
11 separated by periods; and

12 (C) Has the right most character strings specifying the  
13 top of the hierarchy;

14 (4) "Legislative body" means the quorum court of a county or the  
15 city council, board of directors, board of commissioners, or similar elected  
16 governing body of local government;

17 (5) "Local government" means:

18 (A) A county;

19 (B) A city of the first class, a city of the second class,  
20 or an incorporated town; or

21 (C) Any other state entity or political subdivision of the  
22 state or an agency, board, or commission of the state entity or political  
23 subdivision of the state;

24 (6) "Ordinance" means an ordinance, resolution, or other  
25 appropriate legislative enactment of a legislative body;

26 (7) "Platform operator" means an individual, organization,  
27 group, association, partnership, or corporation owning, operating, managing,  
28 licensing, or controlling a ticketing platform for an event scheduled at a  
29 venue in this state;

30 (8) "Ticket" means a printed, electronic, or other type of  
31 evidence of the right, option, or opportunity to occupy space at or enter a  
32 venue, or to attend an event, even if not evidenced by any physical  
33 manifestation of the right, option, or opportunity;

34 (9) "Ticket issuer" means an individual, public or private  
35 entity, organization, group, association, partnership, or corporation that  
36 originally makes tickets available, directly or indirectly, to an event, and



1 may include without limitation:

2 (A) A platform operator;

3 (B) An operator of a venue;

4 (C) A sponsor or promoter of an event;

5 (D) A sports team participating in an event or a  
6 conference or league whose teams are participating in an event;

7 (E) A dance company, musical group, theater company, or a  
8 similar participant in an event;

9 (F) An institution of higher education; or

10 (G) An agent of the individual, organization, group,  
11 association, partnership, or corporation;

12 (10) "Ticketing platform" means a physical or virtual  
13 marketplace that enables a consumer to purchase and sell tickets, including  
14 without limitation a kiosk, mobile phone application, portal, or website  
15 advertising the sale of tickets, offering the sale of tickets, or offering  
16 tickets for resale to an event at a venue in this state;

17 (11) "Uniform resource location" or "URL" means an internet  
18 website's name that may include a domain or subdomain name, or both; and

19 (12) "Venue" means an amphitheater, arena, camp, fair, or  
20 festival ground, coliseum, concert or performance hall, conference center,  
21 performing arts center, stadium, theater, or any other type of venue used for  
22 events in this state.

23  
24 4-88-1103. Prohibitions by local government – Resale of tickets.

25 (a)(1) A local government shall not enact or adopt an ordinance,  
26 policy, regulation, or action that prohibits the sale or resale of a ticket  
27 for admission to a legal event at any price or prohibit the charge of any fee  
28 in connection with the sale or resale.

29 (2) This section shall not be construed to prevent the  
30 enforcement of an ordinance relating to any criminal activity, consumer  
31 fraud, false advertising, or other deceptive business or trade practices.

32 (b)(1) Unless otherwise permitted by a ticket issuer, if an  
33 individual, organization, group, association, partnership, or corporation  
34 knowingly purchases from the ticket issuer a quantity of tickets to an event  
35 that exceeds the maximum ticket limit quantity posted by, or on behalf of,  
36 the ticket issuer at the point of original sale or printed on the tickets,

1 and intends to resell the tickets in violation of this subchapter is a  
2 violation of § 4-88-107.

3 (2) An individual, organization, group, association,  
4 partnership, or corporation is not liable under this section with respect to  
5 tickets if that individual or collective is the ticket issuer.

6 (c)(1) Except as provided in subdivision (c)(2) of this section, an  
7 individual, public or private entity, organization, group, association,  
8 partnership, or corporation that offers for resale or resells a ticket may  
9 charge any amount that the market may reasonably dictate above the admission  
10 price charged by the ticket issuer.

11 (2) For a period of no less than ten (10) days, an  
12 institution of higher education or its designee shall place a ticket  
13 to a collegiate sporting event held in this state that is available  
14 for sale to the general public, at a price no greater than the face  
15 value of the ticket, but may include associated transactional fees and  
16 costs.

17 (d) Under this subchapter, a ticket to a collegiate sporting event  
18 designated as being "for sale to the general public" shall not include:

19 (1) Tickets to events issued, hosted, or sold by a third-party  
20 vendor;

21 (2) The ticket reserved by an institution of higher education  
22 for fundraising directly or through an affiliated entity;

23 (3) Tickets for internal or complementary usage; or

24 (4) Tickets reserved to meet contractual obligations of the  
25 institution of higher education or its affiliated entities.

26 (e) Except as provided in subsection (f) of this section, a platform  
27 operator shall not intentionally use an internet domain name, or any  
28 subdomain thereof, in a ticketing platform's uniform resource location that  
29 contains any of the following:

30 (1) The name of any specific team, league, or venue where events  
31 are held;

32 (2) The name of the exhibition or performance or of another  
33 event described in subsection (f) of this section, including the name of a  
34 person, team, performance, group, or entity scheduled to perform at the event  
35 or venue;

36 (3) Any trademark not owned by the platform operator, including

1 without limitation trademarks owned by authorized agents or partners of the  
2 venue or event identified in subdivisions (e)(1) or (e)(2) of this section;  
3 or

4 (4) Any name or names substantially similar to those in  
5 subdivisions (e)(1) or (e)(2) of this section, including without limitation  
6 any misspellings of any name or names described in subdivisions (e)(1) or  
7 (e)(2) of this section.

8 (f) Subsection (e) of this section does not apply to a platform  
9 operator who is authorized by any persons or entities identified in  
10 subdivisions (e)(1) or (e)(2) of this section to act on the venue, performer,  
11 team, or event's behalf with respect to the sale or resale of tickets.

12 (g) An individual, organization, group, association, partnership, or  
13 corporation shall not knowingly sell, give, transfer, use, distribute, or  
14 possess with the intent to sell, give, or distribute software that is  
15 primarily designed or produced for the purpose of interfering with the  
16 operations of any ticket issuer that sells, through a ticketing platform,  
17 tickets for admission to an event by circumventing any security measures on  
18 the ticket issuer's ticketing platform, circumventing any access control  
19 systems of the ticket issuer's ticketing platform, or circumventing any  
20 controls or measures that are instituted by the ticket issuer on the  
21 ticketing platform to ensure an equitable ticket purchasing process.

22 (h) A violation of this section is an unfair or deceptive trade  
23 practice as defined in § 4-88-107 and subject to the enforcement and penalty  
24 provisions contained therein.

25  
26 4-88-1104. Ticket sale requirements – Refunds.

27 (a) An individual who is in the business of selling or reselling  
28 tickets to an event or venue in this state or an organization, group,  
29 association, partnership, or corporation that sells or resells a ticket to an  
30 event or venue in this state shall:

31 (1) Guarantee that the consumer will receive their tickets in  
32 reasonable time for their event;

33 (2) Guarantee that the purchased tickets will provide the  
34 consumer valid entry into the event or venue;

35 (3) Maintain a telephone number, e-mail address, live virtual  
36 support, provide a physical representative at the venue for the duration of

the event or other evolving means of contact for complaints, customer service, and inquiries; and

(4)(A) Implement a standard refund policy that provides a consumer a full refund or comparable replacement ticket if:

(i) The ticket received by the consumer is counterfeit;

(ii) The ticket has been cancelled by the ticket issuer for nonpayment by the original consumer, or for any reason other than an act or omission of the consumer;

(iii) The ticket fails to conform to the description provided by the ticket issuer or reseller;

(iv) The ticket was not delivered to the consumer before the occurrence of the event, unless the failure of delivery was due to an act or omission of the consumer; or

(v) The ticket does not provide the consumer admission to the event or venue for which it was purchased.

(B) The refund under subdivision (a)(4)(A) of this section shall include the full order value paid by the consumer for the ticket, in addition to all fees charged in connection with that purchase, including without limitation download fees, delivery fees, shipping fees, and sales taxes.

(b) If an event is cancelled and not rescheduled, a consumer is entitled to a refund as provided in subdivision (a)(4)(A) of this section from the ticket issuer, ticketing platform, or reseller from which they directly purchased the ticket.

(c)(1) It is a violation of the Deceptive Trade Practices Act, § 4-88-101 et seq., if a ticket issuer, ticketing platform, or reseller fails to refund according to subdivision (a)(4)(A) of this section.

(2) All available remedies are actionable for a violation of subdivision (c)(1) of this section under § 4-88-107 of the Deceptive Trade Practices Act.

4-88-1105. Counterfeits – Criminal penalties.

(a) An individual, organization, group, association, partnership, or corporation that counterfeits, forges, alters, clones, or possesses a ticket, card, wristband, or other medium that accesses or is associated with a

1 ticket, or a ticket, token, or paper designed for admission to or the  
2 rendering of services by an event or venue offering services to the general  
3 public, with the intent to defraud the event or venue, commits a Class A  
4 misdemeanor.

5 (b) An individual, organization, group, association, partnership, or  
6 corporation that commits a second or subsequent violation of subsection (a)  
7 of this section commits a Class D felony.

8  
9 4-88-1106. Violations.

10 (a)(1) An individual, organization, group, association, partnership,  
11 or corporation violating this subchapter is guilty of a violation.

12 (2) Upon conviction, an individual, organization, group,  
13 association, partnership, or corporation shall be fined in a sum not less  
14 than one hundred dollars (\$100) nor greater than five hundred dollars (\$500).

15 (b) Every sale or resale, or offer for sale or resale, that violates  
16 this subchapter is a separate actionable offense.

17 (c) An institution of higher education and its officers, agents,  
18 employees, volunteers, designees, and affiliated entities shall not be held  
19 criminally or civilly liable for a violation of this subchapter.

20 (d) This subchapter shall not be construed as a waiver of any immunity  
21 available under state law or its instrumentalities, officers, agents,  
22 employees, or volunteers.

23  
24 SECTION 2. Arkansas Code § 5-63-201 is repealed.

25 ~~5-63-201. Tickets to certain events—Sale in excess of regular price.~~

26 ~~(a)(1) It is unlawful for any person, corporation, firm, or~~  
27 ~~partnership to resell or offer for resale a ticket to an event for a price~~  
28 ~~higher than the greater of either:~~

29 ~~(A) The price originally charged for the ticket by the~~  
30 ~~venue or entity hosting the event or the venue or entity's authorized agent~~  
31 ~~plus a reasonable charge for handling or credit card use; or~~

32 ~~(B) The price printed on the ticket.~~

33 ~~(2) This subsection does not apply to an institution of higher~~  
34 ~~education that receives funds per ticket above the face value of the ticket.~~

35 ~~(b)(1) Any person, corporation, firm, or partnership violating any~~  
36 ~~provision of this section is guilty of a violation and upon conviction shall~~

1 ~~be fined in any sum not less than twenty five dollars (\$25.00) nor more than~~  
2 ~~five hundred dollars (\$500).~~

3 ~~(2) Every sale or offer for sale is a separate offense.~~

4 ~~(c) As used in this section, "event" means a live entertainment event,~~  
5 ~~athletic event, sporting event, theater performance, musical performance, or~~  
6 ~~an event held for the benefit of charity.~~

7  
8 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
9 General Assembly of the State of Arkansas that the intercollegiate football  
10 ticket selling process will begin soon; that ensuring adequate consumer  
11 protection mechanisms are in place is vital to protecting the public peace,  
12 health, and safety of consumers in this state; and that this act is  
13 immediately necessary to ensure proper consumer protections are in effect for  
14 the 2023-2024 school years so that consumers are protected. Therefore, an  
15 emergency is declared to exist, and this act being immediately necessary for  
16 the preservation of the public peace, health, and safety shall become  
17 effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,  
20 the expiration of the period of time during which the Governor may veto the  
21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is  
23 overridden, the date the last house overrides the veto.

24  
25 /s/M. Shepherd  
26  
27

28 **APPROVED: 4/11/23**  
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State of Arkansas As Engrossed: S3/15/23 H3/30/23

94th General Assembly

# A Bill

Regular Session, 2023

SENATE BILL 383

By: Senators B. Johnson, J. Boyd, J. Bryant, Crowell, B. Davis, J. Dotson, J. English, Flippo, Gilmore, K.  
Hammer, Hester, Hill, M. McKee, J. Payton, C. Penzo, J. Petty, Rice, Stone, G. Stubblefield, D. Sullivan  
By: Representatives Vaught, Cavanaugh, Beaty Jr., Andrews, *Puryear*

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING OWNERSHIP AND  
POSSESSION OF REAL PROPERTY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING OWNERSHIP AND  
POSSESSION OF REAL PROPERTY.

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

SECTION 1. Arkansas Code § 18-11-101(a), concerning the capacity of  
aliens to take and transfer lands, is amended to read as follows:

(a) ~~All~~ Except as provided in § 18-11-110 and § 18-11-701 et seq.,  
all aliens shall be capable of taking, by deed or will, lands and tenements  
in fee simple, or other less estate, and of holding, aliening, and devising  
them.

SECTION 2. Arkansas Code Title 18, Chapter 11, Subchapter 1, is  
amended to add an additional section to read as follows:

18-11-110. Land ownership by prohibited foreign-party-controlled  
business prohibited – Definitions.

(a) As used in this section:

(1) "Controlling interest" means an ownership interest of fifty  
percent (50%) or more, in the aggregate;

(2) "Prohibited foreign-party-controlled business" means a  
corporation, company, association, firm, partnership, society, joint-stock



1 company, trust, estate or other legal entity whose controlling interest is  
2 owned by a prohibited foreign party; and

3 (3) "Prohibited foreign party" means the same as in § 18-11-702.

4 (b)(1) A prohibited foreign-party-controlled business shall not  
5 acquire by grant, purchase, devise, descent, or otherwise any interest in  
6 public or private land in this state.

7 (2) A party may not hold public or private land as an agent,  
8 trustee, or other fiduciary for a prohibited foreign-party-controlled  
9 business in violation of this section.

10 (c)(1) A prohibited foreign-party-controlled business entity in  
11 violation of this section shall have two (2) years to divest of the public or  
12 private land.

13 (2) If a prohibited foreign-party-controlled business entity  
14 does not divest the public or private land as required by subdivision (c)(1)  
15 of this section, the Attorney General shall commence an action in the circuit  
16 court within the jurisdiction of the public or private land.

17 (3)(A) If the public or private land is held in violation of  
18 this section, the circuit court shall order that the public or private land  
19 be sold through judicial foreclosure.

20 (B) Proceeds of the sale shall be disbursed to lien  
21 holders, in the order of priority, except for liens which under the terms of  
22 the sale are to remain on the public or private land.

23 (4) The Attorney General shall promptly record a copy of the  
24 following in the local land records:

25 (A) Upon commencement, notice of the pendency of an action  
26 brought under subdivision (c)(2) of this section; and

27 (B) The order for the sale of the public or private land  
28 under subdivision (c)(3)(A) of this section.

29 (d) A prohibited foreign-party-controlled business entity shall upon  
30 conviction be guilty of a felony punishable by not more than two (2) years  
31 imprisonment in the custody of the Division of Correction or a fifteen  
32 thousand dollar (\$15,000) fine, or both.

33 (e) It is an affirmative defense to prosecution under this section  
34 that a prohibited foreign-party-controlled business entity is a resident  
35 alien of the State of Arkansas.

36 (f) Title to public or private land is not invalid or subject to



divestiture due to a violation of this section by:

(1) Any former owner; or

(2) Other person holding or owning a former interest in the public or private land.

(g) No person not subject to this section shall be required to determine or inquire into whether another person is or may be subject to this section.

SECTION 3. Arkansas Code Title 18, Chapter 11, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Foreign Ownership of Agricultural Land

18-11-701. Purpose.

Under § 2-4-101, "It is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural and forest lands and other facilities for the production of food, fiber, and other agricultural and silvicultural products".

18-11-702. Definitions.

As used in this subchapter:

(1)(A) "Agricultural land" means any Arkansas land which is outside the corporate limits of a municipality and is:

(i) Used for forestry production, including without limitation land exceeding ten (10) acres in which ten percent (10%) of the land is stocked by trees of any size, including land that formerly had trees of any size covering the land that will be naturally or artificially regenerated; or

(ii) Currently used for, or, if currently idle, land last used within the past five (5) years, for farming, ranching, or timber production, except land not exceeding ten (10) acres in the aggregate, if the annual gross receipts from the sale of the farm, ranch, or timber products produced on the land do not exceed one thousand dollars (\$1,000), including without limitation land used for activities described in the Standard Industrial Classification Manual (1987), Division A, exclusive of industry numbers 0711-0783, 0851, and 0912-0919 which cover animal trapping, game management, hunting carried on as a business enterprise, trapping carried on

1 as a business enterprise, and wildlife management.

2 (B) "Agricultural land" does not include oil, gas, and all  
3 other minerals, including coal, lignite, brine, and all minerals known and  
4 recognized as commercial minerals underlying the land;

5 (2) "Foreign government" means the same as provided by § 2-3-  
6 102;

7 (3) "Interest in agricultural land" means all direct interest  
8 acquired, transferred, or held in agricultural land, including without  
9 limitation a lease of agricultural land;

10 (A) For a term of one (1) year or longer; or

11 (B) Renewable by option for terms which, if the options  
12 were all exercised, would total one (1) year;

13 (4) "Party" means the same as provided by § 2-3-102;

14 (5) "Prohibited foreign party" means:

15 (A) A citizen or resident of a country subject to  
16 International Traffic in Arms Regulations, 22 C.F.R. § 126.1;

17 (B) A foreign government formed within a country subject  
18 to International Traffic in Arms Regulations, 22 C.F.R. § 126.1;

19 (C) A party other than an individual or a government, that  
20 is created or organized under the laws of a foreign government within a  
21 country subject to International Traffic in Arms Regulations, 22 C.F.R. §  
22 126.1; or

23 (D) Any party other than an individual or a government:

24 (i) That is created or organized under the laws of  
25 any state; and

26 (ii) In which a significant interest or substantial  
27 control is directly or indirectly held or is capable of being exercised by:

28 (a) An individual referred to in subdivision  
29 (5)(A) of this section;

30 (b) A foreign government referred to in  
31 subdivision (5)(B) of this section;

32 (c) A party referred to in subdivision (5)(C)  
33 of this section; or

34 (d) A combination of the individuals, parties,  
35 or governments referred to in this subdivision (5)(D)(ii) of this section;

36 (E) An Entity of Particular Concern designated by the

1 United States Department of State; or

2 (F) An agent, trustee, or other fiduciary of a person or  
3 entity enumerated in subdivisions (5)(A)-(E) of this section;

4 (6) "Residence" means a person's principal dwelling place where  
5 the person intends to remain permanently for an indefinite period of time;

6 (7) "Resident alien" means a person who:

7 (A) Is not a citizen of the United States; and

8 (B) Is a resident of a:

9 (i) State of the United States;

10 (ii) Territory of the United States;

11 (iii) Trusteeship of the United States; or

12 (iv) Protectorate of the United States; and

13 (8) "Significant interest" or "substantial control" means:

14 (A) An interest of thirty-three percent (33%) or more held  
15 by:

16 (i) A party referred to in subdivision (5)(D) of  
17 this section;

18 (ii) An individual referred to in subdivision (5)(A)  
19 of this section;

20 (iii) A party referred to in subdivision (5)(C) of  
21 this section; or

22 (iv) A single government referred to in subdivision  
23 (5)(B) of this section;

24 (B) An interest of thirty-three percent (33%) or more held  
25 whenever the parties, individuals, or governments referred to in subdivision  
26 (5)(A) of this section are acting in concert with respect to the interest  
27 even though no single individual, party, or government holds an interest of  
28 thirty-three percent (33%) or more; or

29 (C) An interest of fifty percent (50%) or more, in the  
30 aggregate, held by parties, individuals, or governments referred to in  
31 subdivision (5)(A) of this section even though the individuals, parties, or  
32 foreign governments may not be acting in concert.

33  
34 18-11-703. Limitations on owning agricultural land – Violation.

35 (a)(1) Except as provided in § 18-11-704, a prohibited foreign party  
36 shall not acquire by grant, purchase, devise, descent, or otherwise any

1 interest in agricultural land in this state regardless of whether the  
2 prohibited foreign party intends to use the agricultural land for nonfarming  
3 purposes.

4 (2) A party may not hold agricultural land as an agent, trustee,  
5 or other fiduciary for a prohibited foreign party in violation of this  
6 subchapter.

7 (b) A prohibited foreign party that acquires agricultural land in  
8 violation of this subchapter remains in violation as long as the prohibited  
9 foreign party holds an interest in the agricultural land.

10  
11 18-11-704. Interest in agricultural land owned by prohibited foreign  
12 parties – Exceptions – Penalty.

13 (a) A prohibited foreign party who is a resident alien of the United  
14 States shall have the right to acquire and hold agricultural land in the  
15 state upon the same terms as a citizen of the United States during the  
16 continuance of his or her residence in the State of Arkansas.

17 (b)(1) If a prohibited foreign party is no longer a resident alien  
18 under subsection (a) of this section, he or she shall have two (2) years to  
19 divest of the agricultural land.

20 (2) If the prohibited foreign party does not divest of the  
21 agricultural land as required by subdivision (b)(1) of this section, the  
22 Attorney General shall commence an action in circuit court within the  
23 jurisdiction of the agricultural land.

24 (3) If the agricultural land is held in violation of this  
25 section, the circuit court shall order that the agricultural land be sold  
26 through judicial foreclosure.

27 (c)(1) When the Office of Agricultural Intelligence determines a  
28 prohibited foreign party has acquired agricultural land in Arkansas in  
29 violation of this subchapter, the office shall report the violation to the  
30 Attorney General.

31 (2) Upon receiving notice under subdivision (c)(1) of this  
32 section or upon receipt of information that leads the Attorney General to  
33 believe that a violation of this subchapter may exist, the Attorney General  
34 may issue subpoenas requiring the:

35 (A) Appearance of witnesses;

36 (B) Production of relevant records; and

(C) Giving of relevant testimony.

(3) If as a result of the investigation under subdivision (c)(2) of this section the Attorney General concludes that a violation of this subchapter has occurred, the Attorney General shall commence an action in circuit court within the jurisdiction of the agricultural land.

(4) If the agricultural land is held in violation of this subchapter, the circuit court shall order that the agricultural land be sold through judicial foreclosure.

(d)(1) The proceeds of the sale of agricultural land by judicial foreclosure authorized under this section shall be disbursed to lien holders, in the order of priority, except for liens which under the terms of the sale are to remain on the agricultural land.

(2) The Attorney General shall promptly record a copy of the following in the local land records:

(A) Upon commencement, notice of the pendency of an action brought under subdivisions (b)(2) and (c)(2) of this section; and

(B) The order for the sale of the agricultural land under subdivisions (b)(3) and (c)(3) of this section.

(e) A prohibited foreign party owning agricultural land subsequent to the passage of this subchapter and not listed under one (1) of the exceptions set out in subsections (a) and (b) of this section shall upon conviction be guilty of a felony punishable by not more than two (2) years imprisonment in the custody of the Division of Correction or a fifteen thousand dollar (\$15,000) fine, or both.

(f) It is an affirmative defense to prosecution under this section that a prohibited foreign party is a resident alien of the State of Arkansas.

(g) Title to agricultural land is not invalid or subject to divestiture due to a violation of this subchapter by:

(1) Any former owner; or

(2) Other person holding or owning a former interest in the agricultural land.

(h) No person not subject to this subchapter shall be required to determine or inquire into whether another person is or may be subject to this subchapter.

18-11-705. Office of Agricultural Intelligence – Creation – Duties.

1       (a) There is created within the Department of Agriculture the Office  
2 of Agricultural Intelligence.

3       (b) The office is authorized and directed to:

4               (1) Collect and analyze information concerning the unlawful sale  
5 or possession of agricultural land by prohibited foreign parties; and

6               (2) Administer and enforce the provisions of this subchapter,  
7 including without limitation the reporting of a violation of this subchapter  
8 to the Attorney General under § 18-11-704(c).

9       (c) The Secretary of the Department of Agriculture may designate  
10 employees of the Department of Agriculture who meet the requirements of § 25-  
11 38-203(a)(12) to perform the duties of the office under subsection (b) of  
12 this section.

13       (d) The office shall operate under the direction of the Secretary of  
14 the Department of Agriculture.

15  
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19                               */s/B. Johnson*

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22                               **APPROVED: 4/11/23**  
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State of Arkansas

As Engrossed: S3/30/23 H4/5/23

94th General Assembly

# A Bill

Regular Session, 2023

SENATE BILL 495

By: Senators Gilmore, J. Dismang, J. Boyd, J. Bryant, Caldwell, Crowell, B. Davis, Dees, J. English, Flippo, K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, M. McKee, C. Penzo, J. Petty, Rice, Stone, G. Stubblefield, D. Wallace, *A. Clark*

By: Representatives Gazaway, *M. Shepherd, Achor, Andrews, Barker, Beck, Beaty Jr., Bentley, M. Berry, S. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, John Carr, Cavanaugh, C. Cooper, Cozart, Crawford, Dalby, Duffield, Eaves, Eubanks, Evans, C. Fite, L. Fite, Fortner, Furman, Gramlich, Haak, Hawk, G. Hodges, Holcomb, Hollowell, L. Johnson, Ladyman, Lundstrum, Maddox, McAlindon, McCollum, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Pilkington, Ray, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Walker, Wardlaw, Warren, Watson, Wing, Wooldridge, Wooten*

## For An Act To Be Entitled

AN ACT TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL OFFENSES; TO AMEND ARKANSAS LAW CONCERNING THE PAROLE BOARD; TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION TASK FORCE; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL OFFENSES; AND TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION TASK FORCE.

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

SECTION 1. DO NOT CODIFY. This act shall be known as the "Protect



1 Arkansas Act".

2  
3 SECTION 2. Arkansas Code Title 16, Chapter 93, is amended to add  
4 additional subchapters to read as follows:

5 Subchapter 18 – Release Eligibility and Procedures for Offenses Committed  
6 on or after January 1, 2025

7  
8 16-93-1801. Applicability.

9 (a) This subchapter applies to a felony offense committed on or after  
10 January 1, 2025.

11 (b) A person who, before January 1, 2025, committed a felony and who  
12 was convicted and incarcerated for that felony is eligible for release on  
13 parole in accordance with the law in effect at the time the felony was  
14 committed.

15  
16 16-93-1802. Definitions.

17 As used in this subchapter:

18 (1)(A) "Felony ineligible to receive earned release credits"  
19 means a felony offense for which a person is not eligible for release until  
20 one hundred percent (100%) of the sentence imposed by the sentencing court  
21 has been served.

22 (B) "Felony ineligible to receive earned release credits"  
23 includes only the following felony offenses, or an attempt, solicitation, or  
24 conspiracy to commit one (1) of the following felony offenses:

- 25 (i) Capital murder, § 5-10-101;  
26 (ii) Murder in the first degree, § 5-10-102;  
27 (iii) Kidnapping, § 5-11-102, if a Class Y felony;  
28 (iv) Aggravated robbery, § 5-12-103;  
29 (v) Rape, § 5-14-103;  
30 (vi) Trafficking of persons, § 5-18-103;  
31 (vii) Engaging children in sexually explicit conduct  
32 for use in visual or print medium, § 5-27-303;  
33 (viii) Pandering or possessing visual or print  
34 medium depicting sexually explicit conduct involving a child, § 5-27-304;  
35 (ix) Transportation of minors for prohibited sexual  
36 conduct, § 5-27-305;



1                   (x) Internet stalking of a child, § 5-27-306;  
2                   (xi) Sexually grooming a child, § 5-27-307, if a  
3 felony offense;  
4                   (xii) Producing, directing, or promoting a sexual  
5 performance by a child, § 5-27-403;  
6                   (xiii) Computer exploitation of a child, § 5-27-605;  
7                   (xiv) Causing a catastrophe, § 5-38-202(a);  
8                   (xv) Aggravated residential burglary, § 5-39-204, if  
9 a Class Y felony;  
10                  (xvi) Treason, § 5-51-201;  
11                  (xvii) Fleeing, § 5-54-125, if a Class B felony; and  
12                  (xviii) Possession of firearms by certain persons, §  
13 5-73-103, if a Class B felony; and  
14                  (2)(A) "Restricted release felony" means a felony offense for  
15 which a person is not eligible for release until at least eighty-five percent  
16 (85%) of the sentenced imposed by the sentencing court has been served.  
17                  (B) "Restricted release felony" includes only the following  
18 felony offenses, or an attempt, solicitation, or conspiracy to commit one (1)  
19 of the following felony offenses:  
20                   (i) Murder in the second degree, § 5-10-103;  
21                   (ii) Manslaughter, § 5-10-104;  
22                   (iii) Negligent homicide, § 5-10-105, if a Class B  
23 felony;  
24                   (iv) Encouraging the suicide of another person, § 5-  
25 10-107;  
26                   (v) Kidnapping, § 5-11-102, if a Class B felony;  
27                   (vi) Battery in the first degree, § 5-13-201;  
28                   (vii) Terroristic act, § 5-13-310;  
29                   (viii) Sexual indecency with a child, § 5-14-110;  
30                   (ix) Sexual extortion, § 5-14-113;  
31                   (x) Exposing another person to human  
32 immunodeficiency virus, § 5-14-123;  
33                   (xi) Sexual assault in the first degree, § 5-14-124;  
34                   (xii) Unlawful female genital mutilation of a minor,  
35 § 5-14-136;  
36                   (xiii) Crime of video voyeurism, § 5-16-101, if a

1 Class C felony offense;

2 (xiv) Voyeurism, § 5-16-102, if a Class C felony

3 offense;

4 (xv) Patronizing a victim of human trafficking, § 5-

5 18-104;

6 (xvi) Grooming a minor for future sex trafficking, §

7 5-18-106;

8 (xvii) Traveling for the purpose of an unlawful sex

9 act with a minor, § 5-18-107;

10 (xviii) Domestic battering in the first degree, § 5-

11 26-303;

12 (xix) Aggravated assault on a family or household

13 member, § 5-26-306, if under § 5-26-306(a)(3);

14 (xx) Permitting abuse of a minor, § 5-27-221, if a

15 Class B felony;

16 (xxi) Exposing a child to a chemical substance or

17 methamphetamine, § 5-27-230;

18 (xxii) Employing or consenting to the use of a child

19 in a sexual performance, § 5-27-402;

20 (xxiii) Arson, § 5-38-301, if a Class Y felony;

21 (xxiv) Aggravated residential burglary, § 5-39-204,

22 if a Class A felony;

23 (xxv) Advocating assassination or overthrow of

24 government, § 5-51-202;

25 (xxvi) First degree escape, § 5-54-110;

26 (xxvii) Soliciting material support for terrorism, §

27 5-54-202(a);

28 (xxviii) Providing material support for a terrorist

29 act, § 5-54-202(b);

30 (xxix) Making a terrorist threat, § 5-54-203;

31 (xxx) Falsely communicating a terrorist threat, 5-

32 54-204;

33 (xxxi) Terrorism, § 5-54-205;

34 (xxxii) Hindering prosecution of terrorism, § 5-54-

35 207;

36 (xxxiii) Exposing the public to toxic biological,

1 chemical, or radioactive substances, § 5-54-208;

2 (xxxiv) Use of a hoax substance or hoax bomb, § 5-  
3 54-209;

4 (xxxv) Engaging in a continuing criminal enterprise,  
5 § 5-64-405;

6 (xxxvi) Delivery of fentanyl, § 5-64-421(c);

7 (xxxvii) Manufacture of fentanyl, § 5-64-421(d);

8 (xxxviii) Trafficking a controlled substance, § 5-  
9 64-440;

10 (xxxix) Driving or boating while intoxicated, sixth  
11 or subsequent offense, § 5-65-111(f);

12 (xl) Promoting prostitution in the first degree, §  
13 5-70-104, if a Class B felony;

14 (xli) Arming rioters, § 5-71-204;

15 (xlii) Criminal use of prohibited weapons, § 5-73-  
16 104, if a Class B felony;

17 (xliii) Criminal possession of explosive material or  
18 a destructive device, § 5-73-108(a);

19 (xliv) Criminal distribution of explosive material,  
20 § 5-73-108(b);

21 (xlv) Possession of stolen explosive material, § 5-  
22 73-108(c);

23 (xlvi) Unlawful receipt or possession of an  
24 explosive material, § 5-73-108(d);

25 (xlvii) Theft of any explosive material with the  
26 purpose to cause harm to a person or property, § 5-73-108(f);

27 (xlviii) Possession or use of weapons by  
28 incarcerated persons, § 5-73-131;

29 (xlix) Possession or use of a machine gun in the  
30 course of a criminal offense, § 5-73-211;

31 (l) Unlawful discharge of a firearm from a vehicle  
32 in the first degree, § 5-74-107(a);

33 (li) Using a born-alive infant for scientific  
34 research or other kind of experimentation, § 20-16-604(i);

35 (lii) Partial-birth abortion, § 20-16-1203; and

36 (liii) Performing an abortion in violation of the

1 Arkansas Unborn Child Protection from Dismemberment Abortion Act, § 20-16-  
2 1801 et seq.

3  
4 16-93-1803. Release eligibility for felony ineligible for earned  
5 release credits or restricted release felony committed on or after January 1,  
6 2025.

7 (a) A person who, on or after January 1, 2025, commits a felony  
8 ineligible to receive earned release credits and who is convicted and  
9 incarcerated for the felony ineligible to receive earned release credits is  
10 not eligible for release before serving the entire term of imprisonment  
11 imposed by the sentencing court.

12 (b)(1) A person who, on or after January 1, 2025, commits a restricted  
13 release felony and who was convicted and incarcerated for the restricted  
14 release felony is not eligible for release prior to serving at least eighty-  
15 five percent (85%) of the term of incarceration imposed by the sentencing  
16 court.

17 (2) A person serving a sentence for a restricted release felony  
18 may accrue earned release credits in accordance with the policy adopted by  
19 the Division of Correction and as described in § 12-29-701 et seq.

20 (3) Earned release credits shall not be applied to a sentence for a  
21 restricted release felony in an amount that exceeds fifteen percent (15%) of  
22 the term of imprisonment imposed by the sentencing court.

23 (c) A person who commits a restricted release felony and who has  
24 previously been convicted of a restricted release felony or a felony  
25 ineligible to receive earned release credits is ineligible for release before  
26 serving one hundred percent (100%) of the period of incarceration imposed by  
27 the sentencing court.

28  
29 16-93-1804. Release eligibility for felonies committed on or after  
30 January 1, 2025.

31 Except as provided in § 16-93-1803, a person who commits a felony on or  
32 after January 1, 2025, and who is convicted and incarcerated for that felony  
33 is eligible for release as follows:

34 (1) A person who commits an offense meeting the definition of  
35 target group as defined under § 16-93-1202 and who is judicially or  
36 administratively transferred to a community correction center is eligible for

1 transfer to post-release supervision as follows:

2 (A) If the person is transferred back to the Division of  
3 Correction for disciplinary reasons, he or she is ineligible to accrue earned  
4 release credits against the sentence for which he or she is transferred to  
5 the Division of Correction for disciplinary reasons;

6 (B) If the person is transferred back to the Division of  
7 Correction for administrative reasons, he or she may be considered for  
8 transfer to post-release supervision as otherwise authorized in § 16-93-1803  
9 and this section;

10 (C) If the person is not transferred back to the Division  
11 of Correction for administrative or disciplinary reasons, he or she is  
12 eligible for release under § 12-27-127(c); and

13 (D) A person who has committed a felony that is within the  
14 target group as defined under § 16-93-1202 and who is transferred to  
15 community supervision is eligible, under the rules established by the Post-  
16 Prison Transfer Board, for commitment to a community correction facility if  
17 he or she is found to be in violation of any of his or her conditions of  
18 post-release supervision, unless the post-release supervision violation  
19 constitutes a non-target felony offense;

20 (2) For a person sentenced to death, life imprisonment without  
21 parole, or life imprisonment:

22 (A) If the sentence is death or life imprisonment without  
23 parole, the person is not eligible for transfer to post-release supervision  
24 unless his or her sentence is pardoned or commuted to a term of years by the  
25 Governor as provided by law;

26 (B) If the sentence is life imprisonment, the person is  
27 not eligible for transfer to post-release supervision unless his or her  
28 sentence is commuted to a term of years by executive clemency;

29 (C) Upon commutation, a person under sentence of death or  
30 life imprisonment without parole must serve the entire term set by the  
31 commutation; and

32 (D) Upon commutation, a person under a sentence of life  
33 imprisonment is eligible for transfer to post-release supervision as provided  
34 in this section or in § 16-93-1803;

35 (3) A person sentenced for a felony who was a minor at the time  
36 he or she committed the felony is eligible for release on the earlier of

1 either the date authorized by this section or the date authorized by § 16-93-  
2 621; and

3 (4)(A) Every other person who is incarcerated for commission of  
4 a felony is eligible for transfer to post-release supervision when the sum of  
5 his or her actual time served in confinement and his or her earned release  
6 credits equals or exceeds one hundred percent (100%) of the term of  
7 imprisonment imposed by the sentencing court.

8 (B) The maximum amount of earned release credits that can  
9 be accrued and granted by the Post-Prison Transfer Board under subdivision  
10 (4)(A) of this section is fifty percent (50%) or seventy-five percent (75%)  
11 of the term of imprisonment imposed by the sentencing court, depending on the  
12 seriousness determination provided in the seriousness grid or table  
13 promulgated by the Arkansas Sentencing Commission and approved by the  
14 Legislative Council.

15  
16 16-93-1805. Procedures for release – Generally.

17 (a) An inmate under sentence for a felony and who is eligible for  
18 release, may be transferred to post-release supervision under this section  
19 and § 16-93-1903 subject to rules promulgated by the Board of Corrections or  
20 the Post-Prison Transfer Board and conditions adopted by the Post-Prison  
21 Transfer Board.

22 (b) Notwithstanding any minimum serving requirement, upon  
23 recommendation of the Director of the Division of Correction, the Post-Prison  
24 Transfer Board may consider an inmate for transfer to post-release  
25 supervision if:

26 (1) The inmate is at least sixty (60) years of age; and

27 (2) The inmate has served at least one-half (1/2) of his or her  
28 sentence.

29  
30 16-93-1806. Procedures for release – Hearing.

31 (a) An inmate under sentence for a felony, except those designated as  
32 a felony ineligible to receive earned release credits under § 16-93-1802, may  
33 be transferred to post-release supervision under § 16-93-1903 and § 16-93-  
34 1904 subject to rules promulgated by the Board of Corrections or the Post-  
35 Prison Transfer Board and conditions adopted by the Post-Prison Transfer  
36 Board.

1       **(b) Before a hearing of the Post-Prison Transfer Board to consider a**  
2 **transfer to post-release supervision, notification of the committing court,**  
3 **the prosecuting attorney, county sheriff, and the victim or the victim's next**  
4 **of kin for an inmate under sentence for an offense other than one (1) in the**  
5 **target group as defined in § 16-93-1202 shall follow the procedures stated in**  
6 **§ 16-93-1810.**

7       **(c)(1) For an inmate under sentence for a felony within the target**  
8 **group as defined in § 16-93-1202, before the Post-Prison Transfer Board sets**  
9 **conditions for transfer of the inmate to post-release supervision, a victim,**  
10 **or his or her next of kin in cases in which the victim is unable to express**  
11 **his or her desire, who has expressed the desire to be consulted by the Post-**  
12 **Prison Transfer Board shall be notified of the date, time, and place of the**  
13 **transfer hearing.**

14       **(2)(A) A victim or his or her next of kin who desires to be**  
15 **consulted by the Post-Prison Transfer Board under this section shall inform**  
16 **the Post-Prison Transfer Board of his or her desire to be consulted in**  
17 **writing at the time of sentence.**

18       **(B) A victim or his or her next of kin who does not inform**  
19 **the Post-Prison Transfer Board of his or her desire to be consulted as**  
20 **required under subdivision (c)(2)(A) of this section is not required to be**  
21 **notified by the Post-Prison Transfer Board.**

22       **(3)(A) Victim input to the Post-Prison Transfer Board under this**  
23 **section is limited to oral or written recommendations on conditions relevant**  
24 **to the inmate under review for transfer to post-release supervision.**

25       **(B) The oral or written recommendations received under**  
26 **this subsection are not binding on the Post-Prison Transfer Board but are**  
27 **given due consideration within the resources available for transfer to post-**  
28 **release supervision.**

29  
30       **16-93-1807. Risk and needs assessment to be considered – Release**  
31 **without a hearing.**

32       **(a)(1) A risk and needs assessment that evaluates and quantifies the**  
33 **inmate's risk to reoffend following release shall inform the transfer**  
34 **determination, along with other relevant information.**

35       **(2) If transfer to post-release supervision is granted, the risk**  
36 **and needs assessment under this section and other relevant information shall**

1 be used to set the conditions for post-release supervision.

2 (b)(1) Review of an inmate's appropriateness for transfer to post-  
3 release supervision is based on rules and policies adopted by the board and  
4 the board shall conduct a risk and needs assessment review as a part of the  
5 review of the inmate's appropriateness for transfer to post-release  
6 supervision.

7 (2) The rules and policies adopted by the board under  
8 subdivision (c)(1) of this section shall include without limitation:

9 (A) A provision for notification of the victim or his or  
10 her next of kin that a hearing shall be held under this section;

11 (B) A requirement for keeping a record of the proceedings;  
12 and

13 (C) A list of the criteria upon which a denial may be  
14 based.

15 (c) In order to prepare applications for post-release supervision  
16 transfer consideration, the Post-Prison Transfer Board shall:

17 (1) Begin transfer proceedings for post-release supervision or a  
18 preliminary review for post-release supervision under this subchapter no  
19 later than six (6) months before an inmate's post-release supervision  
20 transfer eligibility date; and

21 (2) Authorize procedures for jacket review , as defined in § 16-  
22 93-101, no later than six (6) months before an inmate's post-release  
23 supervision transfer eligibility.

24 (d) The transfer review for post-release supervision may be conducted  
25 without a hearing when:

26 (1) The inmate has not received a major disciplinary report;

27 (2) There has not been a request by a victim or his or her next  
28 of kin to have input on post-release supervision transfer conditions; and

29 (3) There is no indication in the risk and needs assessment  
30 review under this section that special conditions need to be placed on the  
31 inmate.

32  
33 16-93-1808. Hearing procedure.

34 (a) When a hearing is needed to determine whether to transfer an  
35 inmate to post-release supervision, the Post-Prison Transfer Board shall  
36 conduct a hearing to determine the appropriateness of the inmate for transfer



1 to post-release supervision.

2 (b) At the conclusion of a hearing under this section, the board shall  
3 issue one (1) of the following decisions:

4 (1) Transfer the inmate to post-release supervision as  
5 authorized under § 16-93-1901 et seq. and accompany the transfer with a  
6 notice of the conditions of the transfer, including without limitation:

7 (A) Supervision levels;

8 (B) Economic fee sanction;

9 (C) Participation in a treatment program;

10 (D) Programming requirements; and

11 (E) Facility placement when appropriate;

12 (2)(A) Deny transfer of the inmate to post-release supervision  
13 based on a set of established criteria and accompany the denial with a  
14 prescribed course of action to be undertaken by the inmate to rectify the  
15 board's concern.

16 (B) Upon completion of the course of action determined by  
17 the board under subdivision (b)(2)(A) of this section and after final review  
18 of the inmate's file to ensure successful completion of the course of action,  
19 the board shall authorize the inmate's transfer to the post-release  
20 supervision under this subchapter in accordance with administrative rules and  
21 policies governing the transfer and subject to the conditions attached to the  
22 transfer.

23 (C) If an inmate fails to fulfill the course of action  
24 outlined by the board to facilitate transfer to post-release supervision  
25 under subdivision (b)(2)(A) of this section, it is the responsibility of the  
26 inmate to petition the board for a rehearing; or

27 (3) Deny transfer of the inmate to post-release supervision for  
28 a period of up to two (2) years.

29 (d) A transfer of an inmate to post-release supervision under  
30 this section shall be issued upon the adoption of an order by the board in  
31 accordance with the rules and policies adopted by the board under this  
32 section.

33  
34 16-93-1809. Open meetings.

35 (a) The Post-Prison Transfer Board shall conduct open meetings and  
36 shall make public its findings for each inmate eligible for transfer to post-

1 release supervision.

2 (b)(1) Open meetings under this section may be conducted through  
3 videoconference technology if the inmate is housed in a county jail and if  
4 the videoconference technology is available.

5 (2) Open meetings utilizing videoconference technology under  
6 this section shall be conducted in public, except that inmate interviews and  
7 related deliberations may be closed to the public.

8  
9 16-93-1810. Notices required for hearings on transfer to post-release  
10 supervision.

11 (a)(1) Before the Post-Prison Transfer Board grants a transfer of an  
12 inmate to post-release supervision, the board shall solicit the written  
13 recommendations of the committing court, the prosecuting attorney, and the  
14 county sheriff of the county from which the inmate was committed.

15 (2) Notification of the committing court, the prosecuting  
16 attorney, county sheriff, and the victim or the victim's next of kin for a  
17 inmate under sentence for an offense governed by this section shall follow  
18 the procedures stated in this section.

19 (b)(1) If the inmate whose transfer to post-release supervision is  
20 being considered by the board is under sentence for a felony other than a  
21 felony in the target group as defined in § 16-93-1202, the board shall also  
22 notify the victim of the offense or the victim's next of kin of the transfer  
23 hearing and shall solicit written recommendations from the victim or his or  
24 her next of kin regarding the granting of the transfer unless the prosecuting  
25 attorney has notified the board at the time of commitment of the inmate that  
26 the victim or his or her next of kin does not desire to be notified of future  
27 transfer hearings.

28 (2) The written recommendations received under subdivision  
29 (b)(1) of this section are not binding upon the board in the granting of any  
30 transfer to post-release supervision but are maintained in the inmate's  
31 record.

32 (3) When soliciting written recommendations from a victim of an  
33 offense, the board shall notify the victim or his or her next of kin of the  
34 date, time, and place of the transfer hearing.

35 (c)(1) The board shall not schedule transfer hearings at which victims  
36 or the next of kin of victims of offenses are invited to appear at a facility

1 where inmates are housed other than the Department of Corrections  
2 Headquarters building in North Little Rock.

3 (2) The board may conduct transfer hearings in two (2) sessions:

4 (A) One (1) session at the place of the inmate's  
5 incarceration with the inmate, the inmate's witnesses, and correctional  
6 facility personnel; and

7 (B) One (1) session for victims and the next of kin of  
8 victims as stated in this section.

9 (d)(1) At the time that any inmate eligible for transfer to post-  
10 release supervision under this section is transferred by the board, the  
11 Division of Community Correction shall give written notice of the granting of  
12 the transfer to post-release supervision to the:

13 (A) County sheriff;

14 (B) Prosecuting attorney of the judicial district;

15 (C) Committing court; and

16 (D) Chief of police of each city of the first class of the  
17 county from which the inmate was sentenced.

18 (2) If the inmate is transferred to a county other than the  
19 county from which he or she was committed, the board shall give notice to the  
20 chief of police or marshal of the city or town to which the inmate is  
21 transferred and to the county sheriff and prosecuting attorney of the county  
22 from which the inmate was committed.

23 (e)(1) The prosecuting attorney of the county from which the inmate  
24 was committed shall notify the board at the time of commitment of the desire  
25 of the victim or his or her next of kin to be notified of any future transfer  
26 hearings and to forward to the board the last known address and telephone  
27 number of the victim or his or her next of kin.

28 (2) It is the responsibility of the victim or his or her next of  
29 kin to notify the board of any change in address or phone number.

30 (3) It is the responsibility of the victim or his or her next of  
31 kin to notify the board after the date of commitment of any change in regard  
32 to the desire to be notified of any future transfer hearings.

33  
34 16-93-1811. Post-release supervision.

35 (a)(1) The Post-Prison Transfer Board shall establish a set of  
36 conditions that are applicable to all inmates transferred to post-release

1 supervision.

2 (2) The set of conditions established by the Post-Prison  
3 Transfer Board under subdivision (a)(1) of this section is subject to  
4 periodic review, revision, and approval as the Post-Prison Transfer Board  
5 deems necessary.

6 (b)(1)(A) A course of action required by the Post-Prison Transfer  
7 Board shall not be outside the current resources of the Division of  
8 Correction.

9 (B) The conditions for post-release supervision set by the  
10 Post-Prison Transfer Board shall not be outside the current resources of the  
11 Division of Community Correction.

12 (2) The Division of Correction and Division of Community  
13 Correction shall strive to accommodate the actions required by the Board of  
14 Corrections or the Post-Prison Transfer Board to the best of their abilities.

15 (c) Transfer to post-release supervision is not an award of clemency,  
16 and it shall not be considered as a reduction of sentence or a pardon.

17 (d) An inmate on post-release supervision shall remain:

18 (1) In the legal custody of the Division of Correction;

19 (2) Under the supervision of the Division of Community  
20 Correction; and

21 (3) Subject to the orders of the Post-Prison Transfer Board.

22 (e) Decisions on release to post-release supervision, courses of  
23 action before transfer to post-release supervision, and post-release  
24 supervision transfer conditions to be set by the Post-Prison Transfer Board  
25 shall be:

26 (1) Informed by the risk and needs assessment tool under § 16-  
27 93-1807;

28 (2) Reasonable and rational; and

29 (3) Defensible based on preestablished criteria.

30  
31 16-93-1812. Rules.

32 The Post-Prison Transfer Board shall adopt rules to implement this  
33 subchapter.

34  
35 Subchapter 19 – Post-Release Supervision for Persons Committing Offenses on  
36 or after January 1, 2025

16-93-1901. Applicability.

This subchapter applies to a felony offense committed on or after January 1, 2025.

16-93-1902. Definitions.

As used in this subchapter:

(1) "Community supervision officer" means an employee of the Division of Community Correction who is tasked with the supervision of offenders released to post-release supervision or persons who otherwise fall under the supervisory authority of the Division of Community Correction;

(2) "Eligible inmate" means an inmate eligible for post-release supervision;

(3) "Felony ineligible for earned release credits" means the same as defined in § 16-93-1802;

(4) "Offender" means a person transferred to post-release supervision;

(5) "Post-release supervision" means a period of community supervision for an offender after his or her release from incarceration; and

(6) "Restricted release felony" means the same as defined in § 16-93-1802.

16-93-1903. Post-release supervision – Authority and parameters.

(a)(1) The Post-Prison Transfer Board may transfer to post-release supervision an eligible inmate who is confined in a correctional institution administered by the Division of Correction or the Division of Community Correction, if the board determines:

(A) There is a reasonable probability that the eligible inmate can be transferred without detriment to the community or himself or herself;

(B) The eligible inmate is able and willing to fulfill the obligations of a law-abiding citizen; and

(C) That post-release supervision is in the best interest of society.

(2) A transfer to post-release supervision under this section shall issue upon the adoption of an order of the board.

1 (b)(1) Before ordering the transfer to post-release supervision of an  
2 eligible inmate under this section, the board, a hearing judge, or an  
3 investigator employed by the board shall interview the eligible inmate,  
4 unless a hearing is not required under §§ 16-93-1807 and 16-93-1808.

5 (2) The board shall consider the results of the risk and needs  
6 assessments of all applicants for transfer to post-release supervision.

7 (3) Transfer to post-release supervision shall not be considered  
8 a reduction of a sentence or a pardon.

9 (4) An inmate on post-release supervision shall remain:

10 (A) In the legal custody of the Division of Correction;

11 (B) Under the supervision of the Division of Community  
12 Correction; and

13 (C) Subject to the orders of the board.  
14

15 16-93-1904. Post-release supervision – Required recommendations.

16 (a) Before the Post-Prison Transfer Board may grant a transfer to  
17 post-release supervision based on accrual and application of earned release  
18 credits, the board shall:

19 (1) Notify and solicit the written recommendations of the  
20 committing court, the prosecuting attorney, and the county sheriff of the  
21 county from which the inmate was committed as provided in §16-93-1810; and

22 (2) Notify the victim or the next of kin as provided in § 16-93-  
23 1810.

24 (b) An inmate who is ineligible to accrue earned release credits may  
25 be transferred to post-release supervision only if:

26 (1) Sentenced by the sentencing court to a period of post-  
27 release supervision to follow the inmate's term of imprisonment; and

28 (2) The inmate has served the entire sentence of imprisonment  
29 before transfer to post-release supervision.  
30

31 16-93-1905. Length of post-release supervision.

32 (a)(1) For a person under sentence for a term of imprisonment for  
33 which he or she is eligible for transfer to post-release supervision upon  
34 accrual and award of earned release credits, the inmate is subject to post-  
35 release supervision for the remainder of the term of imprisonment assessed by  
36 the sentencing court.

1           (2) For a person under sentence for a term of imprisonment for  
2 which he or she is not eligible to accrue or be awarded earned release  
3 credits, the inmate is subject to a term of post-release supervision as  
4 assessed by the sentencing judge under § 5-4-104(c).

5           (3) The term of supervised release, when aggregated with the  
6 term of imprisonment imposed by the sentencing court, shall not exceed the  
7 statutory maximum for the offense.

8           (b) If the sentencing court sentenced a person to a term of suspended  
9 imposition of sentence to follow his or her term of imprisonment at the  
10 Division of Correction, the period of post-release supervision runs  
11 concurrently with the term of suspended imposition of sentence.

12  
13           16-93-1906. Post-release supervision – Generally.

14           (a)(1) The Director of the Division of Community Correction with the  
15 advice of the Board of Corrections shall establish written policies and  
16 procedures governing the supervision of offenders released to a term of post-  
17 release supervision by the Post-Prison Transfer Board.

18           (2) The policies and procedures established under subdivision  
19 (a)(1) of this section shall be designed to enhance public safety and to  
20 assist the offenders in reintegrating into society.

21           (3)(A) Supervision of offenders on post-release supervision  
22 shall be based on evidence-based practices.

23           (B) Decisions concerning supervision of offenders shall  
24 target the offender's criminal risk factors with appropriate supervision and  
25 treatment.

26           (4) The Division of Community Correction shall assume  
27 supervisory responsibilities over an offender when the offender is lawfully  
28 set at liberty from the Division of Correction.

29           (b)(1) An offender assigned to a term of post-release supervision  
30 shall be supervised by a community supervision officer employed by the  
31 Division of Community Correction.

32           (2) A community supervision officer shall:

33           (A) Investigate all cases referred to him or her by the  
34 Post-Prison Transfer Board, the Division of Community Correction, or the  
35 prosecuting attorney;

36           (B) Furnish each offender on post-release supervision a

1 written statement of the conditions of post-release supervision and instruct  
2 the offender that he or she is required to stay in compliance with the  
3 conditions of post-release supervision or risk revocation under § 16-93-1908;

4 (C) Develop a case plan for each offender who is  
5 determined to be a moderate-risk or high risk to reoffend that:

6 (i) Is based on the risk and needs assessment under  
7 § 16-93-1807 and targets the criminal risk factors identified in the risk and  
8 needs assessment;

9 (ii) Is responsive to the individual characteristics  
10 of the offender; and

11 (iii) Provides a strategy for the supervision of the  
12 offender according to that case plan;

13 (D) Stay informed of the conduct and condition of each  
14 offender assigned to the community supervision officer through:

15 (i) Visitation;

16 (ii) Required reporting; or

17 (iii) Other methods and reporting to the sentencing  
18 court of the information described in subdivisions (b)(2)(D)(i) and (ii) of  
19 this section upon request;

20 (E) Use practicable and suitable methods that are  
21 consistent with evidence-based practices to aid and encourage an offender on  
22 post-release supervision to improve his or her conduct and condition and to  
23 reduce the risk of recidivism;

24 (F)(i) Conduct a validated risk and needs assessment of  
25 the offender on post-release supervision, including without limitation  
26 criminal risk factors and specific individual needs.

27 (ii) The validated risk and needs assessment shall  
28 include an initial screening and, if necessary, a comprehensive assessment.

29 (iii) The results of the validated risk and needs  
30 assessment under § 16-93-1807 shall assist in making decisions that are  
31 consistent with evidence-based practices on the type of supervision and  
32 services necessary for each offender; and

33 (G) Receive annual training on evidence-based practices  
34 and criminal risk factors as well as instruction on how to target criminal  
35 risk factors to reduce recidivism.

36 (c)(1) The Division of Community Correction shall allocate resources,



1 including assignment of community supervision officers, to focus on moderate-  
2 risk and high-risk offenders as determined by the validated risk and needs  
3 assessment provided under this section.

4 (2) The Division of Community Correction shall require public  
5 and private treatment and service providers to use evidence-based programs  
6 and practices if the public and private treatment and service providers  
7 receive state funds for the treatment of or service of offenders on post-  
8 release supervision.

9  
10 16-93-1907. Post-release supervision – Administrative sanctions.

11 (a)(1)(A) The Division of Community Correction may sanction offenders  
12 on post-release supervision administratively without utilizing the revocation  
13 process under § 16-93-1908.

14 (B) An administrative sanction as described in subdivision  
15 (a)(1)(A) of this section is an intermediate sanction and is not a revocation  
16 of post-release supervision.

17 (2)(A) The Division of Community Correction shall develop an  
18 intermediate sanctions procedure and an intermediate sanctions grid to guide  
19 a community supervision officer in determining the appropriate response to a  
20 violation of the conditions of supervision.

21 (B) Intermediate sanctions administered by the Division of  
22 Community Correction shall conform to the intermediate sanctions grid.

23 (C) The intermediate sanctions grid shall include:

24 (i) An assignment of point values to commonly  
25 occurring violations of terms of post-release supervision or criminal  
26 behavior;

27 (ii) An assignment of point values to behaviors that  
28 decrease the likelihood of recidivism including without limitation:

29 (a) Education;

30 (b) Workforce development;

31 (c) Community service; and

32 (d) Behavioral health programming;

33 (iii) Details on the mechanisms by which points are  
34 accumulated and reduced; and

35 (iv) Guidance on which intermediate sanctions should  
36 be applied at which points thresholds.

1 (3) Intermediate sanctions shall include without limitation:

2 (A) Community service;

3 (B) Increased substance abuse screening and treatment;

4 (C) Increased monitoring, including electronic monitoring  
5 and home confinement; and

6 (D)(i) Incarceration in a county or regional jail for no  
7 more than seven (7) days or incarceration in a Division of Correction  
8 facility or a Division of Community Correction facility for no more than  
9 ninety (90) days.

10 (ii)(a) Incarceration as an intermediate sanction  
11 shall not be used more than six (6) times with an offender on post-release  
12 supervision.

13 (b) If an offender on post-release supervision  
14 accumulates no more than thirty (30) days' incarceration in a county or  
15 regional jail or more than three hundred sixty (360) days' incarceration in a  
16 Division of Correction facility or a Division of Community Correction  
17 facility as an intermediate sanction, the community supervision officer shall  
18 recommend a revocation of the offender's post-release supervision under § 16-  
19 93-1908.

20 (c) An offender shall not be incarcerated more  
21 than two (2) times as a result of an intermediate sanction in a Division of  
22 Correction facility during any two (2) year period.

23 (4) The Division of Community Correction shall:

24 (A) Notify the Post-Prison Transfer Board in writing when  
25 an offender has been incarcerated due to an intermediate sanction under this  
26 subsection;

27 (B) Include an explanation of the cause for incarceration;  
28 and

29 (C) Include the result of the intermediate sanction, if  
30 applicable.

31 (b) Any time in custody for which the offender on post-release  
32 supervision is held, before a period of incarceration under this section is  
33 administered, does not count as a period of incarceration ordered toward the  
34 total accumulation of days of incarceration as stated in subsection (a) of  
35 this section.

36 (c) A period of incarceration under this section:

1           (1) May be reduced by the Division of Correction for good  
2 behavior and successful program completion; and

3           (2) Shall not be reduced under this section for more than fifty  
4 percent (50%) of the total time of incarceration ordered to be served.

5           (d)(1) An offender subject to an intermediate sanction under  
6 subsection (a) of this section does not have the right to an attorney at the  
7 intermediate sanction hearing.

8           (2) This subsection does not prohibit an offender from  
9 conferring with a privately retained attorney during the intermediate  
10 sanction process.

11  
12           16-93-1908. Revocation of post-release supervision.

13           (a)(1)(A) At any time during an offender's post-release supervision,  
14 the Post-Prison Transfer Board may issue a warrant for the arrest of the  
15 offender for violation of any of the conditions of post-release supervision  
16 or may issue a notice to appear to answer a charge of a violation.

17           (B)(i) The board shall issue a warrant for the arrest of  
18 an offender on post-release supervision if the board determines that the  
19 offender has been charged with a felony ineligible to receive earned release  
20 credits or a restricted release felony, as defined in § 16-93-1802.

21           (ii) An offender arrested on a warrant issued under  
22 subdivision (a)(1)(B)(i) of this section shall be detained pending a  
23 mandatory post-release supervision hearing.

24           (C) The Division of Community Correction shall provide the  
25 information necessary for the board to issue a warrant under this subdivision  
26 (a)(1).

27           (2) A warrant or notice issued under subdivision (a)(1) of this  
28 section shall be served personally upon the offender.

29           (3) A warrant issued under subdivision (a)(1) of this section  
30 shall authorize all officers named in the warrant to place the offender in  
31 custody at any suitable detention facility pending a hearing.

32           (4) A community supervision officer may arrest an offender on  
33 post-release supervision without a warrant by giving him or her a written  
34 statement stating that the offender, in the judgment of the community  
35 supervision officer, violated the conditions of his or her post-release  
36 supervision.

1           (5) A written statement under subdivision (a)(4) of this section  
2 delivered by the arresting community supervision officer with the offender to  
3 the official in charge of the detention facility to which the offender is  
4 brought is sufficient for detaining the offender pending disposition.

5           (6) If the board or its designee finds, by a preponderance of  
6 the evidence, that the offender has inexcusably failed to comply with a  
7 condition of his or her post-release supervision, the post-release  
8 supervision may be revoked at any time before the expiration of the period of  
9 post-release supervision.

10           (7) An offender serving on post-release supervision for whose  
11 return a warrant has been issued by the board under this subsection shall be  
12 deemed a fugitive from justice if it is found that the warrant cannot be  
13 served.

14           (b)(1) An offender transferred to or serving on post-release  
15 supervision shall be entitled to a preliminary hearing to determine whether  
16 there is reasonable cause to believe that the offender has violated a  
17 condition of his or her post-release supervision.

18           (2) A preliminary hearing conducted under subdivision (b)(1) of  
19 this section shall be scheduled within seven (7) days after arrest or within  
20 seven (7) days after notice is served and shall be conducted within fourteen  
21 (14) days after arrest or service of notice to appear, excluding a weekend,  
22 holiday, or delay caused by an act of nature, by the revocation hearing judge  
23 for the board and at a location reasonably near the place of the alleged  
24 violation or the arrest.

25           (3) The offender shall be given notice of the date, time, and  
26 location of the preliminary hearing and the conditions of post-release  
27 supervision that the offender is alleged to have violated.

28           (4) Except as provided in subsection (d) of this section, the  
29 offender has the right to hear and controvert evidence against him or her, to  
30 offer evidence on his or her own behalf, and to be represented by counsel at  
31 the preliminary hearing.

32           (5) If a revocation hearing judge finds after the preliminary  
33 hearing that there is reasonable cause to believe that an offender has  
34 violated a condition of post-release supervision by committing a felony  
35 ineligible to receive earned release credits or a restricted release felony,  
36 as defined in § 16-93-1802, the revocation hearing judge shall order the

1 offender be returned to the nearest facility of the Division of Correction or  
2 the Division of Community Correction where he or she shall be placed in  
3 custody for a revocation hearing before the board.

4 (6) If a revocation hearing judge finds after the preliminary  
5 hearing that there is reasonable cause to believe that an offender has  
6 violated a condition of post-release supervision other than the commission of  
7 a felony ineligible to receive earned release credits or a restricted release  
8 felony, as defined in § 16-93-1802, the revocation hearing judge shall:

9 (A) Order the offender be returned to the nearest facility  
10 of the Division of Correction or the Division of Community Correction where  
11 he or she shall be placed in custody for a revocation hearing before the  
12 board; or

13 (B) Return the offender to post-release supervision with  
14 or without additional supervision conditions in response to the violating  
15 conduct.

16 (7)(A) If a revocation hearing judge does not find after the  
17 preliminary hearing reasonable cause to believe that an offender has violated  
18 a condition of post-release supervision, he or she shall order the offender  
19 be released from custody.

20 (B) An order to release the offender from custody under  
21 subdivision (b)(7) of this section does not bar the board from holding a  
22 revocation hearing on the alleged violation of a condition of post-release  
23 supervision or from ordering the offender to appear before the board.

24 (8) A revocation hearing judge shall prepare and furnish to the  
25 board and the offender a summary of the preliminary hearing proceedings,  
26 including without limitation the substance of the evidence and testimony  
27 considered along with his or her finding and order, within twenty-one (21)  
28 days from the date of the preliminary hearing, excluding a weekend, holiday,  
29 or delay caused by an act of nature.

30 (c)(1)(A) Unless a revocation hearing is knowingly and intelligently  
31 waived by the offender, transfer to post-release supervision shall not be  
32 revoked except after a revocation hearing, which shall be conducted by the  
33 board or its designee within a reasonable period after the offender's arrest  
34 or service of notice to appear.

35 (B) If a waiver is granted under subdivision (c)(1)(A) of  
36 this section, the offender may subsequently appeal the waiver to the board.

1           (2) An offender shall be given notice of the date, time, and  
2 location of the revocation hearing, the purpose of the revocation hearing,  
3 and the conditions of supervision he or she is alleged to have violated.

4           (3) Except as provided in subsection (d) of this section, the  
5 offender has the right to hear and controvert evidence against him or her, to  
6 offer evidence in his or her own defense, and to be represented by counsel at  
7 the revocation hearing.

8           (4) If post-release supervision is revoked after a revocation  
9 hearing, the board or its designee shall prepare and furnish to the offender  
10 a statement of evidence relied on and the reasons for revoking the post-  
11 release supervision.

12           (d) At a preliminary hearing under subsection (b) of this section or a  
13 revocation hearing under subsection (c) of this section:

14           (1) The offender has the right to confront and cross-examine  
15 adverse witnesses unless the revocation hearing judge, the board, or the  
16 designee of the board specifically finds good cause for not allowing  
17 confrontation and cross-examination; and

18           (2) The offender may introduce any relevant evidence of the  
19 alleged violation, including without limitation letters, affidavits, and  
20 other documentary evidence, regardless of the admissibility of the evidence  
21 under the rules governing the admission of evidence.

22           (e)(1) A preliminary hearing under subsection (b) of this section is  
23 not required if the offender knowingly and intelligently waives the  
24 preliminary hearing.

25           (2) If the preliminary hearing is not waived by the offender  
26 under subsection (c) of this section, the revocation hearing shall be held  
27 within fourteen (14) days after the arrest and reasonably near the place  
28 where the alleged violation occurred or where the offender was arrested.

29           (f) A preliminary hearing under subsection (b) of this section and a  
30 revocation hearing under subsection (c) of this section is not required if  
31 the revocation is based on the offender's conviction of a felony offense for  
32 which he or she is sentenced to the Division of Correction or to any other  
33 state or federal correctional institution.

34           (g) An offender may be held in a county or regional jail while  
35 awaiting a revocation hearing and the ruling of the board or its designee  
36 under this section.

1 (h) An offender whose post-release supervision is revoked under this  
2 section due to a technical conditions violation or serious conditions  
3 violation and who is sentenced to any period of incarceration resulting from  
4 the revocation is subject to the periods of incarceration provided in § 16-  
5 93-1907.

6 (i) Upon revocation under this section, an offender subject to a term  
7 of post-release supervision for a felony ineligible to receive earned release  
8 credits or a restricted release felony shall return to incarceration for the  
9 entire remaining period of imprisonment or post-release supervision assessed  
10 by the sentencing court.

11  
12 16-93-1909. Subpoena of witnesses and documents for revocation of  
13 post-release supervision.

14 (a)(1) The following persons have the power to issue oaths, subpoena  
15 witnesses to appear, and subpoena the production of any relevant books,  
16 papers, records, or documents under this subchapter:

17 (A) The Chair of the Post-Prison Transfer Board or his or  
18 her designee;

19 (B) The administrator of the Post-Prison Transfer Board;

20 (C) Any member of the Post-Prison Transfer Board; and

21 (D) The revocation hearing judge presiding over any  
22 preliminary hearing concerning an alleged violation of the conditions of  
23 post-release supervision.

24 (2)(A) A subpoena issued under this section shall be:

25 (i) Directed to the county sheriff, county coroner,  
26 or constable of any county where the designated witness resides or is found;  
27 and

28 (ii) Served and returned in the same manner as  
29 subpoenas in civil actions in the circuit courts.

30 (B) An endorsed affidavit on a subpoena of a person  
31 eighteen (18) years of age or older is proof of service of the subpoena.

32 (b) The fees and mileage expenses prescribed by law for witnesses in  
33 civil cases shall be paid by the Division of Correction for any witness  
34 subpoenaed to appear under this section.

35 (c)(1) If a person fails or refuses to comply with a subpoena issued  
36 under this section to testify or answer to any matter regarding which the

1 person may be lawfully interrogated, a circuit court in this state, on  
2 application of hearing officer or the chair, shall issue an attachment for  
3 the person and compel him or her to comply with the subpoena and appear  
4 before the revocation hearing judge or the board and produce any testimony or  
5 documents as may be required.

6 (2)(A) The circuit court shall have the same power to punish any  
7 contempt, in case of disobedience, as in civil cases.

8 (B) It is a criminal violation for a witness to refuse or  
9 neglect to appear and testify, punishable upon conviction by a fine of not  
10 less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

11 (d) A person knowingly testifying falsely under oath before the board  
12 or at a preliminary hearing in which probable cause for revocation of  
13 transfer to post-release supervision is to be considered as to any matter  
14 material to lawful inquiry by the board or revocation hearing judge may be  
15 charged with perjury.

16  
17 16-93-1910. Prohibition on sex offenders residing with minors.

18 (a)(1) Except as specified in subdivision (a)(2) of this section, the  
19 Post-Prison Transfer Board shall prohibit, as a condition of granting  
20 transfer to post-release supervision, an offender from residing in a  
21 residence with a minor, if the offender was convicted of one (1) or more of  
22 the following offenses perpetrated against a minor:

23 (A) A sexual offense as defined in § 5-14-101 et seq.;

24 (B) Incest, § 5-26-202; or

25 (C) An offense under the Arkansas Protection of Children  
26 Against Exploitation Act of 1979, § 5-27-301 et seq.

27 (2) The board may permit an offender to reside in a residence  
28 with a minor if the board finds that the offender no longer poses a danger to  
29 any minor residing in the residence.

30 (b) If the board, upon a hearing under § 16-93-1908, finds by a  
31 preponderance of the evidence that the offender has failed to comply with a  
32 condition of post-release supervision, the post-release supervision may be  
33 revoked and the offender returned to the custody of the Division of  
34 Correction.

35  
36 16-93-1911. Rules.



1       The Post-Prison Transfer Board shall adopt rules to implement this  
2       subchapter.

3  
4       SECTION 3. Arkansas Code Title 5, Chapter 2, Subchapter 3 is amended  
5       to add a new section to read as follows:

6       5-2-332. Secured restoration program authorized.

7       (a) The purpose of this section is to provide an additional setting  
8       for the provision of restorative treatment services in the least restrictive  
9       environment.

10       (b) The Division of Aging, Adult, and Behavioral Health Services of  
11       the Department of Human Services may establish and maintain a program to  
12       provide restoration services in a secure setting for defendants who:

13               (1) Have been found to lack fitness to proceed; and

14               (2) Are not in an acute phase of illness requiring the services  
15       of a psychiatric hospital.

16       (c)(1) A secure setting established under this section shall:

17               (A) Provide a twenty-four-hour program of care by  
18       qualified clinicians and professional staff; and

19               (B) Admit each defendant for a term not to exceed one  
20       hundred twenty (120) days, unless the division extends the term for good  
21       cause.

22               (2) The division has the exclusive authority to determine  
23       whether and when a defendant is admitted to the program based on the  
24       defendant's acuity, medical need, and other factors determined by the  
25       division.

26               (3) The division may procure one (1) or more qualified vendors  
27       to operate the program in part or in whole.

28  
29       SECTION 4. Arkansas Code § 5-4-101(5), concerning definitions  
30       applicable in Title 5, Chapter 4, is amended to read as follows:

31               (5) "Recidivism" means a criminal act that results in the  
32       rearrest, reconviction, or return to incarceration of a person with ~~or~~  
33       ~~without~~ a new sentence or a revocation from parole or post-release  
34       supervision during a three-year period following the person's release from  
35       custody;

SECTION 5. Arkansas Code § 5-4-104(c)-(e), concerning authorized sentences generally, are amended to read as follows:

(c)(1)(A) Except as provided under subdivision (c)(2) of this section, a defendant convicted of a Class Y felony, ~~or~~ murder in the second degree, § 5-10-103, or a felony ineligible to receive earned release credits as defined in § 16-93-1802, shall be sentenced to a term of imprisonment in accordance with §§ 5-4-401 – 5-4-404.

(B) In addition to imposing a term of imprisonment, the trial court may sentence a defendant convicted of a Class Y felony or murder in the second degree, § 5-10-103, or a felony ineligible to receive earned release credits as defined in § 16-93-1802, to any one (1) or more of the following:

(i) Pay a fine as authorized by §§ 5-4-201 and 5-4-202;

(ii) Make restitution as authorized by § 5-4-205; or

(iii) Suspend imposition of an additional term of imprisonment, as authorized by subdivision (e)(3) of this section.

(C)(i) In addition to the term of imprisonment imposed by the trial court, the trial court shall impose a period of post-release supervision for any defendant sentenced to a felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802, who is not sentenced to the statutory maximum for the offense.

(ii) The Post-Prison Transfer Board shall set the terms and conditions of post-release supervision for a defendant subject to subdivision (c)(1)(C)(i) of this section before the defendant's release from imprisonment.

(iii) The maximum terms of post-release supervision that may be imposed under subdivision (c)(1)(C)(i) of this section are:

(a) For a Class Y felony, seven (7) years;

(b) For a Class A felony, a Class B felony, or an unclassified felony with a maximum term of imprisonment exceeding ten (10) years, five (5) years; and

(c) For all other felonies, three (3) years.

(iv) A term of post-release supervision, when aggregated with the term of imprisonment imposed by the trial court, shall not exceed the statutory maximum for the offense.

1                   (v) When a defendant is subject to an additional  
2 term of post-release supervision on a sentence for which he or she is  
3 required to serve one hundred percent (100%) of the term of imprisonment  
4 imposed by the sentencing court, the jury shall be instructed as to the  
5 potential additional term of post-release supervision.

6                   (2) A defendant who was eighteen (18) years of age or older at  
7 the time of the offense and who was convicted of one (1) or more of the  
8 following Class Y felonies in which the victim was less than fourteen (14)  
9 years of age at the time of the offense shall be sentenced to life without  
10 the possibility of parole:

11                   (A) Rape involving forcible compulsion, § 5-14-103(a)(1);  
12                   (B) Trafficking of persons, § 5-18-103;  
13                   (C) Engaging children in sexually explicit conduct for use  
14 in visual or print medium, § 5-27-303;

15                   (D) Transportation of minors for prohibited sexual  
16 conduct, § 5-27-305;

17                   (E) Producing, directing, or promoting a sexual  
18 performance by a child, § 5-27-403; and

19                   (F) Computer exploitation of a child in the first degree,  
20 § 5-27-605.

21                   (d) A defendant convicted of an offense other than a Class Y felony,  
22 capital murder, § 5-10-101, treason, § 5-51-201, ~~or~~ murder in the second  
23 degree, § 5-10-103, or a felony ineligible to receive earned release credits  
24 as defined in § 16-93-1802, may be sentenced to any one (1) or more of the  
25 following, except as precluded by subsection (e) of this section:

26                   (1) Imprisonment as authorized by §§ 5-4-401 – 5-4-404;

27                   (2) Probation as authorized by §§ 5-4-301 – 5-4-307 and 16-93-  
28 306 – 16-93-314;

29                   (3) Payment of a fine as authorized by §§ 5-4-201 and 5-4-202;

30                   (4) Restitution as authorized by a provision of § 5-4-205; or

31                   (5) Imprisonment and payment of a fine.

32                   (e)(1)(A) The court shall not suspend imposition of sentence as to a  
33 term of imprisonment nor place the defendant on probation for the following  
34 offenses:

35                   (i) Capital murder, § 5-10-101;

36                   (ii) Treason, § 5-51-201;

(iii) A Class Y felony, except to the extent suspension of an additional term of imprisonment is permitted in subsection (c) of this section;

(iv) Driving or boating while intoxicated, § 5-65-103;

(v) Murder in the second degree, § 5-10-103, except to the extent suspension of an additional term of imprisonment is permitted in subsection (c) of this section; ~~or~~

(vi) Engaging in a continuing criminal enterprise, § 5-64-405;

(vii) Furnishing a prohibited article, possessing a prohibited article, using a prohibited article, or delivering a prohibited article, § 5-54-119; or

(viii) A felony ineligible to receive earned release credits as defined in § 16-93-1802.

(B)(i) In any other case, the court may suspend imposition of sentence or place the defendant on probation, in accordance with §§ 5-4-301 – 5-4-307 and 16-93-306 – 16-93-314, except as otherwise specifically prohibited by statute.

(ii) The court may not suspend execution of sentence.

(2) If the offense is punishable by fine and imprisonment, the court may sentence the defendant to pay a fine and suspend imposition of the sentence as to imprisonment or place the defendant on probation.

(3)(A) The court may sentence the defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment.

(B) However, the court shall not sentence a defendant to imprisonment and place him or her on probation, except as authorized by § 5-4-304.

(C) This subdivision (e)(3) does not prohibit a period of post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

SECTION 6. Arkansas Code § 5-4-107(a)(1), concerning extended supervision and monitoring for certain sex offenders, is amended to read as follows:

1 (a)(1) The Division of Correction within one hundred twenty (120) days  
2 before the release on parole or post-release supervision of a person who is  
3 required to register as a sex offender under the Sex Offender Registration  
4 Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting  
5 attorney in the judicial district in which the person was sentenced of the  
6 person's impending release on parole or post-release supervision.

7  
8 SECTION 7. Arkansas Code § 5-4-202, is amended to read as follows:  
9 5-4-202. Alternative sentence prohibited – Time of payment.

10 (a) If the defendant is sentenced to pay a fine or costs, the court  
11 shall not at the same time impose an alternative sentence or imprisonment to  
12 be served if the fine or costs are not paid.

13 (b)(1) If a defendant is sentenced to pay a fine or costs, the court  
14 may grant permission for payment to be made:

15 (A) Within a specified period of time; or

16 (B) In specified installments.

17 (2) If Except as provided in subsection (c) of this section, if  
18 permission under subdivision (b)(1) of this section is not granted in the  
19 sentence, the fine or costs are payable immediately.

20 (c)(1) If a defendant is sentenced to a term of imprisonment, fines  
21 and costs shall be suspended for the period of confinement and the one  
22 hundred twenty (120) days following the defendant's release from custody.

23 (2) If a defendant is sentenced to a term of imprisonment,  
24 restitution shall be suspended for the period of confinement and is payable  
25 immediately following the defendant's release from custody.

26  
27 SECTION 8. Arkansas Code § 5-4-205(f)(1), concerning restitution to be  
28 included as a condition of release, is amended to read as follows:

29 (f)(1) If the defendant is placed on probation or any form of  
30 conditional release, any restitution ordered under this section is a  
31 condition of the suspended imposition of sentence, probation, parole, post-  
32 release supervision, or transfer.

33  
34 SECTION 9. Arkansas Code § 5-4-206(a), concerning the collection of  
35 unpaid restitution and the interception of state income tax returns, is  
36 amended to read as follows:

1 (a) As used in this section, “restitution order” means a ~~judgment and~~  
2 ~~commitment sentencing order, judgment and disposition order,~~ or other order  
3 that imposes a duty on a defendant to pay restitution.  
4

5 SECTION 10. Arkansas Code § 5-4-301(a)(1), concerning crimes for which  
6 suspension or probation is prohibited, is amended to read as follows:

7 (a)(1) A court shall not suspend imposition of sentence as to a term  
8 of imprisonment or place a defendant on probation for the following offenses:

9 (A) Capital murder, § 5-10-101;

10 (B) Treason, § 5-51-201;

11 (C) A Class Y felony, except to the extent suspension of  
12 an additional term of imprisonment is permitted in § 5-4-104(c);

13 (D) Driving or boating while intoxicated, § 5-65-103;

14 (E) Murder in the second degree, § 5-10-103, except to the  
15 extent suspension of an additional term of imprisonment is permitted in § 5-  
16 4-104(c); ~~or~~

17 (F) Engaging in a continuing criminal enterprise, § 5-64-  
18 405;

19 (G) Furnishing a prohibited article, possessing a  
20 prohibited article, using a prohibited article, or delivering a prohibited  
21 article, § 5-54-119; or

22 (H) A felony ineligible to receive earned release credits  
23 as defined in § 16-93-1802.  
24

25 SECTION 11. Arkansas Code § 5-4-301, concerning crimes for which  
26 suspension or probation is prohibited, is amended to add a new subsection to  
27 read as follows:

28 (e)(1) Notwithstanding any provision prohibiting a sentence of  
29 probation or suspended imposition of sentence for certain felonies, a court  
30 may sentence a defendant to a term of imprisonment and suspend imposition of  
31 sentence as to an additional term of imprisonment.

32 (2) However, a court shall not sentence a defendant to a term of  
33 imprisonment and place him or her on probation, except as authorized in this  
34 section.

35 (3) This section does not prohibit a period of post-release  
36 supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

1  
2 SECTION 12. Arkansas Code § 5-4-312(b)(3)(D), concerning a decision to  
3 transfer a defendant from the Division of Correction to the Division of  
4 Community Correction, is amended to read as follows:

5 (D) A decision to release a defendant administratively  
6 transferred to the Division of Community Correction from the Division of  
7 Correction under subdivision (b)(3)(A) of this section is vested solely with  
8 the ~~Parole~~ Post-Prison Transfer Board.

9  
10 SECTION 13. Arkansas Code § 5-4-402(d)(1)(A), concerning transferring  
11 a juvenile from the Division of Youth Services to the Division of Correction,  
12 is amended to read as follows:

13 (d)(1)(A) A juvenile sentenced in circuit court who is less than  
14 sixteen (16) years of age when sentenced shall be committed to the custody of  
15 the Division of Youth Services until his or her sixteenth birthday, at which  
16 time he or she shall be transferred to the Division of Correction, except as  
17 provided by court order or parole decision made by the ~~Parole~~ Post-Prison  
18 Transfer Board.

19  
20 SECTION 14. Arkansas Code § 5-4-403(a), concerning multiple sentences  
21 and concurrent and consecutive terms, is amended to read as follows:

22 (a) ~~When~~ Except as provided in subsections (c) and (e) of this  
23 section, when multiple sentences of imprisonment are imposed on a defendant  
24 convicted of more than one (1) offense, including an offense for which a  
25 previous suspension or probation has been revoked, the sentences shall run  
26 concurrently unless, upon recommendation of the jury or the court's own  
27 motion, the court orders the sentences to run consecutively.

28  
29 SECTION 15. Arkansas Code § 5-4-403, concerning multiple sentences and  
30 concurrent and consecutive terms, is amended to add an additional subsection  
31 to read as follows:

32 (e)(1) If a defendant is sentenced to an additional term of  
33 imprisonment due to a sentence enhancement and the statute governing the  
34 sentence enhancement provides that the sentence enhancement shall run  
35 consecutively, the sentence enhancement shall run consecutively to the  
36 sentence imposed for the underlying offense.

1           (2) If a defendant is convicted of a felony for an offense  
2 committed while serving a term of imprisonment at a facility operated or  
3 contracted by the Division of Correction or the Division of Community  
4 Correction, the sentence for the offense committed while serving the term of  
5 imprisonment shall run consecutively to the sentence for which the defendant  
6 was serving the term of imprisonment.

7           (3) If a defendant is convicted of a felony for an offense  
8 committed while on post-release supervision, the sentence for the offense  
9 committed while on post-release supervision shall run consecutively to the  
10 sentence for which the defendant was subject to post-release supervision.

11  
12           SECTION 16. Arkansas Code § 5-4-501(c)(1) and (2), concerning habitual  
13 offenders, are amended to read as follows:

14           (c)(1) Except as provided in subdivision (c)(3) of this section, a  
15 defendant who is convicted of a serious felony involving violence enumerated  
16 in subdivision (c)(2) of this section and who previously has been convicted  
17 of one (1) or more of the serious felonies involving violence enumerated in  
18 subdivision (c)(2) of this section may be sentenced to pay any fine  
19 authorized by law for the serious felony involving violence conviction and  
20 shall be sentenced+

21           ~~(A) To to imprisonment for a term of not less than forty~~  
22 ~~(40) years nor more than eighty (80) years, or life, and~~

23           ~~(B) Without eligibility for parole or community correction~~  
24 ~~transfer except under § 16-93-615.~~

25           (2) As used in this subsection, “serious felony involving  
26 violence” means:

27           (A) Any of the following felonies:

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

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

30                   (iii) Kidnapping, § 5-11-102, involving an activity  
31 making it a Class Y felony;

32                   (iv) Aggravated robbery, § 5-12-103;

33                   (v) Terroristic act, § 5-13-310, involving an  
34 activity making it a Class Y felony;

35                   (vi) Rape, § 5-14-103;

36                   (vii) Sexual assault in the first degree, § 5-14-



1 124;

2 (viii) Causing a catastrophe, § 5-38-202(a);

3 (ix) Aggravated residential burglary, § 5-39-204; ~~or~~

4 (x) Aggravated assault upon a law enforcement  
5 officer or an employee of a correctional facility, § 5-13-211, if a Class Y  
6 felony; ~~or~~

7 (xi) Capital murder, § 5-10-101; or

8 (xii) Unlawful discharge of a firearm from a  
9 vehicle, § 5-74-107; or

10 (B) A conviction of a comparable serious felony involving  
11 violence from another jurisdiction.

12  
13 SECTION 17. Arkansas Code § 5-4-501(d)(1) and (2), concerning habitual  
14 offenders, are amended to read as follows:

15 (d)(1) A defendant who is convicted of a felony involving violence  
16 enumerated in subdivision (d)(2) of this section and who previously has been  
17 convicted of two (2) or more of the felonies involving violence enumerated in  
18 subdivision (d)(2) of this section may be sentenced to pay any fine  
19 authorized by law for the felony involving violence conviction and shall be  
20 sentenced to an extended term of imprisonment ~~without eligibility for parole~~  
21 ~~or community correction transfer except under § 16-93-615~~ as follows:

22 (A) For a conviction of a Class Y felony, a term of  
23 imprisonment of not less than life in prison;

24 (B) For a conviction of a Class A felony, a term of  
25 imprisonment of not less than forty (40) years nor more than life in prison;

26 (C) For a conviction of a Class B felony or for a  
27 conviction of an unclassified felony punishable by life imprisonment, a term  
28 of imprisonment of not less than thirty (30) years nor more than sixty (60)  
29 years;

30 (D) For a conviction of a Class C felony, a term of  
31 imprisonment of not less than twenty-five (25) years nor more than forty (40)  
32 years;

33 (E) For a conviction of a Class D felony, a term of  
34 imprisonment of not less than twenty (20) years nor more than forty (40)  
35 years; and

36 (F) For a conviction of an unclassified felony punishable

1 by less than life imprisonment, a term of imprisonment not more than three  
2 (3) times the maximum sentence for the unclassified felony offense.

3 (2) As used in this subsection, "felony involving violence"  
4 means:

5 (A) Any of the following felonies:

- 6 (i) Murder in the first degree, § 5-10-102;
- 7 (ii) Murder in the second degree, § 5-10-103;
- 8 (iii) Kidnapping, § 5-11-102;
- 9 (iv) Aggravated robbery, § 5-12-103;
- 10 (v) Rape, § 5-14-103;
- 11 (vi) Battery in the first degree, § 5-13-201;
- 12 (vii) Terroristic act, § 5-13-310;
- 13 (viii) Sexual assault in the first degree, § 5-14-  
14 124;
- 15 (ix) Sexual assault in the second degree, § 5-14-  
16 125;
- 17 (x) Domestic battering in the first degree, § 5-26-  
18 303;
- 19 ~~(xi) Residential burglary, § 5-39-201(a);~~
- 20 ~~(xii)~~ (xi) Aggravated residential burglary, § 5-39-  
21 204;
- 22 ~~(xiii)~~ (xii) Unlawful discharge of a firearm from a  
23 vehicle, § 5-74-107;
- 24 ~~(xiv)~~ (xiii) Criminal use of prohibited weapons, §  
25 5-73-104, involving an activity making it a Class B felony;
- 26 ~~(xv)~~ (xiv) A felony attempt, solicitation, or  
27 conspiracy to commit:
  - 28 (a) Capital murder, § 5-10-101;
  - 29 (b) Murder in the first degree, § 5-10-102;
  - 30 (c) Murder in the second degree, § 5-10-103;
  - 31 (d) Kidnapping, § 5-11-102;
  - 32 (e) Aggravated robbery, § 5-12-103;
  - 33 (f) Aggravated assault upon a law enforcement  
34 officer or an employee of a correctional facility, § 5-13-211, if a Class Y  
35 felony;
  - 36 (g) Rape, § 5-14-103;

(h) Battery in the first degree, § 5-13-201;  
(i) Domestic battering in the first degree, §  
5-26-303; or

~~(j) Residential burglary, § 5-39-201(a); or~~  
~~(k)~~ (j) Aggravated residential burglary, § 5-  
39-204; ~~or~~

~~(xvi)~~ (xv) Aggravated assault upon a law enforcement  
officer or an employee of a correctional facility, § 5-13-211, if a Class Y  
felony; or

(xvi) Capital murder, § 5-10-101; or

(B) A conviction of a comparable felony involving violence  
from another jurisdiction.

SECTION 18. DO NOT CODIFY. Residential burglary.

(a)(1) Residential burglary is removed from the definition of "felony  
involving violence" under § 5-4-501(d)(2) effective January 1, 2024.

(2) Because residential burglary is not a felony involving  
violence as of January 1, 2024, residential burglary is not considered a  
prior felony involving violence under § 5-4-501 for offenses committed on or  
after January 1, 2024.

(b) Aggravated residential burglary remains a felony involving  
violence under § 5-4-501.

SECTION 19. Arkansas Code § 5-4-702(a), concerning enhanced penalties  
for certain offenses committed in the presence of a child, is amended to read  
as follows:

(a) A person who commits any of the following offenses may be subject  
to an enhanced sentence of an additional term of imprisonment of not less  
than one (1) year and not greater than ten (10) years if the offense is  
committed in the presence of a child:

- (1) Capital murder, § 5-10-101;
- (2) Murder in the first degree, § 5-10-102;
- (3) Murder in the second degree, § 5-10-103;
- (4) Aggravated robbery, § 5-12-103;
- (5) A felony offense of assault or battery under § 5-13-201 et  
seq.;

1 (6) Rape, § 5-14-103;

2 (7) Sexual assault in the second degree, § 5-14-125; ~~or~~

3 (8) A felony offense of domestic battering or assault on a  
4 family or household member under §§ 5-26-303 – 5-26-309;

5 (9) Unlawful discharge of a firearm from a vehicle, § 5-74-107;

6 or

7 (10) Terroristic act, § 5-13-310.

8  
9 SECTION 20. Arkansas Code § 5-4-702(e), concerning enhanced penalties  
10 for offenses committed in the presence of a child, is amended to read as  
11 follows:

12 (e) Any person convicted under this section is not eligible for early  
13 release on parole, transfer to post-release supervision, or community  
14 correction transfer for the enhanced portion of the sentence.

15  
16 SECTION 21. Arkansas Code § 5-4-707(f), concerning an additional term  
17 of imprisonment for an offense constituting violence against a church or  
18 other place of worship, is amended to read as follows:

19 (f) A person receiving an additional term of imprisonment under this  
20 section is not eligible for early release on parole, transfer to post-release  
21 supervision, or community correction transfer for the additional term of  
22 imprisonment.

23  
24 SECTION 22. Arkansas Code § 5-4-803(c)(3), concerning community  
25 service work as a sentencing alternative, is amended to read as follows:

26 (3) If an eligible offender withdraws consent to participate in  
27 a community work project, the eligible offender is entitled to all good time,  
28 ~~and parole, and post-release supervision~~ eligibility considerations as  
29 provided by law.

30  
31 SECTION 23. Arkansas Code § 5-4-803(d)(5), concerning community  
32 service work as a sentencing alternative, is amended to read as follows:

33 (5) If an eligible offender's conduct is found to be  
34 unsatisfactory, the eligible offender is entitled to all good time, ~~and~~  
35 parole, and post-release supervision eligibility considerations as provided  
36 by law.

1  
2 SECTION 24. Arkansas Code § 5-5-204(a)(1)(B), concerning the use or  
3 sale of conveyances and the disposition of sale proceeds, is amended to read  
4 as follows:

5 (B) After allowance for reasonable expenses of seizure and  
6 maintenance of custody of the conveyance, the proceeds from a sale under  
7 subdivision (a)(1)(A) of this section shall be used to satisfy any  
8 outstanding restitution under § 5-4-205 owed to a victim of an offense for  
9 which the conveyance was used, if the victim files a petition with the  
10 circuit court or makes a request to the circuit court within thirty (30) days  
11 of the filing of the ~~judgment and commitment~~ sentencing order of the  
12 convicted defendant.

13  
14 SECTION 25. Arkansas Code § 5-10-101(a)(3), concerning the murder of  
15 certain persons as an element of capital murder, is amended to read as  
16 follows:

17 (3) With the premeditated and deliberated purpose of causing the  
18 death of any law enforcement officer, jailer, prison official, firefighter,  
19 judge or other court official, ~~probation officer, parole officer~~ community  
20 supervision officer, any military personnel, or teacher or school employee,  
21 when such person is acting in the line of duty, the person causes the death  
22 of any person;

23  
24 SECTION 26. Arkansas Code § 5-10-101(c)(1)(B), concerning the  
25 punishment for capital murder if the defender was younger than the age of  
26 eighteen (18) at the time of the capital murder, is amended to read as  
27 follows:

28 (B) If the defendant was younger than eighteen (18) years  
29 of age at the time he or she committed the capital murder, life imprisonment  
30 with the possibility of parole or transfer to post-release supervision after  
31 serving a minimum of thirty (30) years' imprisonment.

32  
33 SECTION 27. Arkansas Code § 5-10-102(c)(2), concerning the punishment  
34 for murder in the first degree if the defender was younger than the age of  
35 eighteen (18) at the time of the murder in the first degree, is amended to  
36 read as follows:

(2) Unless the application of § 16-93-621 results in a person's being eligible for parole or transfer to post-release supervision at an earlier date, if a person was younger than eighteen (18) years of age at the time he or she committed murder in the first degree and is sentenced to life imprisonment, the person is eligible for parole or post-release supervision after serving a minimum of twenty-five (25) years' imprisonment.

SECTION 28. Arkansas Code § 5-10-104(c), concerning manslaughter, is amended to read as follows:

(c) Manslaughter is a Class ~~G~~ B felony.

SECTION 29. Arkansas Code § 5-10-105(b), concerning negligent homicide, is amended to read as follows:

*(b)(1) A person commits negligent homicide if he or she negligently causes the death of another person.*

*(2) A person who violates subdivision (b)(1) of this section by means of a deadly weapon upon conviction is guilty of a Class ~~A misdemeanor~~ D felony.*

*(3) If otherwise committed under subdivision (b)(1) of this section, negligent homicide is a Class A misdemeanor.*

SECTION 30. Arkansas Code § 5-14-110(a)(4)(B), concerning sexual indecency with a child committed by certain persons, is amended to read as follows:

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation, ~~or~~ parole, or post-release supervision or for any other court-ordered reason;

SECTION 31. Arkansas Code § 5-14-112(b), concerning indecent exposure, is amended to read as follows:

(b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this section, indecent exposure is a Class A misdemeanor.

(2) Indecent exposure is a Class D felony:

(A) For a fourth or fifth conviction within ten (10) years

1 of a previous conviction, ~~indecent exposure is a Class D felony;~~ or  
2 (B) If a person is in the custody of a correctional  
3 facility or a detention facility at the time the person exposes his or her  
4 sex organs.

5 (3) For a sixth conviction and each successive conviction within  
6 ten (10) years of a previous conviction, indecent exposure is a Class C  
7 felony.

8  
9 SECTION 32. Arkansas Code § 5-14-113 is amended to read as follows:

10 5-14-113. Sexual extortion.

11 (a) A person commits the offense of sexual extortion if:

12 (1) With the purpose to coerce another person to engage in  
13 sexual contact or sexually explicit conduct, the person communicates a threat  
14 to:

15 (A) Damage the property or harm the reputation of the  
16 other person; or

17 (B) Produce or distribute a recording of the other person  
18 engaged in sexually explicit conduct or depicted in a state of nudity;

19 (2) With the purpose to produce or distribute a recording of a  
20 person in a state of nudity or engaged in sexually explicit conduct, the  
21 person communicates a threat to:

22 (A) Damage the property or harm the reputation of the  
23 other person; or

24 (B) Produce or distribute a recording of the other person  
25 engaged in sexually explicit conduct or depicted in a state of nudity; ~~or~~

26 (3) The person knowingly causes another person to engage in  
27 sexual contact or sexually explicit conduct or to produce or distribute a  
28 recording of a person in a state of nudity or engaged in sexually explicit  
29 conduct by communicating a threat to:

30 (A) Damage the property or harm the reputation of the  
31 other person; or

32 (B) Produce or distribute a recording of the other person  
33 engaged in sexually explicit conduct or depicted in a state of nudity; or

34 (4) The person knowingly demands payment of money or receipt of  
35 anything of value by communicating a threat to distribute a recording of a  
36 person engaged in sexually explicit conduct or depicted in a state of nudity.

1 (b) Sexual extortion is a Class B felony.

2  
3 SECTION 33. Arkansas Code § 5-14-124(a)(1)(B), concerning sexual  
4 assault in the first degree committed by certain persons, is amended to read  
5 as follows:

6 (B) Employed by or contracted with the Division of  
7 Community Correction, a local law enforcement agency, a court, or a local  
8 government and the actor is supervising the minor while the minor is on  
9 probation, ~~or~~ parole, or post-release supervision or for any other court-  
10 ordered reason;

11  
12 SECTION 34. Arkansas Code § 5-14-125(a)(4)(A)(ii), concerning sexual  
13 assault in the second degree committed by certain persons, is amended to read  
14 as follows:

15 (ii) Employed by or contracted with the Division of  
16 Community Correction, a local law enforcement agency, a court, or a local  
17 government and the actor is supervising the minor while the minor is on  
18 probation, ~~or~~ parole, or post-release supervision or for any other court-  
19 ordered reason;

20  
21 SECTION 35. Arkansas Code § 5-14-126(a)(1)(B), concerning sexual  
22 assault in the third degree committed by certain persons, is amended to read  
23 as follows:

24 (B) Employed by or contracted with the Division of  
25 Community Correction, a local law enforcement agency, a court, or a local  
26 government and the actor is supervising the person while the person is on  
27 probation, ~~or~~ parole, or post-release supervision or for any other court-  
28 ordered reason;

29  
30 SECTION 36. Arkansas Code § 5-14-137(b)(1), concerning the prohibition  
31 against a registered sex offender recording a person younger than fourteen  
32 years of age, is amended to read as follows:

33 (1) Record a person under fourteen (14) years of age and post  
34 the recording of the person on an online social media platform or other  
35 internet website that allows the using or posting of a recording in any form  
36 after the person has previously been warned of his or her possible criminal



1 exposure by a judge at the person's sentencing for the offense for which the  
2 person is required to register as a sex offender, or by his or her ~~parole or~~  
3 ~~probation~~ community supervision officer that recording a person under  
4 fourteen (14) years of age is a violation of his or her terms and conditions  
5 of his or her probation, ~~or parole, or post-release supervision~~; or

6  
7 SECTION 37. Arkansas Code § 5-36-103(b)(3), concerning theft of  
8 property that is classified as Class D felony, is amended to add an  
9 additional subdivision to read as follows:

10 (J) The value of the property is one thousand dollars  
11 (\$1,000) or less and the person has been previously convicted of a theft  
12 offense of any classification within ten (10) years of the current offense.  
13

14 SECTION 38. Arkansas Code § 5-39-204, concerning aggravated  
15 residential burglary, is amended to read as follows:

16 (a) A person commits aggravated residential burglary if he or she  
17 commits residential burglary as defined in § 5-39-201 of a residential  
18 occupiable structure ~~occupied by any person~~, and he or she either:

19 (1) Is The residential occupiable structure is occupied by  
20 another person; or

21 (2) He or she is armed with a deadly weapon or represents by  
22 word or conduct that he or she is armed with a deadly weapon; or,

23 ~~(2) Inflicts or attempts to inflict death or serious injury upon~~  
24 ~~another person.~~

25 (b) Aggravated residential burglary is a:

26 (1) Class Y felony if:

27 (A) Committed under subdivision (a)(2) of this section; or

28 (B) The person causes or attempts to cause death or  
29 serious physical injury to another person; or

30 (2) Class A felony if otherwise committed.  
31

32 SECTION 39. Arkansas Code § 5-53-101(4)(A), concerning the definitions  
33 used concerning offenses related to official proceedings, is amended to read  
34 as follows:

35 (4)(A) "Official proceeding" means a proceeding heard before any  
36 legislative, judicial, administrative, or other government agency or official

1 authorized to hear evidence under oath, including any referee, hearing  
2 examiner, ~~parole~~ revocation hearing judge, commissioner, notary, or other  
3 person taking testimony or depositions in any such proceeding.  
4

5 SECTION 40. Arkansas Code § 5-54-119, concerning the furnishing,  
6 possessing, using, or delivering of a prohibited article, is amended to add  
7 an additional subsection to read as follows:

8 (g) A person convicted of furnishing a prohibited article, possessing  
9 a prohibited article, using a prohibited article, or delivering a prohibited  
10 article and who, at the time of the offense, was an employee of, volunteer  
11 for, or contractor with a correctional facility shall have his or her  
12 sentence enhanced as follows:

13 (1)(A) The term of imprisonment is enhanced by up to ten (10)  
14 additional years.

15 (B) The enhanced term of imprisonment under subdivision  
16 (g)(1)(A) of this section is consecutive to any other sentence imposed.

17 (C) A person subject to an enhanced term of imprisonment  
18 under subdivision (g)(1)(A) of this section is not eligible for parole, post-  
19 release supervision, or community correction transfer for the enhanced term  
20 of imprisonment under subdivision (g)(1)(A) of this section; and

21 (2) The fine is enhanced by up to ten thousand dollars  
22 (\$10,000).  
23

24 SECTION 41. Arkansas Code § 5-54-129 is amended to read as follows:

25 5-54-129. Search of persons and vehicles entering institutions.

26 It is lawful for a superintendent, warden, or jailor, or his or her  
27 duly authorized agent, to require, as a condition of admission, a reasonable  
28 search as permitted by the Arkansas Constitution and the United States  
29 Constitution of the person or vehicle of anyone seeking admission to, or to  
30 visit in, the Department of ~~Community Correction~~ Corrections, jails, state  
31 institutions, or other places where persons are confined.  
32

33 SECTION 42. Arkansas Code § 5-54-206(c), concerning enhanced penalties  
34 for the offense of terrorism, is amended to read as follows:

35 (c) Any person sentenced under this section is not eligible for early  
36 release on parole, transfer to post-release supervision, or community

1 correction transfer for the enhanced portion of the sentence.

2  
3 SECTION 43. Arkansas Code § 5-55-107(c)(1), concerning restitution and  
4 collection under the Medicaid Fraud Act, is amended to read as follows:

5 (c)(1) In addition to the ~~judgment and commitment~~ sentencing order in  
6 a criminal case, a court shall enter a separate restitution order against the  
7 defendant convicted of Medicaid fraud regarding restitution consistent with  
8 this section and § 5-55-108.

9  
10 SECTION 44. Arkansas Code § 5-64-407(c), concerning the manufacture of  
11 methamphetamine in the presence of certain persons, is amended to read as  
12 follows:

13 (c) Any person sentenced under this section is not eligible for early  
14 release on parole, transfer to post-release supervision, or community  
15 correction transfer for the enhanced portion of the sentence.

16  
17 SECTION 45. Arkansas Code § 5-64-411(c), concerning enhanced penalties  
18 for controlled substances offenses in close proximity to certain facilities,  
19 is amended to read as follows:

20 (c) Any person convicted under this section is not eligible for early  
21 release on parole, transfer to post-release supervision, or community  
22 correction transfer for the enhanced portion of the sentence.

23  
24 SECTION 46. Arkansas Code § 5-70-104(b), concerning promoting  
25 prostitution in the first degree, is amended to read as follows:

26 (b) Promoting prostitution in the first degree is a:

27 (1) Class D felony under subdivision (a)(1) of this section;

28 (2) Class B felony under subdivision (a)(2) of this section.

29  
30 SECTION 47. Arkansas Code § 5-65-115(a)(1), concerning alcohol  
31 treatment or education programs for persons whose driving privileges are  
32 suspended or revoked due to driving under the influence and related offenses,  
33 is amended to read as follows:

34 (a)(1)(A) A person whose driving privileges are suspended or  
35 revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is  
36 required to complete an alcohol education program provided by a contractor

1 with the Division of Aging, Adult, and Behavioral Health Services of the  
2 Department of Human Services or an alcoholism treatment program licensed by  
3 the division.

4 (B) The Department of Human Services shall coordinate with the  
5 Department of Corrections to license Department of Corrections employees or  
6 contractors to provide the alcohol education or alcohol treatment program  
7 required under subdivision (a)(1)(A) of this section to inmates.

8  
9 SECTION 48. Arkansas Code § 5-73-103(c)(1), concerning possession of  
10 firearms by certain persons, is amended to read as follows:

11 (c)(1) A person who violates this section commits a Class B felony if:

12 (A) The person has a prior violent felony conviction;

13 (B) The person's current possession of a firearm involves  
14 the commission of another crime; ~~or~~

15 (C) The person has a prior felony conviction for an  
16 offense that had as an element of the offense the use or possession of a  
17 deadly weapon; or

18 ~~(C)(D)~~ (D) The person has been previously convicted under this  
19 section or a similar provision from another jurisdiction.

20  
21 SECTION 49. Arkansas Code § 5-73-323, concerning licenses to carry a  
22 concealed handgun held by certain persons, is amended to read as follows:

23 A member of the ~~Parole~~ Post-Prison Transfer Board, a board  
24 investigator, or a ~~parole~~ revocation hearing judge who has been issued a  
25 license to carry a concealed handgun by the ~~Department~~ Division of Arkansas  
26 State Police under this subchapter may carry his or her concealed handgun  
27 into a building in which or a location on which a law enforcement officer may  
28 carry a handgun if the board member, board investigator, or ~~parole~~ revocation  
29 hearing judge is on official business of the board.

30  
31 SECTION 50. Arkansas Code § 9-27-507(b)(2)(B), concerning penalties  
32 for violating a disposition order in an extended juvenile jurisdiction case,  
33 is amended to read as follows

34 (B) Statutory provisions prohibiting or limiting probation  
35 or suspended imposition of sentence, ~~or parole, or transfer to post-release~~  
36 transfer for offenses when committed by an adult shall not apply to juveniles

1 sentenced as extended juvenile jurisdiction offenders.

2  
3 SECTION 51. Arkansas Code § 9-27-507(e)(4)(B), concerning options for  
4 disposition at certain points in an extended juvenile jurisdiction case, is  
5 amended to read as follows:

6 (B) Statutory provisions prohibiting or limiting probation  
7 or suspended imposition of sentence, ~~or parole, or post-release transfer~~ for  
8 offenses when committed by an adult shall not apply to juveniles sentenced as  
9 extended juvenile jurisdiction offenders.

10  
11 SECTION 52. Arkansas Code § 9-27-510(a)(2), concerning placement of a  
12 juvenile with the Division of Correction, is amended to read as follows:

13 (2) If a juvenile receives a sentence to the Division of  
14 Correction before the juvenile's sixteenth birthday, the juvenile shall be  
15 housed by the Division of Youth Services until that date, except as provided  
16 by a court order or parole or post-release supervision decision made by the  
17 ~~Parole Post-Prison Transfer~~ Board.

18  
19 SECTION 53. Arkansas Code § 9-27-510(c)(1)(A) and (B), concerning  
20 placement of a juvenile with the Division of Correction, are amended to read  
21 as follows:

22 (c)(1)(A) Juveniles sentenced to the Division of Correction pursuant  
23 to extended juvenile jurisdiction are subject to parole and post-release  
24 supervision as is any other inmate within the Division of Correction.

25 (B) Juveniles adjudicated for capital murder, § 5-10-101,  
26 or murder in the first degree, § 5-10-102, are subject to parole or post-  
27 release supervision.

28  
29 SECTION 54. Arkansas Code § 9-28-409(f)(1), concerning criminal  
30 background and child maltreatment checks for employees of child welfare  
31 agencies, is amended to read as follows:

32 (f)(1) A person who is required to have a criminal records check under  
33 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded  
34 guilty or nolo contendere to or been found guilty of any of the offenses  
35 listed in subdivision (e)(3) of this section shall be absolutely disqualified  
36 from being an owner, operator, volunteer, foster parent, adoptive parent,

1 member of a child welfare agency's board of directors, or employee in a child  
2 welfare agency during the period of the person's confinement, probation, ~~or~~  
3 parole, or post-release supervision unless the conviction is vacated or  
4 reversed.

5  
6 SECTION 55. Arkansas Code § 9-28-409(f)(3)(A), concerning criminal  
7 background and child maltreatment checks for employees of child welfare  
8 agencies, is amended to read as follows:

9 (3)(A) Except as provided under subdivision (f)(1) of this  
10 section, a person who is required to have a criminal records check under  
11 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded  
12 guilty or nolo contendere to or been found guilty of any of the offenses  
13 listed in subdivision (e)(3) of this section shall be presumed to be  
14 disqualified to be an owner, operator, volunteer, foster parent, adoptive  
15 parent, member of a child welfare agency's board of directors, or employee in  
16 a child welfare agency after the completion of his or her term of  
17 confinement, probation, ~~or~~ parole, or post-release supervision unless the  
18 conviction is vacated or reversed.

19  
20 SECTION 56. Arkansas Code § 11-10-513(a)(3), concerning  
21 disqualification for unemployment benefits due to voluntarily leaving work,  
22 is amended to read as follows:

23 (3) Any person who leaves his or her last work to comply with  
24 the order of a correctional institution or to satisfy the terms of his or her  
25 parole, post-release supervision, or probation shall be deemed to have left  
26 work "voluntarily and without good cause connected with the work".

27  
28 SECTION 57. Arkansas Code § 12-1-102 is amended to read as follows:

29 12-1-102. Records to be posted on a public website.

30 (a) Relevant research studies and reports concerning the following  
31 topics that are generated by the research divisions of the Division of  
32 Correction, the Division of Community Correction, and the ~~Parole~~ Post-Prison  
33 Transfer Board or by third-party contractors on behalf of the Division of  
34 Correction, the Division of Community Correction, and the board, when  
35 applicable, shall be posted on the Division of Correction's, the Division of  
36 Community Correction's, or the board's website:

1 (1) Population projections;  
2 (2) Recidivism; and  
3 (3) Evaluation of the cost-benefit of evidence-based practices  
4 of:

- 5 (A) Adult prisons;  
6 (B) Community corrections facilities;  
7 (C) Probation; ~~and~~  
8 (D) Parole; and  
9 (E) Post-release supervision.

10 (b) Data posted on the board's, the Division of Correction's, or the  
11 Division of Community Correction's websites under this section may be removed  
12 from the board's, the Division of Correction's, or the Division of Community  
13 Correction's websites after five (5) years.

14  
15 SECTION 58. Arkansas Code Title 12, Chapter 1, Subchapter 1, is  
16 amended to add an additional section to read as follows:

17 12-1-104. Bail reporting system.

18 (a)(1) The Arkansas Crime Information Center shall administer a public  
19 portal for entry by a court of the information required to be reported under  
20 § 16-84-118.

21 (2) To facilitate the administration of the portal required  
22 under subdivision (a)(1) of this section, the Arkansas Crime Information  
23 Center may seek the assistance of the Division of Information Systems of the  
24 Department of Transformation and Shared Services or enter into a contract for  
25 technical database and data processing services.

26 (b) The public portal administered under subsection (a) of this  
27 section shall provide the following information concerning a defendant or  
28 arrestee:

29 (1) The defendant or arrestee's name and alias, if available;  
30 (2) The date of each arrest of the defendant or arrestee along  
31 with the following details:

- 32 (A) The county of arrest;  
33 (B) Any corresponding case number, if available;  
34 (C) The specific charges;  
35 (D) Eligibility for bail and the amount of the initial  
36 bail;

1 (E) The name of the judge and court, including without  
2 limitation judicial district and county, setting the initial bail;

3 (F) The date and amount of any bail modification;

4 (G) The name of the judge and court, including without  
5 limitation judicial district and county, modifying the bail set; and

6 (H) The date of release on bond and type of bond posted;  
7 and

8 (3) The date of each conviction of the defendant or arrestee and  
9 corresponding case number.

10 (c) The information entered into the public portal administered under  
11 this section shall be disseminated:

12 (1) In a manner that will allow the information to be organized  
13 by:

14 (A) A defendant or arrestee;

15 (B) A judicial district;

16 (C) A county; and

17 (D) A judge and

18 (2) Upon request to the:

19 (A) Governor;

20 (B) Speaker of the House of Representatives;

21 (C) President Pro Tempore of the Senate;

22 (D) Arkansas Legislative Audit; and

23 (E) Attorney General.

24  
25 SECTION 59. Arkansas Code § 12-12-905(a)(2), concerning registration  
26 requirements for sex offenders, is amended to read as follows:

27 (2) Is serving a sentence of incarceration, probation, parole,  
28 post-release supervision, or other form of community supervision as a result  
29 of an adjudication of guilt on or after August 1, 1997, for a sex offense,  
30 aggravated sex offense, or sexually violent offense;

31  
32 SECTION 60. Arkansas Code § 12-12-906(a)(1)(A)(i), concerning the duty  
33 to register as a sex offender or verify registration as a sex offender and  
34 the review of requirements with sex offenders, is amended to read as follows:

35 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing  
36 court shall enter on the ~~judgment and commitment or judgment and disposition~~



1 ~~form~~ sentencing order that the offender is required to register as a sex  
2 offender and shall indicate whether the:

- 3 (a) Offense is an aggravated sex offense;  
4 (b) Sex offender has been adjudicated guilty  
5 of a prior sex offense under a separate case number; or  
6 (c) Sex offender has been classified as a  
7 sexually dangerous person.  
8

9 SECTION 61. Arkansas Code § 12-12-909(a)(3) and (4), concerning a  
10 change of address of a registered sex offender, are amended to read as  
11 follows:

12 (3) If the sex offender changes his or her address without  
13 notice, notification shall be sent to law enforcement and supervising parole,  
14 post-release supervision, or probation authorities, and notice may be posted  
15 on the internet until proper reporting is again established or the sex  
16 offender is incarcerated.

17 (4) Subdivision (a)(1) of this section applies to a sex offender  
18 required to register as a sexually dangerous person, except that the sexually  
19 dangerous person shall verify the registration in person every ninety (90)  
20 days after the date of the initial release or commencement of parole or post-  
21 release supervision.  
22

23 SECTION 62. Arkansas Code § 12-12-913(c)(1)(B), concerning developing  
24 guidelines and procedures for the release of information concerning sex  
25 offenders, is amended to read as follows:

26 (B) In developing the guidelines and procedures, the Sex  
27 Offender Assessment Committee shall consult with persons who, by experience  
28 or training, have a personal interest or professional expertise in law  
29 enforcement, crime prevention, victim advocacy, criminology, psychology,  
30 parole, post-release supervision, public education, and community relations.  
31

32 SECTION 63. Arkansas Code § 12-12-913(j)(1)(A)(viii), concerning  
33 information to be made public concerning a Level 3 or Level 4 sex offender,  
34 is amended to read as follows:

35 (viii) The sex offender's parole, post-release  
36 supervision, or probation office;

1  
2 SECTION 64. Arkansas Code § 12-12-917(b)(2)(A)(ii)(b)(2)(D),  
3 concerning the relevant records to be forwarded to Community Notification  
4 Assessment regarding an adult sex offender convicted of an offense described  
5 in 42 U.S.C. § 14071 et seq., is amended to read as follows:

6 (D) ~~Judgment and disposition forms~~  
7 Sentencing orders;

8  
9 SECTION 65. Arkansas Code § 12-12-917(b)(4)(A)(ii), concerning  
10 notification that will be provided when a sex offender disrupts a sex  
11 offender assessment, is amended to read as follows:

12 (ii) The ~~parole or probation~~ community supervision  
13 officer, if applicable, shall be notified.

14  
15 SECTION 66. Arkansas Code § 12-12-917(f)(2), concerning evaluation of  
16 a sex offender, is amended to read as follows:

17 (2) The committee shall provide the ~~Parole~~ Post-Prison Transfer  
18 Board with copies of the offender fact sheet on inmates of the Division of  
19 Correction.

20  
21 SECTION 67. Arkansas Code § 12-12-917(h)(2)(A), concerning evaluation  
22 of a sex offender, is amended to read as follows:

23 (2)(A) A local law enforcement agency having jurisdiction, the  
24 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board  
25 may request the committee to reassess a sex offender's assigned risk level at  
26 any time.

27  
28 SECTION 68. Arkansas Code § 12-12-917(h)(2)(B), concerning evaluation  
29 of a sex offender, is amended to read as follows:

30 (B) In the request for reassessment, the local law  
31 enforcement agency having jurisdiction, the Division of Community Correction,  
32 or the ~~Parole~~ Post-Prison Transfer Board shall list the facts and  
33 circumstances that prompted the requested reassessment.

34  
35 SECTION 69. Arkansas Code § 12-12-918(d), concerning classification of  
36 a person as a sexually dangerous person, is amended to read as follows:

1 (d)(1) The ~~judgment and commitment~~ sentencing order should state  
2 whether the offense qualifies as an aggravated sex offense.

3 (2) Should the aggravated sex offense box not be checked on the  
4 ~~commitment~~ sentencing order, the court will be contacted by the committee and  
5 asked to furnish a written determination as to whether the offense qualifies  
6 as an aggravated sex offense.

7  
8 SECTION 70. Arkansas Code § 12-12-919(b)(2)(A), concerning  
9 termination of the obligation to register as a sex offender, is amended to  
10 read as follows:

11 (A) The applicant, for a period of fifteen (15) years  
12 after the applicant was released from prison or other institution or placed  
13 on parole, post-release supervision, supervised release, or probation has not  
14 been adjudicated guilty of a sex offense; and

15  
16 SECTION 71. Arkansas Code § 12-12-1003(c), concerning the collection  
17 and maintenance of criminal history information, is amended to read as  
18 follows:

19 (c) The reporting requirements of this subchapter apply to prosecuting  
20 attorneys, judges, and law enforcement, court, probation, correction, ~~and~~  
21 parole, and post-release supervision officials within the limits defined in  
22 §§ 12-12-1006 and 12-12-1007.

23  
24 SECTION 72. Arkansas Code § 12-12-1109(e)(1), concerning the  
25 collection of a deoxyribonucleic acid sample upon conviction of certain  
26 offenses, is amended to read as follows:

27 (e)(1) The requirements of this subchapter are mandatory and apply  
28 regardless of whether or not a court advises a person that a DNA sample must  
29 be provided to the State DNA Data Base and State DNA Data Bank as a condition  
30 of probation, ~~or~~ parole, or post-release supervision.

31  
32 SECTION 73. Arkansas Code § 12-12-1110(e)(1), concerning procedures  
33 for the collection of a deoxyribonucleic acid sample upon conviction of  
34 certain offenses, is amended to read as follows:

35 (e)(1) Any person who refuses to provide a DNA sample required by this  
36 subchapter will receive no further sentence reduction for meritorious good

1 time or earned release credits until such time as a sample is provided, and  
2 the Division of Correction shall notify the ~~Parole~~ Post-Prison Transfer Board  
3 regarding the refusal.

4  
5 SECTION 74. Arkansas Code § 12-12-1506(a)(2), concerning the  
6 dissemination of records of felony arrest and conviction, is amended to read  
7 as follows:

8 (2) Any criminal history information of felony arrest records  
9 and all conviction information that pertains to a person currently being  
10 processed by the criminal justice system, including during the entire period  
11 of correctional supervision extending through final discharge from parole or  
12 post-release supervision, may be disseminated without restriction.

13  
14 SECTION 75. Arkansas Code § 12-27-103(b)(15), concerning the creation  
15 and powers of the Division of Correction, is amended to read as follows:

16 (15) The Division of Correction shall cooperate with the  
17 Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, the  
18 Arkansas Sentencing Commission, judicial districts, municipalities, and  
19 counties in this state in providing guidance and services required to ensure  
20 a full range of correctional options for the state as a whole;

21  
22 SECTION 76. Arkansas Code § 12-27-104(a)(2), concerning members of the  
23 Board of Corrections, is amended to read as follows:

24 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

25  
26 SECTION 77. Arkansas Code § 12-27-105(b)(17)(C), concerning the Board  
27 of Corrections powers and duties, is amended to read as follows:

28 (C) The payment of such sanctions and fees may be a  
29 condition of probation, parole, post-release supervision, ~~post-prison~~ post-  
30 prison transfer, or attached to admission and participation in a community  
31 correction program.

32  
33 SECTION 78. Arkansas Code § 12-27-107(a), concerning the Director of  
34 the Division of Correction, is amended to read as follows:

35 (a) The Director of the Division of Correction, ~~who shall be the~~  
36 ~~executive, administrative, budgetary, and fiscal officer of the Division of~~

1 ~~Correction,~~ shall be appointed by the Board of Corrections in consultation  
2 with the Secretary of the Department of Corrections at a salary fixed by the  
3 Board of Corrections which shall not exceed the maximum salary for the  
4 position established by law.

5  
6 SECTION 79. Arkansas Code § 12-27-107(c), concerning the Director of  
7 the Division of Correction, is amended to read as follows:

8 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of  
9 the Department of Corrections.

10  
11 SECTION 80. Arkansas Code § 12-27-107(d)(5), concerning the Director  
12 of the Division of Correction, is amended to read as follows:

13 (5) Cooperate with the Division of Community Correction, the  
14 ~~Parole Post-Prison Transfer~~ Board, the Arkansas Sentencing Commission,  
15 judicial districts, counties, and municipalities to provide the guidance and  
16 services required to ensure a full range of correctional options for the  
17 state as a whole; and

18  
19 SECTION 81. Arkansas Code § 12-27-113(b)(3), concerning the transfer  
20 of inmates between the Division of Correction and Division of Community  
21 Correction, is amended to read as follows:

22 (3) Inmates may be transferred between the Division of  
23 Correction and the Division of Community Correction within the constraints of  
24 law applicable to judicial or administrative transfer, subject to the  
25 policies and rules established by the Board of Corrections and conditions set  
26 by the ~~Parole Post-Prison Transfer~~ Board.

27  
28 SECTION 82. Arkansas Code § 12-27-117 is amended to read as follows:

29 12-27-117. Employees' uniforms.

30 As deemed appropriate by the Secretary of the Department of Corrections  
31 and approved by the Board of Corrections, the Department of Corrections may  
32 purchase identifying occupational uniforms for correctional personnel and  
33 ~~probation and parole~~ community supervision personnel.

34  
35 SECTION 83. Arkansas Code § 12-27-124(a)(3), concerning the purposes  
36 and construction of the Division of Community Correction, is amended to read

1 as follows:

2 (3) To accomplish the objectives and purposes of this act in an  
3 effective, coordinated, and uniform manner, the division shall be responsible  
4 for the administration of all community correction facilities, services, and  
5 means of supervision, including ~~probation and parole~~ community supervision or  
6 any type of post-prison release or transfer.

7  
8 SECTION 84. Arkansas Code § 12-27-125(b)(5)(A), concerning the powers  
9 and duties of the Division of Community Correction, is amended to read as  
10 follows:

11 (5)(A) It may exercise all legally sanctioned supervision and  
12 appropriate care over all offenders referred with proper documentation from  
13 the circuit courts and all offenders transferred with proper documentation  
14 from the Division of Correction pursuant to policies established by the Board  
15 of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

16  
17 SECTION 85. Arkansas Code § 12-27-125(b)(7) and (8), concerning the  
18 powers and duties of the Division of Community Correction, is amended to read  
19 as follows:

20 (7) It shall administer the provision of parole services in  
21 coordination with the ~~Parole~~ Post-Prison Transfer Board and in cooperation  
22 with the Division of Correction;

23 (8) It shall provide support services to the ~~Parole~~ Post-Prison  
24 Transfer Board or its designated representatives as determined by the ~~Parole~~  
25 Post-Prison Transfer Board;

26  
27 SECTION 86. Arkansas Code § 12-27-125(b)(17)(C), concerning the powers  
28 and duties of the Division of Community Correction and the payment of  
29 sanctions and fees by offenders, is amended to read as follows:

30 (C) The payment of such sanctions and fees may be a  
31 condition of probation, parole, post-release supervision, or ~~post-prison~~  
32 post-prison transfer or attached to admission and participation in a  
33 community correction program.

34  
35 SECTION 87. Arkansas Code § 12-27-125(b)(21), concerning the powers  
36 and duties of the Division of Community Correction, is amended to read as

1 follows:

2 (21) Subject to availability of funds, it shall employ officers,  
3 employees, and agents and secure sufficient offices for monitoring each sex  
4 offender on parole, post-release supervision, or probation who is required to  
5 register under the Sex Offender Registration Act of 1997, § 12-12-901 et  
6 seq., and who has been assessed as a risk Level 3 or Level 4 offender; and  
7

8 SECTION 88. Arkansas Code § 12-27-126(a), concerning the Director of  
9 the Division of Community Correction, is amended to read as follows:

10 (a) The Director of the Division of Community Correction shall be  
11 appointed by the Board of Corrections in consultation with the Secretary of  
12 the Department of Corrections at a salary fixed by the Board of Corrections,  
13 which shall not exceed the maximum salary for the position established by  
14 law.  
15

16 SECTION 89. Arkansas Code § 12-27-126(c), concerning the Director of  
17 the Division of Community Correction, is amended to read as follows:

18 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of  
19 the Department of Corrections.  
20

21 SECTION 90. Arkansas Code § 12-27-126(d)(5), concerning the Director  
22 of the Division of Community Correction, is amended to read as follows:

23 (5) Cooperate with the Division of Correction, the ~~Parole Post-~~  
24 Prison Transfer Board, the Arkansas Sentencing Commission, judicial  
25 districts, counties, and municipalities to provide the guidance and services  
26 required to ensure a full range of correctional and community correction  
27 options for the state as a whole.  
28

29 SECTION 91. Arkansas Code § 12-27-127 is amended to read as follows:

30 12-27-127. Transfer to the Division of Community Correction – Transfer  
31 of an inmate between divisions.

32 (a)(1) A commitment shall be treated as a commitment to the Division  
33 of Correction and subject to regular transfer eligibility.

34 (2) However, an inmate may be judicially or administratively  
35 transferred to the Division of Community Correction by the Division of  
36 Correction unless the court indicates on the sentencing order that the

1 Division of Correction shall not administratively transfer a statutorily  
2 eligible inmate to the Division of Community Correction in accordance with  
3 the rules promulgated by the Board of Corrections.

4 (b)(1) In accordance with rules and procedures promulgated by the  
5 Board of Corrections and the orders of the committing court, the Director of  
6 the Division of Community Correction shall assign a newly transferred inmate  
7 to an appropriate facility, placement, program, or status within the Division  
8 of Community Correction.

9 (2) The director may transfer an inmate from one facility,  
10 placement, program, or status to another facility, placement, program, or  
11 status consistent with the commitment, applicable law, and in accordance with  
12 treatment, training, and security needs.

13 (3)(A) An inmate may be administratively transferred back to the  
14 Division of Correction from the Division of Community Correction by the  
15 ~~Parole Board~~ Post-Prison Transfer Board following a hearing in which the  
16 inmate is found ineligible for placement in a Division of Community  
17 Correction facility as he or she fails to meet the criteria or standards  
18 established by law or policy adopted by the Board of Corrections or has been  
19 found guilty of a violation of the rules of the facility.

20 (B) Time served in a community correction facility or  
21 under supervision by the Division of Community Correction shall be credited  
22 against the sentence contained in the commitment to the Division of  
23 Correction.

24 (c)(1) In accordance with rules and procedures promulgated by the  
25 Board of Corrections, ~~or except as otherwise prohibited by subdivision (c)(4)~~  
26 ~~of this section,~~ upon receipt of a referral from the director or his or her  
27 designee, the ~~Parole Board~~ Post-Prison Transfer Board may release from  
28 confinement an inmate who has been:

29 (A) Sentenced and judicially or administratively  
30 transferred to the Division of Community Correction;

31 (B) Incarcerated for a minimum of:

32 (i) ~~one~~ One hundred eighty (180) days for a sentence  
33 of four (4) years or less; and or

34 (ii) Two hundred seventy (270) days for a sentence  
35 of more than four (4) years but less than six (6) years; and

36 (C) Determined by the Division of Community Correction to



1 have successfully completed its therapeutic program.

2 (2)(A) The General Assembly finds that the power granted to the  
3 ~~Parole Board~~ Post-Prison Transfer Board under subdivision (c)(1) of this  
4 section will:

5 (i) Aid the therapeutic rehabilitation of the  
6 inmates judicially or administratively transferred to the Division of  
7 Community Correction; and

8 (ii) More efficiently use the correctional resources  
9 of the State of Arkansas.

10 (B) The power granted to the ~~Parole Board~~ Post-Prison  
11 Transfer Board under subdivision (c)(1) of this section shall be the sole  
12 authority required for the accomplishment of the purposes set forth in this  
13 subdivision (c)(2), and when the ~~Parole~~ Post-Prison Transfer Board exercises  
14 its power under this section, it shall not be necessary for the ~~Parole~~ Post-  
15 Prison Transfer Board to comply with general provisions of other laws dealing  
16 with the minimum time constraints as applied to release eligibility.

17 (3) This subsection does not grant the ~~Parole~~ Post-Prison  
18 Transfer Board or the Division of Community Correction the authority either  
19 to detain an inmate beyond the sentence imposed upon him or her by a  
20 transferring court or to shorten that sentence.

21 ~~(4) An inmate may not be released from confinement under this~~  
22 ~~section if the inmate was sentenced and judicially or administratively~~  
23 ~~transferred to the Division of Community Correction at a time earlier than~~  
24 ~~that which would otherwise be possible if the inmate was sentenced to the~~  
25 ~~Division of Correction, regardless of any program completed by the inmate.~~

26 (d)(1) An inmate of the Division of Correction who is to be ~~released~~  
27 ~~on parole~~ transferred to post-release supervision may be administratively  
28 transferred to the Division of Community Correction when the inmate is within  
29 eighteen (18) months of his or her projected release date for the purpose of  
30 participating in a reentry program of at least six (6) months in length.

31 (2) Each inmate administratively transferred under this  
32 subsection shall be thoroughly screened and approved for participation by the  
33 director or his or her designee.

34 (3) In accordance with rules promulgated by the Board of  
35 Corrections, upon receipt of a referral from the director or his or her  
36 designee, the ~~Parole~~ Post-Prison Transfer Board may release from

1 incarceration an inmate who has been:

2 (A) Administratively transferred to the Division of  
3 Community Correction; and

4 (B) Determined by the Division of Community Correction to  
5 have successfully completed its reentry program.

6 (4) An inmate who has been administratively transferred under  
7 this subsection shall be administratively transferred back to the Division of  
8 Correction if he or she:

9 (A) Is denied parole or transfer to post-release  
10 supervision; or

11 (B) Fails to complete or is removed from the reentry  
12 program.

13  
14 SECTION 92. Arkansas Code § 12-27-129(b)(2), concerning the report on  
15 rehabilitation of the inmate population, is amended to read as follows:

16 (2) Further, the report is to include the amount of meritorious  
17 good time or earned release credits awarded inmates by the division for the  
18 successful completion of the various rehabilitative programs.

19  
20 SECTION 93. Arkansas Code § 12-27-136, is amended to read as follows:  
21 12-27-136. Services and equipment.

22 The Division of Correction and the Division of Community Correction may  
23 provide services, furnishings, equipment, and office space to assist the  
24 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the  
25 board was created by law.

26  
27 SECTION 94. Arkansas Code § 12-27-145(a)(2)(B), concerning records of  
28 the Division of Community Correction to be posted on a public website, is  
29 amended to read as follows:

30 (B) Additionally, the list and the date of major  
31 disciplinary violations for which the inmate was found guilty shall be  
32 displayed during the period the inmate is being considered for transfer to  
33 parole or post-release supervision;

34  
35 SECTION 95. Arkansas Code § 12-27-145(a)(10), concerning records of  
36 the Division of Community Correction to be posted on a public website, is

1 amended to read as follows:

2 (10) An inmate's parole eligibility date, post-release  
3 supervision date, or date he or she is to be released from incarceration as  
4 well as a general explanation of how an inmate's ~~parole~~ release eligibility  
5 date is calculated, including good time credits.

6  
7 SECTION 96. Arkansas Code § 12-27-145(b)(1)(I), concerning records of  
8 the Division of Community Correction to be posted on a public website, is  
9 amended to read as follows:

10 (I) A list of previous revocation offenses while on  
11 ~~probation or parole~~ community supervision and date of revocation.

12  
13 SECTION 97. Arkansas Code § 12-27-147 is amended to read as follows:  
14 12-27-147. Rulemaking and administrative directive reporting  
15 requirement.

16 (a) A rule implemented by the Board of Corrections, Division of  
17 Correction, Division of Community Correction, or the ~~Parole~~ Post-Prison  
18 Transfer Board pertaining to this act shall be approved by the appropriate  
19 legislative committee before becoming effective.

20 (b) Any administrative directive or board policy pertaining to this  
21 act implemented by the Board of Corrections, the Division of Correction, the  
22 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board  
23 shall be reported to the Legislative Council.

24  
25 SECTION 98. Arkansas Code § 12-27-149 is amended to read as follows:  
26 12-27-149. Division of Community Correction – Sufficient staffing  
27 guidelines.

28 For the purposes of maintaining a sufficiently trained and specialized  
29 staff of ~~probation and parole~~ community supervision officers, the Division of  
30 Community Correction shall establish staffing guidelines using evidence-based  
31 practices to develop ratios between the number of high-risk, medium-risk, and  
32 low-risk probationers, ~~and parolees, and offenders on post-release~~  
33 supervision and the ~~probation officers and parole officers~~ community  
34 supervision officers assigned to the high-risk, medium-risk, and low-risk  
35 probationers, ~~and parolees, and offenders on post-release supervision~~ in  
36 order to maximize the effectiveness of the monitoring ability of the

1 ~~probation officers and parole~~ community supervision officers.  
2

3 SECTION 99. Arkansas Code § 12-27-204(a), concerning pay-for-success  
4 programs under the Division of Community Correction, is amended to read as  
5 follows:

6 (a) The Division of Community Correction may enter into an agreement  
7 with entities, including without limitation licensed or accredited, as  
8 applicable, community-based providers specializing in behavioral health, case  
9 management, and job placement services, and two-year or four-year public  
10 universities to create a pay-for-success program for incarcerated individuals  
11 or individuals on ~~parole or probation~~ community supervision that requires the  
12 division to pay for the intervention services only if the performance targets  
13 stated in the agreement are achieved.  
14

15 SECTION 100. Arkansas Code § 12-28-103 is repealed.

16 ~~12-28-103. Cost impact statements.~~

17 ~~(a) Each of the following bills introduced in the General Assembly~~  
18 ~~shall have a cost impact statement attached to the bill prior to the~~  
19 ~~committee to which the bill is referred taking action in regard to the bill.~~

20 ~~(1) Bills that affect inmate population patterns at facilities~~  
21 ~~of the Department of Correction by imposing restrictions on inmate release or~~  
22 ~~by increased intake into the department of inmates based on felony~~  
23 ~~convictions; and~~

24 ~~(2) Bills that affect programs or services of the department.~~

25 ~~(b) In addition, copies of the cost impact statement shall be~~  
26 ~~furnished on the desk of each member of the Senate and of the House of~~  
27 ~~Representatives at least one (1) day prior to the date on which the bill is~~  
28 ~~on third reading and debated for final passage in the respective houses.~~

29 ~~(c) Cost impact statements required under this section shall be~~  
30 ~~prepared, upon referral thereof by the Speaker of the House of~~  
31 ~~Representatives, with respect to House of Representatives bills, and by the~~  
32 ~~President of the Senate upon recommendation of the Senate Committee on Rules,~~  
33 ~~Resolutions and Memorials, with respect to Senate bills, at the time of~~  
34 ~~introduction thereof, to:~~

35 ~~(1) The Director of the Department of Correction who shall~~  
36 ~~either personally prepare or cause appropriate officials of the department to~~

1 ~~prepare, a cost impact statement to be approved by the director before~~  
2 ~~submission to the house in which the request was made; or~~

3 ~~(2) Any other state agency that has information available upon~~  
4 ~~which to base a cost impact statement.~~

5 ~~(d) The cost impact statement shall be furnished to the Governor and~~  
6 ~~to the President of the Senate and the Speaker of the House of~~  
7 ~~Representatives who shall cause copies thereof to be prepared for~~  
8 ~~distribution upon the desks of the members of the House of Representatives~~  
9 ~~and Senate at least twenty four (24) hours prior to consideration of any such~~  
10 ~~bill by committee or twenty four (24) hours prior to the bill's being called~~  
11 ~~up for third reading and final passage.~~

12 ~~(e) The cost impact statement shall be certified by the director or~~  
13 ~~the director of the appropriate agency to which the bill is referred for~~  
14 ~~preparation of an impact statement, and shall be returned and filed as~~  
15 ~~required in this section within not more than five (5) days from the date of~~  
16 ~~receipt thereof unless additional time in which to prepare the statement is~~  
17 ~~granted by the requesting official.~~

18  
19 SECTION 101. Arkansas Code § 12-28-104 is amended to read as follows:

20 12-28-104. Paroling Transferring authority – Pardon recommendations.

21 (a) The ~~Parole~~ Post-Prison Transfer Board shall be the ~~paroling~~  
22 transferring authority for parole and post-release supervision for the units  
23 of the Department of Corrections and shall make recommendations to the  
24 Governor in cases from the criminal courts that, in the board's opinion, the  
25 defendant in the case should be pardoned.

26 (b) The board shall consider the work skills, education,  
27 rehabilitation, and treatment programs recommended to the inmate upon intake  
28 and determine whether the inmate took advantage of those opportunities while  
29 incarcerated in the department in making decisions regarding parole or  
30 transfer to post-release supervision.

31  
32 SECTION 102. Arkansas Code § 12-28-107(b)(3), concerning training for  
33 inmates, is amended to read as follows:

34 (3) Programs under this section ~~shall~~ may include without  
35 limitation training in the following fields:

36 (A) Professional careers and vocations;

- (B) Service careers and vocations;
- (C) Information and computer technology;
- (D) Medical technology; and
- (E) Office administration.

SECTION 103. Arkansas Code § 12-28-604, concerning inmates who shall not be early released in the event of prison overcrowding, is amended to add an additional subsection to read as follows:

(c) The following are not eligible for early release under this section:

(1) An inmate serving a term of imprisonment for a felony ineligible to receive earned release credits as defined in § 16-93-1802; and

(2) An inmate serving a term of imprisonment for a restricted-release felony, as defined in § 16-93-1802, who has not yet served the minimum period of time required by law.

SECTION 104. Arkansas Code § 12-29-112(a) and (b), concerning discharge or release of an inmate, are amended to read as follows:

(a) At least one hundred twenty (120) days before an inmate's anticipated release date, the Division of Correction, in collaboration with the inmate and the Division of Community Correction and the ~~Parole~~ Post-Prison Transfer Board, shall complete a prerelease assessment and reentry plan, which may include a travel subsidy and transportation to the closest commercial transportation pick-up point.

(b) A copy of the reentry plan under this section shall be provided to the inmate and the assigned ~~parole~~ community supervision officer, if applicable.

SECTION 105. Arkansas Code § 12-29-112, concerning discharge or release of an inmate, is amended to additional subsections to read as follows:

(d) Except as provided in subsection (e) of this section, the Division of Correction shall provide the following documentation to an inmate upon release:

(1) A copy of the training record of the inmate, if applicable;

(2) A copy of the institutional work record of the inmate, if

1 applicable;

2 (3) A certified copy of the birth certificate of the inmate, if  
3 the inmate was born in Arkansas;

4 (4) A social security card or a replacement Social S  
5 ecurity card, if obtainable; and

6 (5) Notification to the inmate if he or she is eligible to apply  
7 for a license from a state entity charged with oversight of an occupational  
8 license or certification, based on the inmate's criminal history,  
9 institutional training record, and institutional work record.

10 (e) The Division of Correction is not required to provide the  
11 documentation in subsection (d) of this section if:

12 (1) The inmate is sixty-five (65) years of age or older;

13 (2) The inmate is subject to early release due to permanent  
14 incapacitation or terminal illness;

15 (3) The inmate is being released to the custody of another  
16 jurisdiction on a warrant or detainer; or

17 (4) The inmate was in the custody of the Division of Correction  
18 for less than nine (9) months.

19  
20 SECTION 106. Arkansas Code § 12-29-117 is amended to read as follows:

21 12-29-117. Educational, training, and rehabilitative programs.

22 (a) An inmate who was convicted and sentenced as an adult for an  
23 offense he or she committed before he or she attained eighteen (18) years of  
24 age shall not be prevented from participating in an educational, training, or  
25 rehabilitative program that is otherwise available to other inmates in the  
26 general population of the correctional facility in which he or she is housed.

27 (b)(1) The Department of Corrections shall regularly assess the impact  
28 and efficacy of educational, training, and rehabilitative programs available  
29 to inmates of correctional facilities owned or operated by the department.

30 (2) The assessment required under subdivision (b)(1) of this  
31 section shall be conducted by an employee or contractor of the department who  
32 has doctoral-level education and experience in evaluating the efficacy of  
33 educational, training, and rehabilitative programs.

34 (3) The results of the assessments required under subdivision  
35 (b)(1) of this section shall be incorporated into the report on the state of  
36 the department required under § 25-43-403(d).

1       (c) The Secretary of the Department of Corrections shall:

2               (1) Coordinate with the Chief Workforce Officer to ensure that  
3 workforce training provided to inmates allows for future employment in fields  
4 with adequate demand; and

5               (2) Coordinate with community-based providers to ensure that  
6 inmates are being provided appropriate training and programming in  
7 preparation for reintegration into the workforce.

8  
9       SECTION 107. Arkansas Code Title 12, Chapter 29, Subchapter 2, is  
10 amended to add an additional section to read as follows:

11       12-29-206. Applicability.

12       This subchapter applies to offenses committed before January 1, 2025.

13  
14       SECTION 108. Arkansas Code § 12-29-404(b), concerning medical parole  
15 of an inmate due to terminal illness or permanent incapacitation, is amended  
16 to read as follows:

17       (b) The Director of the Division of Correction or the Director of the  
18 Division of Community Correction shall communicate to the ~~Parole~~ Post-Prison  
19 Transfer Board when, in the independent opinions of either a Division of  
20 Correction physician or Division of Community Correction physician, and a  
21 consultant physician in Arkansas, an inmate is either terminally ill or  
22 permanently incapacitated and should be considered for transfer to parole  
23 supervision or post-release supervision.

24  
25       SECTION 109. Arkansas Code § 12-29-404(c)(1) and (2), concerning  
26 medical parole of an inmate due to terminal illness or permanent  
27 incapacitation, are amended to read as follows:

28       (c)(1) Upon receipt of a communication described in subsection (b) of  
29 this section, the board shall assemble or request all such information as is  
30 germane to determine whether the inmate is eligible under this section for  
31 immediate transfer to parole or post-release supervision.

32       (2) If the facts warrant and the board is satisfied that the  
33 inmate's physical condition makes the inmate no longer a threat to public  
34 safety, the board may approve the inmate for immediate transfer to parole or  
35 post-release supervision.



1 SECTION 110. The introductory language of Arkansas Code § 12-29-  
2 404(d), concerning medical parole of an inmate due to terminal illness or  
3 permanent incapacitation, is amended to read as follows:

4 (d) An inmate is not eligible for parole or transfer to post-release  
5 supervision under this section if he or she is required to register as a sex  
6 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et  
7 seq., and:

8  
9 SECTION 111. Arkansas Code § 12-29-404(e), concerning medical parole  
10 of an inmate due to terminal illness or permanent incapacitation, is amended  
11 to read as follows:

12 (e) The board may revoke a person's parole or post-release supervision  
13 granted under this section if the person's medical condition improves to the  
14 point that he or she would initially not have been eligible for parole or  
15 post-release supervision under this section.

16  
17 SECTION 112. Arkansas Code Title 12, Chapter 29, is amended to add  
18 additional subchapters to read as follows:

19 Subchapter 7 – Earned Release Credits for Offenses Committed  
20 on or after January 1, 2025

21  
22 12-29-701. Applicability.

23 This subchapter applies to a felony offense committed on or after  
24 January 1, 2025.

25  
26 12-29-702. Earned release credits.

27 (a) Subject to rules promulgated by the Board of Corrections, an  
28 inmate eligible to accrue earned release credits may accrue earned release  
29 credits against the time spent in confinement pursuant to a sentence to the  
30 Division of Correction by the sentencing court.

31 (b)(1) The Board of Corrections shall promulgate rules and the  
32 Division of Correction shall administer rules that set guidelines for accrual  
33 of earned release credits for work practices, job responsibilities, good  
34 behavior, and involvement in rehabilitative activities while in the custody  
35 of the Division of Correction.

36 (2) The rules shall provide for uniform application of

1 authorizing release to post-release supervision for an inmate who  
2 successfully completes programs determined to reduce recidivism and has met  
3 behavioral expectations while incarcerated.

4 (c)(1) Earned release credits shall not be applied to reduce the  
5 length of a sentence but may reduce the length of time an inmate spends in  
6 confinement, upon approval of the Post-Prison Transfer Board.

7 (2) Earned release credits may reduce the time of confinement  
8 only if awarded by the Post-Prison Transfer Board.

9 (3) Earned release credits shall not reduce an inmate's time  
10 served in prison by more than the maximum amount authorized under §§ 16-93-  
11 1803 and 16-93-1804.

12 (d)(1) An inmate under sentence of death or life imprisonment without  
13 parole is not eligible to accrue earned release credits but may be pardoned  
14 or have his or her sentence commuted by the Governor, as provided by law.

15 (2) Except as provided by subdivision (d)(3) of this section, an  
16 inmate sentenced to life imprisonment may accrue earned release credits if  
17 otherwise eligible but shall not be awarded earned release credits by the  
18 Post-Prison Transfer Board unless the sentence is commuted to a term of years  
19 by executive clemency.

20 (3) An inmate serving a term of imprisonment for a felony  
21 ineligible to receive earned release credits as defined in § 16-93-1802 shall  
22 not be eligible to accrue earned release credits but may be pardoned or have  
23 his or her sentences commuted by the Governor, as provided by law.

24  
25 12-29-703. Classification committee – Classifications.

26 (a)(1)(A) The Board of Corrections shall establish an earned release  
27 credit classification committee.

28 (B) Members of the committee shall be selected by wardens  
29 or supervisors of the various units, facilities, or centers of the Division  
30 of Correction and Division of Community Correction according to rules adopted  
31 by the board governing the selection of members.

32 (2) The committee shall meet as often as necessary to determine  
33 rates at which inmates may accrue earned release credits for good behavior,  
34 job responsibilities, and involvement in rehabilitative activities.

35 (b)(1) Upon recommendation of the committee, the Director of the  
36 Division of Correction may authorize accrual of earned release credits for

1 each successful completion of a:

2 (A) State-sponsored general education development  
3 certificate program;

4 (B) Vocational program for which certification is awarded;

5 (C) Drug or alcohol treatment program offered at a  
6 Division of Correction facility; or

7 (D) Pre-release and other rehabilitative programs or  
8 assignments as approved by the Board of Corrections.

9 (2)(A) The additional days of earned release credits described  
10 in subdivision (b)(1) of this section shall be accrued as provided in the  
11 rules promulgated by the board.

12 (B) The board may add, amend, change, or alter the rules  
13 adopted under this section in accordance with the Arkansas Administrative  
14 Procedure Act, § 25-15-201 et seq.

15 (c) Earned release credits shall not be used to reduce the period of  
16 incarceration for an otherwise ineligible inmate.

17 (d) A jury shall be instructed pursuant to § 16-97-103 regarding the  
18 awarding of earned release credits under this section.

19  
20 12-29-704. Maximum reduction.

21 An inmate sentenced to the Division of Correction shall not receive a  
22 reduction in his or her required service time under this subchapter, or this  
23 subchapter and another law jointly, if the reduction in his or her required  
24 service time exceeds the amount authorized for the offense in § 16-93-1801 et  
25 seq.

26  
27 Subchapter 8 – Special Considerations for Female Inmates  
28 and Inmates with Families

29  
30 12-29-801. Mother-newborn child bonding for inmates.

31 (a) The Department of Corrections shall coordinate with healthcare  
32 providers, community-based providers, or both, to develop a custody and care  
33 plan that allows an inmate who has given birth to remain with her newborn  
34 child during the period authorized by this section.

35 (b) Following the delivery of a newborn child by an inmate, the  
36 department shall permit the inmate to remain with her newborn child for at

1 least seventy-two (72) hours unless:

2 (1) A medical or behavioral health provider has a reasonable  
3 belief that remaining with the inmate poses a health or safety risk to the  
4 newborn child; or

5 (2) Allowing the inmate to remain with her newborn child poses a  
6 substantial flight risk or substantial risk of physical injury to another  
7 person.

8 (c)(1) The bonding period required under this section is subject to  
9 availability of adequate housing in hospitals or community-based housing.

10 (2) A correctional facility is not required to house a newborn  
11 child with the inmate at the correctional facility.

12  
13 12-29-802. Family considerations in inmate placement and visitation.

14 (a)(1) To the greatest extent possible, after accounting for security  
15 and capacity factors, the Department of Corrections shall place an inmate who  
16 is a parent of one (1) or more minor children within two hundred fifty (250)  
17 miles of the inmate's permanent address of record.

18 (2) An inmate's parentage of a minor child shall be evidenced by  
19 birth certificate or court order.

20 (b) The Secretary of the Department of Corrections shall adopt rules  
21 authorizing the visitation of an inmate who is a parent of one (1) or more  
22 minor children and who has a low or minimum-security classification with his  
23 or her minor children under the following minimum requirements:

24 (1) Ensure opportunities for the minor children to attend in-  
25 person visitation with their incarcerated parent at least one (1) time per  
26 week unless the department has a reasonable belief that the visitation poses  
27 a risk to the safety of the minor child or the security and good order of the  
28 facility;

29 (2) Eliminate any restrictions on the number of minor children  
30 that are permitted visitation privileges with an inmate;

31 (3) Authorize contact visits for an inmate who is a parent of  
32 one (1) or more minor children unless the department has a reasonable belief  
33 that contact visitation poses a risk to the safety of the minor child or the  
34 security and good order of the facility;

35 (4) Eliminate any restrictions on the number of days on which an  
36 inmate may conduct video visitation with a minor child unless restrictions

1 are necessary to maintain the security and good order of the facility; and  
2 (5) Require restrictions on an inmate's visitation with his or  
3 her minor children as a disciplinary measure to be subject to a higher level  
4 of review than restrictions on visitation with other individuals.

5  
6 12-29-803. Inspections by employees of the Department of Corrections.

7 (a) To the greatest extent practicable and consistent with safety and  
8 order of the correctional facility, the Secretary of the Department of  
9 Corrections shall adopt rules that limit inspections by male correctional  
10 officers where a female inmate is in a state of undress.

11 (b) This section does not limit the ability of a male correctional  
12 officer to conduct inspections of the area where a female may be in a state  
13 of undress if a female correctional officer is not available.

14 (c)(1) If a male correctional officer conducts an inspection of an  
15 area where a female inmate is in a state of undress, the male correctional  
16 officer shall submit a written report within seventy-two (72) hours following  
17 the inspection containing a justification for the male correctional officer  
18 to inspect the area where the female inmate was located in a state of  
19 undress.

20 (2) The report required under subdivision (c)(1) of this section  
21 shall be maintained in the female inmate's record.

22  
23 12-29-804. Training and technical assistance.

24 (a) The Department of Corrections shall develop and provide to all  
25 department employees responsible for the care or custody of pregnant inmates  
26 training related to the physical and mental health of pregnant inmates and  
27 unborn children, including without limitation the:

28 (1) General care of pregnant women;

29 (2) Impact of restraints on pregnant inmates and unborn  
30 children;

31 (3) Impact of being placed in restrictive housing on pregnant  
32 inmates; and

33 (4) Impact of invasive searches on pregnant inmates.

34 (b) The department shall develop and provide educational programming  
35 for pregnant inmates related to:

36 (1) Prenatal care;

- 1           (2) Pregnancy-specific hygiene;  
2           (3) Parenting skills;  
3           (4) The impact of alcohol and drugs on an unborn child; and  
4           (5) The general health of children.

5  
6           SECTION 113. Arkansas Code § 14-14-115(b)(1)(B), concerning the  
7 prohibition on holding multiple civil offices, is amended to read as follows:

- 8                   (B) Member of the ~~Parole~~ Post-Prison Transfer Board;  
9

10           SECTION 114. Arkansas Code § 12-32-101(5), concerning the definitions  
11 used in relation to the treatment of female inmates or detainees in  
12 correctional facilities, is amended to read as follows:

- 13                   (5) "Post-partum" means, ~~as determined by the physician of the~~  
14 ~~inmate or detainee, the thirty-day~~ eight-week period following delivery of a  
15 child, unless a longer period is determined to be necessary by the healthcare  
16 professional responsible for the health and safety of the inmate or detainee;  
17 and  
18

19           SECTION 115. Arkansas Code § 12-32-102(d), concerning restraint of a  
20 pregnant inmate or detainee, is amended to read as follows:

- 21                   (d) If restraints are used during labor, the Division of Correction or  
22 the Division of Community Correction, as applicable, shall report the use of  
23 restraints during labor to the Board of Corrections, the Secretary of the  
24 Department of Corrections, and ~~to~~ the Attorney General.  
25

26           SECTION 116. Arkansas Code § 14-164-340(b), concerning criminal  
27 justice projects that are alternatives to the issuance of bonds, is amended  
28 to read as follows:

- 29                   (b) Under this section, the term "capital improvements for criminal  
30 justice purposes" means, whether obtained by purchase, lease, construction,  
31 reconstruction, restoration, improvement, alteration, repair, or other means,  
32 any physical public facility, betterment, or improvement with the purpose of  
33 furthering or promoting law enforcement or the apprehension, prosecution,  
34 probation, rehabilitation, or detention of any criminals, accused defendants,  
35 suspects, or juvenile detainees, and any preliminary plans, studies, or  
36 surveys relative thereto; land or rights in land, including, without

1 limitations, leases, air rights, easements, rights-of-way, or licenses; and  
2 any furnishings, machinery, vehicles, apparatus, or equipment for any such  
3 public facility or betterment or improvement, which shall include, but is not  
4 limited to, the following: any and all facilities for city or town halls,  
5 courthouses and other administrative, executive, or other public offices for  
6 law enforcement officials or agencies; court facilities; jails; police  
7 stations and sheriffs' offices; police precincts or sheriffs' stations or  
8 substations; law enforcement training facilities; ~~probation or parole~~  
9 community supervision offices and facilities; alternative learning centers;  
10 county and municipal criminal detention and correctional facilities; and  
11 juvenile detention facilities.

12  
13 SECTION 117. Arkansas Code § 16-1-101(a), concerning recidivism  
14 definition and reporting, is amended to read as follows:

15 (a) As used in this title, "recidivism" means a criminal act that  
16 results in the rearrest, reconviction, or return to incarceration of a person  
17 with ~~or without~~ a new sentence or a revocation from parole or post-release  
18 supervision during a three-year period following the person's release from  
19 custody.

20  
21 SECTION 118. Arkansas Code Title 16, Chapter 10, Subchapter 1, is  
22 amended to add additional sections to read as follows:

23 16-10-143. Contracts – Qualified attorneys.

24 (a) As used in this section, "qualified attorney" means an attorney  
25 who:

26 (1) Has previously been employed as an attorney by the state  
27 regardless of the limitation provided under § 19-11-709(d); or

28 (2) Is currently serving as a part-time public defender or is  
29 otherwise employed by the state as an attorney on a part-time basis.

30 (b) The Director of the Administrative Office of the Courts may employ  
31 or enter into a professional service contract with a qualified attorney to  
32 serve as a specialty court team member and to represent specialty court  
33 participants.

34 (c) The fees for contracted services provided by a qualified attorney  
35 under subsection (a) of this section shall be paid from funds appropriated  
36 for that purpose to the Administrative Office of the Courts.

1       (d)(1) A qualified attorney who is employed or contracted by the  
2 Administrative Office of the Courts under this section is eligible for  
3 additional compensation.

4       (2) Additional compensation received for service under this  
5 section as a specialty court team member or to represent specialty court  
6 participants shall not be construed as exceeding the line-item maximum for  
7 the grade of the qualified attorney's other part-time position, if any.

8       (e) Any funds appropriated for the purpose of this section remaining  
9 on June 30 shall be retained by the Administrative Office of the Court and  
10 may be distributed after July 1 as supplemental funding to be used for the  
11 expansion or establishment of specialty court programs in circuit courts.

12  
13       16-10-144. Contracts – Qualified treatment providers.

14       (a) The Director of the Administrative Office of the Courts may enter  
15 into a professional service contract with a qualified treatment provider to  
16 serve as a specialty court team member and to provide behavioral health  
17 treatment to specialty court participants.

18       (b) The fees for contracted services provided by a qualified treatment  
19 provider shall be paid from funds appropriated for that purpose to the  
20 Administrative Office of the Courts.

21       (c) Any funds appropriated for the purpose of this section remaining  
22 on June 30 shall be retained by the Administrative Office of the Courts and  
23 may be distributed after July 1 as supplemental funding for the expansion or  
24 establishment of specialty court programs in circuit courts.

25  
26       SECTION 119. Arkansas Code § 16-17-137(a)(3), concerning areas that  
27 may be under the jurisdiction of district court if authorized in judicial  
28 district administrative plan, is amended to read as follows:

29               (3) A parole or post-release supervision program.  
30

31       SECTION 120. Arkansas Code § 16-21-106(c)(1) and (2), concerning  
32 assistance to victims and witnesses of crimes, are amended to read as  
33 follows:

34       (c)(1) The prosecuting attorney of the county from which the inmate  
35 was committed shall notify the ~~Parole~~ Post-Prison Transfer Board at the time  
36 of commitment of the desire of the victim or member of the victim's family to



1 be notified of any future parole, post-release supervision, or clemency  
2 hearings, and to forward to the board the last known address and telephone  
3 number of the victim or member of the victim's family.

4 (2) It shall be the responsibility of the victim or the victim's  
5 next of kin to notify the board after the date of commitment of any change in  
6 regard to the desire to be notified of any future parole, post-release  
7 supervision, or clemency hearings.

8  
9 SECTION 121. Arkansas Code § 16-21-204(b), concerning the duties of  
10 the prosecutor coordinator, is amended to add an additional subdivision to  
11 read as follows:

12 (6)(A) Establish and administer a statewide certified facility  
13 dog program to assist child and vulnerable victims and child and vulnerable  
14 witnesses throughout the criminal justice system.

15 (B) As used in subdivision (b)(6)(A) of this section,  
16 "certified facility dog" means the same as defined in § 16-43-1002.

17  
18 SECTION 122. Arkansas Code § 16-80-104(c)(2), concerning the  
19 comprehensive mental health evaluation for a minor convicted of capital  
20 murder or murder in the first degree, is amended to read as follows:

21 (2) Shall be included in any documentation or inmate file kept  
22 by the Division of Correction or, if the minor is eventually supervised on  
23 parole or post-release supervision, the Division of Community Correction.

24  
25 SECTION 123. Arkansas Code § 16-90-107(b)(2), concerning termination  
26 of a sentence of imprisonment by the Post-Prison Transfer Board, is amended  
27 to read as follows:

28 (2) At any time after the expiration of the minimum time, upon  
29 the recommendation of the Director of the ~~Department~~ Division of Correction  
30 and it appearing that a prisoner has a good record as a convict, his or her  
31 sentence may be terminated by the ~~Parole~~ Post-Prison Transfer Board.

32  
33 SECTION 124. The introductory language of Arkansas Code § 16-90-  
34 120(e)(1), concerning the sentencing of a felony offense involving a firearm,  
35 is amended to read as follows:

36 (e)(1) For an offense committed on or after July 2, 2007,

1 notwithstanding any law allowing the award of meritorious good time or any  
2 other law to the contrary, except as provided in subdivision (e)(1)(B)(ii) of  
3 this section, any person who is sentenced under subsection (a) of this  
4 section is not eligible for parole, transfer to post-release supervision, or  
5 community correction transfer until the person serves:

6  
7 SECTION 125. Arkansas Code § 16-90-120, concerning a felony with a  
8 firearm, is amended to add an additional subsection to read as follows:

9 (g) Any person convicted under this section is not eligible for early  
10 release on parole, transfer to post-release supervision, or community  
11 correction transfer for the additional period of confinement.

12  
13 SECTION 126. Arkansas Code § 16-90-121 is amended to read as follows:  
14 16-90-121. Second or subsequent felony with firearm.

15 Any person who is found guilty of or pleads guilty or nolo contendere  
16 to a second or subsequent felony involving the use of a firearm shall be  
17 sentenced to a minimum term of imprisonment of ten (10) years in the Division  
18 of Correction without eligibility of parole or community correction transfer  
19 but subject to reduction by meritorious good-time credit or earned release  
20 credits.

21  
22 SECTION 127. Arkansas Code § 16-90-402 is amended to read as follows:  
23 16-90-402. Delivery of defendant and copy of judgment to proper  
24 officials – Development of standardized copy of sentencing order.

25 (a)(1) In executing a judgment of confinement, the county sheriff  
26 shall deliver the defendant with a certified standardized copy of the  
27 sentencing order to the Division of Correction, Division of Community  
28 Correction, or to another detention facility, as indicated in the sentencing  
29 order.

30 (2) If electronic filing of court records has been implemented  
31 by the circuit clerk in the county where the defendant's conviction occurred,  
32 the standardized copy of the sentencing order may be electronically  
33 transmitted by the circuit clerk to the Division of Correction, the Division  
34 of Community Correction, or to another detention facility, as indicated in  
35 the sentencing order.

36 (b) The standardized copy of the sentencing order shall be developed

1 by ~~representatives from the Division of Correction, the Administrative Office~~  
2 ~~of the Courts, the Arkansas Sentencing Commission, and the Prosecutor~~  
3 ~~Coordinator's office~~ a committee composed of:

4 (1) Three (3) members appointed by the Secretary of the  
5 Department of Corrections, to include:

6 (A) One (1) member with experience in records for confined  
7 offenders;

8 (B) One (1) member with experience in records for  
9 offenders on supervision; and

10 (C) One (1) member with experience in offender management  
11 systems;

12 (2) One (1) member appointed by the Chair of the Arkansas  
13 Sentencing Commission;

14 (3) One (1) member appointed by the Administrative Office of the  
15 Courts;

16 (4) One (1) member appointed by the Prosecutor Coordinator; and

17 (5) One (1) member appointed by the Executive Director of the  
18 Public Defender Commission.

19  
20 SECTION 128. DO NOT CODIFY. TEMPORARY LANGUAGE. First meeting of  
21 committee to develop standardized sentencing order.

22 (a) The person appointed by the Chair of the Arkansas Sentencing  
23 Commission to the committee established under Arkansas Code § 16-90-402(b)  
24 shall call the first meeting of the committee established under Arkansas Code  
25 § 16-90-402(b).

26 (b) At the first meeting of the committee established under Arkansas  
27 Code § 16-90-402(b), the members of the committee shall elect a chair and any  
28 other officers the committee deems necessary.

29  
30 SECTION 129. Arkansas Code § 16-90-802(d)–(f), concerning the Arkansas  
31 Sentencing Commission, are amended to read as follows:

32 (d) In furtherance of its purpose, the commission shall have the  
33 following powers and duties:

34 (1)(A) The commission shall adopt an initial sentencing  
35 standards grid and an offense seriousness reference table based upon the  
36 statutory parameters and additional data and information gathered ~~prior to~~

1 before January 1, 1994.

2 (B) The commission shall also set the percentage of time  
3 within parameters set by law to be served for offenses at each seriousness  
4 level ~~prior to~~ before any type of transfer or release;

5 (2)(A) The commission shall periodically review and may revise  
6 the voluntary sentencing standards.

7 (B) Any revision of the standards shall be in compliance  
8 with provisions applicable to rule making contained in the Arkansas  
9 Administrative Procedure Act, § 25-15-201 et seq.

10 (C) Any revision of the standards shall become effective  
11 as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

12 (D)(i) The revised standards will be in effect unless  
13 modified by the General Assembly at its next session or until revised again  
14 by the commission.

15 (ii) Any revisions by the commission shall be within  
16 the statutory parameters set for the various crime classes.

17 (E) Before review and approval by the Legislative Council  
18 under the Administrative Procedure Act, § 25-15-201 et seq., revisions to the  
19 voluntary sentencing standards shall be reviewed by the House Committee on  
20 Judiciary and the Senate Committee on Judiciary;

21 (3) The commission may review and make recommendations for  
22 revision of the § 16-93-1201 et seq. target group to the General Assembly  
23 such that nonviolent offenses and offenders are routinely handled in  
24 community correction programs;

25 (4)(A) The commission shall be in charge of strategic planning  
26 for a balanced correctional plan for the state.

27 (B) The commission shall develop such a plan in  
28 conjunction with the Board of Corrections.

29 (C) The commission shall monitor compliance with  
30 sentencing standards, assess their impact on the correctional resources of  
31 the state with the assistance of the board, and determine if the standards  
32 further the adopted sentencing policy goals of the state;

33 (5) The commission may review the classifications of crimes and  
34 sentences and make recommendations for change when supported by information  
35 that change is advisable to further the adopted sentencing policy goals of  
36 the state;

1 (6)(A) The commission shall develop a research and analysis  
2 system to determine the feasibility, impact on resources, and budget  
3 consequences of any proposed or existing legislation affecting sentence  
4 length.

5 (B) The commission shall prepare and submit to the General  
6 Assembly a report on any such legislation ~~prior to~~ before its adoption;

7 (7)(A)(i) All courts having criminal jurisdiction of felony  
8 crimes shall provide to the commission in a timely manner all information  
9 deemed necessary by the commission.

10 (ii) Such information shall be in the form  
11 determined necessary by the commission.

12 (B) The commission shall have the authority to collect  
13 from any state or local governmental entity information, data in electronic  
14 or in other usable form, reports, statistics, or such other material which  
15 relates to sentencing laws, policies, and practices, or impacts on  
16 correctional resources or is necessary to carry out the commission's  
17 functions.

18 (C) The commission may coordinate its data collection with  
19 the Administrative Office of the Courts, the Arkansas Crime Information  
20 Center, the various circuit clerks of the state, and the various state and  
21 local correctional agencies;

22 (8) Under its duties outlined in this section, the commission  
23 shall be a criminal justice agency, as defined in § 12-12-1001, as its powers  
24 and duties include:

25 (A) Determining transfer eligibility;

26 (B) Gathering, analyzing, and disseminating criminal  
27 history information as it relates to sentencing practices, dispositions, and  
28 release criteria; and

29 (C) Determining the appropriate use of correctional and  
30 rehabilitative resources of the state;

31 ~~(9)(A) Produce annual reports regarding compliance with~~  
32 ~~sentencing guidelines, including the application of voluntary presumptive~~  
33 ~~standards, § 16-90-803, and departures from the standards, § 16-90-804.~~

34 ~~(B) The report shall include:~~

35 ~~(i) Data collected from each county; and~~

36 ~~(ii) Both a county-by-county and statewide accounting~~

1 ~~of the results including without limitation:~~

2 ~~(a) Sentences to the Division of Correction~~  
3 ~~and Division of Community Correction;~~

4 ~~(b) The average sentence length for sentences~~  
5 ~~by offense type and severity level according to the sentencing guidelines;~~

6 ~~(c) The percentage of sentences that are an~~  
7 ~~upward departure from the sentencing guidelines; and~~

8 ~~(d) The average number of months above the~~  
9 ~~recommended sentence for those sentences described in subdivision~~  
10 ~~(d)(9)(B)(ii)(c) of this section.~~

11 ~~(G) The report filed each year after the initial report~~  
12 ~~submitted under this section shall include data from prior years;~~

13 ~~(10)~~ (9) Prepare and conduct annual continuing legal education  
14 seminars regarding the sentencing guidelines to be presented to judges,  
15 prosecuting attorneys and their deputies, and public defenders and their  
16 deputies, as so required; ~~and~~

17 ~~(11)(A)~~ (10) The commission shall collaborate with the  
18 Administrative Office of the Courts to develop and implement an integrated  
19 sentencing ~~commitment and departure form~~ order that shall include:

20 ~~(i)~~(A) Demographic information including the race and  
21 ethnicity of both the offender and the victim or victims;

22 ~~(ii)~~(B) The placement decision;

23 ~~(iii)~~(C) Sentence length;

24 ~~(iv)~~(D) Any departure from the sentencing guidelines on  
25 placement and sentence length;

26 ~~(v)~~(E) The number of months above or below the presumptive  
27 sentence;

28 ~~(vi)~~(F) Justification for the departure; and

29 ~~(vii)~~(G) A signature space for the judge and the  
30 prosecuting attorney to sign off on the contents of the form.

31 ~~(B) The commission shall begin using the new form on~~  
32 ~~January 1, 2012.~~

33 ~~(C)(i) Forms are to be collected annually and sent to the~~  
34 ~~Administrative Office of the Courts.~~

35 ~~(ii) Data from the forms shall be collected and~~  
36 ~~submitted to the Chair of the House Committee on Judiciary and the Chair of~~

1 ~~the Senate Committee on Judiciary.,~~

2 (11) Coordinate with Director of the Arkansas Sentencing  
3 Commission, the Division of Correction, and the Division of Community  
4 Correction to develop policy to ensure that the intake process best utilizes  
5 beds in nontraditional correctional facilities, including without limitation  
6 community correction centers, work release centers, and reentry facilities;  
7 and

8 (12) Upon the enactment of any legislation amending release  
9 eligibility provisions for felony offenses, review the statutory ranges and  
10 presumptive sentences of impacted offense classes or rankings and provide a  
11 report on its findings to the Secretary of the Department of Corrections and  
12 to the Legislative Council.

13 (e)(1) The commission shall meet no less than quarterly.

14 (2)(A) The commission shall submit to the Governor, the General  
15 Assembly, and the Arkansas Judicial Council, Inc. a biennial report three (3)  
16 months ~~prior to~~ before the convening of the regular session.

17 (B) The report shall include a summary of the commission  
18 proceedings, summary of compliance with the voluntary sentencing standards  
19 and recommendations for legislative and administrative action.

20 (f)(1) The commission shall employ a director from candidates  
21 presented to it by the Chair of the Arkansas Sentencing Commission in  
22 consultation with the Secretary of the Department of Corrections.

23 (2) The Director of the Arkansas Sentencing Commission shall  
24 have appropriate training and experience to assist the commission in the  
25 performance of its duties.

26 (3) The director shall be responsible for compiling the work of  
27 the commission and drafting suggested legislation incorporating the  
28 commission's findings for submission to the General Assembly.

29 (4) The director shall serve at the pleasure of the Secretary of  
30 the Department of Corrections.

31  
32 SECTION 130. Arkansas Code § 16-90-803(b)(1), concerning voluntary  
33 presumptive sentencing standards, is amended to read as follows:

34 (b) The two (2) dimensions of the sentencing standards grid represent  
35 the primary determinants of a sentence, offense seriousness and offender  
36 history.

1 (1) Offense Seriousness. The offense seriousness level is  
2 determined by the offense of conviction or the offense of which the person  
3 was found guilty or to which the person pleaded guilty or nolo contendere.

4 (A) Felony offenses are ~~divided into ten (10) levels of~~  
5 ranked by seriousness, ranging from low, seriousness level I, to high,  
6 seriousness level X with lower seriousness levels representing less serious  
7 offenses.

8 (B) The typical cases for the offenses listed within each  
9 level of seriousness on a grid are deemed to be generally equivalent in  
10 seriousness.

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

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

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

19  
20 SECTION 131. Arkansas Code § 16-90-803(b)(2)(C)(iv), concerning the  
21 voluntary presumptive standards of the seriousness grid for determining the  
22 seriousness of offenses, is amended to read as follows:

23 (iv) One (1) point is to be added to an offender's  
24 score if the offender is under any type of criminal justice restraint for a  
25 felony offense at the time that he or she committed the crime for which he or  
26 she is being sentenced. Such restraint includes without limitation pretrial  
27 bond, suspended imposition of sentence, probation, parole, postprison  
28 supervision, and release pending sentencing for a prior crime;

29  
30 SECTION 132. Arkansas Code § 16-90-1109(b)(1), concerning the right of  
31 a crime victim to information concerning confinement or commitment, is  
32 amended to read as follows:

33 (b)(1) At least thirty (30) days before a ~~Parole~~ Post-Prison Transfer  
34 Board hearing concerning the defendant, if requested by the victim, the board  
35 shall inform the victim of the hearing and of the victim's right to submit to  
36 the board a victim impact statement and shall promptly inform the victim of



1 any decision of the board.

2  
3 SECTION 133. Arkansas Code § 16-90-1109(b)(2)(B), concerning the right  
4 of a crime victim to information concerning confinement or commitment, is  
5 amended to read as follows:

6 (B) It is the responsibility of the victim or his or her  
7 next of kin to notify the board after the date of commitment of any change in  
8 regard to the desire to be notified of any future parole or post-release  
9 supervision hearings.

10  
11 SECTION 134. Arkansas Code § 16-90-1113(a)(1)(A), concerning a victim  
12 impact statement to be considered during a parole or post-release hearing, is  
13 amended to read as follows:

14 (a)(1)(A) Before determining whether to release the inmate on parole,  
15 the ~~Parole~~ Post-Prison Transfer Board shall permit the victim to present a  
16 written victim impact statement at a victim impact hearing concerning the  
17 effects of the crime on the victim, the circumstances surrounding the crime,  
18 the manner in which the crime was perpetrated, and the victim's opinion  
19 regarding whether the inmate should be released on parole.

20  
21 SECTION 135. The introductory language of Arkansas Code § 16-90-  
22 1113(c), concerning a victim impact statement to be considered during a  
23 parole or post-release hearing, is amended to read as follows:

24 (c) In deciding whether to release an inmate on parole or post-release  
25 supervision, the board shall consider among other factors:

26  
27 SECTION 136. The introductory language of Arkansas Code § 16-90-  
28 1303(a), concerning the procedure for credits earned toward discharge and  
29 completion of a sentence, is amended to read as follows:

30 (a) If a person is incarcerated for an eligible felony, whether by an  
31 immediate commitment or after his or her probation is revoked, and after he  
32 or she is moved to community supervision through parole or transfer by the  
33 ~~Parole~~ Post-Prison Transfer Board, or if he or she is placed on probation, he  
34 or she is immediately eligible to begin earning daily credits that shall  
35 count toward reducing the number of days he or she is otherwise required to  
36 serve until he or she has completed the sentence.

1  
2 SECTION 137. Arkansas Code § 16-90-1303(b)(1), concerning the  
3 procedure for credits earned toward discharge and completion of a sentence,  
4 is amended to read as follows:

5 (b)(1) Credits equal to thirty (30) days per month for every month  
6 that the offender complies with court-ordered conditions and a set of  
7 predetermined criteria established by the ~~Department~~ Division of Community  
8 Correction in consultation with judges, prosecuting attorneys, and defense  
9 counsel shall accrue while the person is on community supervision, including  
10 without limitation parole, post-release supervision, or probation.

11  
12 SECTION 138. Arkansas Code § 16-90-1303(b)(2), concerning the  
13 procedure for credits earned toward discharge and completion of a sentence,  
14 is amended to read as follows:

15 (2) The ~~department~~ division shall calculate the number of days  
16 the person has remaining to serve on parole, post-release supervision, or  
17 probation before that person completes his or her sentence.

18  
19 SECTION 139. Arkansas Code § 16-90-1303(c)(2), concerning the  
20 procedure for credits earned toward discharge and completion of a sentence,  
21 is amended to read as follows:

22 (2) A person convicted of another felony offense while on  
23 parole, post-release supervision, or probation may result in the forfeiture  
24 of any credits earned under this subchapter.

25  
26 SECTION 140. Arkansas Code § 16-90-1304(b)(1)(B), concerning entities  
27 required to be notified of an application for discharge and completion of a  
28 sentence, is amended to read as follows:

29 (B) The ~~Parole~~ Post-Prison Transfer Board.

30  
31 SECTION 141. Arkansas Code § 16-90-1305(c), concerning notice and  
32 effect of discharge and completion of a sentence, is amended to read as  
33 follows:

34 (c) A person who earns discharge and completion of his or her sentence  
35 under this subchapter is considered as having completed his or her sentence  
36 in full and is not subject to parole, post-release supervision, or probation

1 revocation for those sentences.

2  
3 SECTION 142. Arkansas Code § 16-90-1404(1)(C)(i), concerning the  
4 definition of "completion of a person's sentence" under the Comprehensive  
5 Criminal Record Sealing Act of 2013 , is amended to read as follows:

6 (i) Has been discharged from probation, ~~or parole,~~  
7 or post-release supervision;

8  
9 SECTION 143. Arkansas Code § 16-90-1404(1)(C)(vii), concerning the  
10 definition of "completion of a person's sentence" under the Comprehensive  
11 Criminal Record Sealing Act of 2013, is amended to read as follows:

12 (vii) Completed any vocational or technical  
13 education or training program that was required as a condition of the  
14 person's parole, post-release supervision, or probation;

15  
16 SECTION 144. The introductory language of Arkansas Code § 16-93-  
17 101(3)(D), concerning conduct that constitutes a "detriment to the community"  
18 in relation to the definitions applicable to community supervision, is  
19 amended to read as follows:

20 (D) During the three (3) calendar years before the  
21 person's parole or post-release supervision hearing:

22  
23 SECTION 145. Arkansas Code § 16-93-101(5)(G), concerning options for  
24 "intermediate sanctions" in relation to the definitions applicable to  
25 community supervision, is amended to read as follows:

26 (G) Reporting requirements to ~~probation or parole~~  
27 community supervision officers;

28  
29 SECTION 146. Arkansas Code § 16-93-101(6), concerning the definitions  
30 applicable to community supervision, is amended to read as follows:

31 (6) "Jacket review" means the review of the file of a transfer-  
32 eligible inmate located at any correctional facility in the state by an  
33 individual staff member or team of staff members of the Division of Community  
34 Correction for purposes of preparing the inmate's application for parole or  
35 post-release supervision consideration by the ~~Parole~~ Post-Prison Transfer  
36 Board;

1  
2 SECTION 147. Arkansas Code § 16-93-101(11) concerning the definitions  
3 applicable to community supervision, is amended to read as follows:

4 (11) "Serious conditions violation" means a violation of the  
5 conditions of a ~~parolee's parole or probationer's probation~~ community  
6 supervision that results from the ~~parolee's or probationer's~~ offender's  
7 absenting himself or herself from supervision for a period of six (6) months  
8 or more or an arrest for a misdemeanor offense that does not involve:

9 (A) An act involving a violent misdemeanor that provides  
10 the prosecuting attorney with the option to revoke the ~~probationer's~~  
11 ~~probation or parolee's parole~~ offender's community supervision, or allow the  
12 Division of Community Correction to utilize the sanctions provided under this  
13 chapter;

14 (B) An offense for which a conviction would require the  
15 person to register as a sex offender under the Sex Offender Registration Act  
16 of 1997, § 12-12-901 et seq.;

17 (C) A misdemeanor offense of harassment or stalking or  
18 that contains a threat of violence to a victim, or a threat of violence to a  
19 family member of the victim of the offense for which the defendant was placed  
20 on ~~probation or parole~~ community supervision;

21 (D) A misdemeanor offense of driving or boating while  
22 intoxicated, § 5-65-103, when the ~~probationer or parolee~~ offender on  
23 community supervision is currently being supervised for a felony offense of §  
24 5-65-103, § 5-10-104, or § 5-10-105, and the felony offense was alcohol-  
25 related or drug-related; or

26 (E) Except for an offense under the Uniform Controlled  
27 Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser  
28 included offense or falls within the same chapter of the Arkansas Criminal  
29 Code of the offense for which the defendant was placed on ~~probation or parole~~  
30 community supervision;

31  
32 SECTION 148. Arkansas Code § 16-93-101(12)(A), concerning the  
33 definition of "technical conditions violation" applicable to community  
34 supervision, is amended to read as follows:

35 (A) A violation of the conditions of a ~~parolee's parole or~~  
36 ~~a probationer's probation~~ an offender's community supervision that results

1 from a noncriminal act or positive drug screen; or

2  
3 SECTION 149. Arkansas Code § 16-93-101, concerning the definitions  
4 that are applicable to community supervision, is amended to add an additional  
5 subdivision to read as follows:

6 (15) "Community supervision" means a period of supervision of an  
7 offender in the community and includes without limitation probation, parole,  
8 and post-release supervision.

9  
10 SECTION 150. Arkansas Code § 16-93-103, is amended to read as follows:  
11 16-93-103. Authority of officers to make arrests and carry firearms.

12 (a) A probation officer appointed by a circuit court or district  
13 court, excluding a juvenile probation officer, and a ~~parole and probation~~  
14 community supervision officer employed by the Division of Community  
15 Correction who is a currently certified law enforcement officer may execute,  
16 serve, and return all lawful warrants of arrest issued by the State of  
17 Arkansas or any political subdivision of the state and are otherwise  
18 authorized to make lawful arrests as is any law enforcement officer of the  
19 State of Arkansas.

20 (b) A ~~parole and probation~~ community supervision officer either  
21 employed by the division or another entity authorized to employ a ~~parole and~~  
22 probation community supervision officer may carry a:

23 (1) Firearm during all hours in which he or she is actively  
24 engaged in the obligations and duties of the office to which he or she is  
25 appointed or employed, pursuant to selection and training requirements under  
26 §§ 12-9-104, 12-9-106, and 12-9-107; and

27 (2) Nonstate-issued firearm during all hours in which he or she  
28 is not actively pursuing the obligations and duties of the office to which he  
29 or she is appointed.

30 (c) A ~~parole and probation~~ community supervision officer employed by  
31 the division may also carry:

32 (1) A nonstate-issued firearm as a secondary weapon while  
33 actively engaged in the duties of the office to which he or she is appointed  
34 or employed; and

35 (2) A state-issued firearm during all hours in which he or she  
36 is not actively engaged in the duties of the office to which he or she is

1 appointed or employed, except that a ~~parole and probation~~ community  
2 supervision officer may not carry a firearm issued by the division while the  
3 ~~parole and probation~~ community supervision officer is actively working at  
4 employment other than for the division.

5  
6 SECTION 151. Arkansas Code § 16-93-104(a)(1), concerning the  
7 supervision fee to be paid by offenders on release, is amended to read as  
8 follows:

9 (a)(1) An offender on probation, parole, post-release supervision, or  
10 transfer under supervision of the Division of Community Correction shall pay  
11 to the division a monthly supervision fee.

12  
13 SECTION 152. Arkansas Code § 16-93-104(c), concerning the supervision  
14 fee to be paid by offenders on release, is amended to read as follows:

15 (c)(1) The offender on parole or post-release supervision may be  
16 imprisoned for violation of parole or post-release supervision if the  
17 offender is financially able to make the payments and if the payments are not  
18 made and the ~~Parole~~ Post-Prison Transfer Board so finds, subject to the  
19 limitations set out in this subsection.

20 (2) The offender shall not be imprisoned if the offender is  
21 financially unable to make the payments and states so under oath to the  
22 ~~Parole~~ Post-Prison Transfer Board in writing, and the ~~Parole~~ Post-Prison  
23 Transfer Board so finds.

24  
25 SECTION 153. Arkansas Code § 16-93-106(a)(1), concerning the  
26 warrantless search of a person on probation or parole, is amended to read as  
27 follows:

28 (a)(1) A person who is placed on supervised probation or is released  
29 on parole or post-release supervision under this chapter is required to agree  
30 to a waiver as a condition of his or her supervised probation, ~~or~~ parole, or  
31 post-release supervision that allows any certified law enforcement officer or  
32 Division of Community Correction officer to conduct a warrantless search of  
33 his or her person, place of residence, ~~or~~ motor vehicle, or other real or  
34 personal property, including without limitation a cellular or electronic  
35 device under his or her control or possession, at any time, day or night,  
36 whenever requested by the certified law enforcement officer or division

1 officer.

2  
3 SECTION 154. Arkansas Code § 16-93-106(b), concerning warrantless  
4 searches of offenders on community supervision, is amended to read as  
5 follows:

6 (b)(1) A person who will be placed on supervised probation, ~~or parole,~~  
7 or post-release supervision and is required to agree to the waiver required  
8 by this section shall acknowledge and sign the waiver.

9 (2) If the person fails to acknowledge and sign the waiver  
10 required by this section, he or she is ineligible to be placed on supervised  
11 probation, ~~or parole,~~ or post-release supervision.

12  
13 SECTION 155. Arkansas Code § 16-93-107(b), concerning Medicaid  
14 eligibility of offenders on community supervision, is amended to read as  
15 follows:

16 (b) If an inmate nearing release from incarceration, parolee, offender  
17 on post-release supervision, or probationer receives medical services,  
18 including substance abuse and mental health treatment, that meet criteria for  
19 Medicaid coverage, the ~~parole officer, probation~~ community supervision  
20 officer, or Division of Correction official or Division of Community  
21 Correction official may apply for Medicaid coverage for the inmate nearing  
22 release from incarceration, parolee, offender on post-release supervision, or  
23 probationer under this section.

24  
25 SECTION 156. The introductory language of Arkansas Code § 16-93-  
26 107(c)(2), concerning Medicaid eligibility of offenders on community  
27 supervision, is amended to read as follows:

28 (2) However, the ~~parole officer, probation~~ community supervision  
29 officer, or Division of Correction official or Division of Community  
30 Correction official shall be the authorized representative for purposes of  
31 establishing and maintaining Medicaid eligibility under this subsection if:

32  
33 SECTION 157. Arkansas Code § 16-93-107(e)(1), concerning Medicaid  
34 eligibility of offenders on community supervision, is amended to read as  
35 follows:

36 (e)(1) The ~~parole officer, probation~~ community supervision officer, or

1 Division of Correction official or Division of Community Correction official  
2 or the designee of the ~~parole officer, probation~~ community supervision  
3 officer, or Division of Correction official or Division of Community  
4 Correction official may access information necessary to determine if a  
5 Medicaid application has been filed on behalf of the inmate nearing release  
6 from incarceration, parolee, offender on post-release supervision, or  
7 probationer.

8  
9 SECTION 158. Arkansas Code § 16-93-111, is amended to read as follows:

10 16-93-111. Parole or probation prohibitions for sex offenses.

11 A person required to register as a sex offender under the Sex Offender  
12 Registration Act of 1997, § 12-12-901 et seq., who is under felony probation  
13 or released on parole or post-release supervision shall have as a term and  
14 condition of his or her probation, ~~or parole, or post-release supervision~~ a  
15 prohibition against recording a person under fourteen (14) years of age under  
16 § 5-14-137 if he or she is assessed as a Level 3 or Level 4 offender.

17  
18 SECTION 159. DO NOT CODIFY. As of the effective date of this act, the  
19 Parole Board shall be known as the Post-Prison Transfer Board.

20  
21 SECTION 160. Arkansas Code § 16-93-201(a)(1), concerning the creation  
22 and makeup of the Post-Prison Transfer Board, is amended to read as follows:

23 (a)(1) There is created the ~~Parole~~ Post-Prison Transfer Board, to be  
24 composed of seven (7) members to be appointed from the state at large by the  
25 Governor and confirmed by the Senate.

26  
27 SECTION 161. Arkansas Code § 16-93-201(a)(2)(A)(ii)(b), concerning the  
28 requirements for members of the Post-Prison Transfer Board, is amended to  
29 read as follows:

30 (b) A member may engage in employment that has  
31 a limited time commitment with approval from the Chair of the ~~Parole~~ Post-  
32 Prison Transfer Board.

33  
34 SECTION 162. Arkansas Code § 16-93-201(a)(4)(A)(i), concerning  
35 experience required for members of the Post-Prison Transfer Board, is amended  
36 to read as follows:



1 (i) Parole or post-release supervision;

2  
3 SECTION 163. Arkansas Code § 16-93-202(a), concerning the official  
4 seal of the Post-Prison Transfer Board, is amended to read as follows:

5 (a) The ~~Parole~~ Post-Prison Transfer Board shall adopt an official seal  
6 of which the courts shall take judicial notice.

7  
8 SECTION 164. Arkansas Code § 16-93-202(c)(2), concerning reports  
9 required for the Post-Prison Transfer Board, is amended to read as follows:

10 (2) The report shall be directed to the Governor and to the  
11 General Assembly and shall contain statistical and other data concerning its  
12 work, including research studies which it may make on parole, post-release  
13 supervision, or related functions.

14  
15 SECTION 165. Arkansas Code § 16-93-202(e)(1)(A), concerning access by  
16 the General Assembly to records of the Post-Prison Transfer Board, is amended  
17 to read as follows:

18 (e)(1)(A) Upon written request, a member of the General Assembly or an  
19 employee of the House of Representatives, the Senate, or the Bureau of  
20 Legislative Research acting on the member's behalf may view all  
21 classification, disciplinary, demographic, ~~and~~ parole, and post-release  
22 supervision hearing records of a current or former inmate, ~~or~~ parolee, or  
23 offender on post-release supervision who is currently or was formerly granted  
24 parole or post-release supervision by the board.

25  
26 SECTION 166. Arkansas Code § 16-93-203(1), concerning the duty of  
27 corrections officials to cooperate with the Post-Prison Transfer Board, is  
28 amended to read as follows:

29 (1) Grant access at all reasonable times to any prisoner over  
30 whom the ~~Parole~~ Post-Prison Transfer Board has jurisdiction under this  
31 chapter to the members of the board or its properly accredited  
32 representatives;

33  
34 SECTION 167. Arkansas Code § 16-93-204(a)(2) and (3), concerning  
35 executive clemency, are amended to read as follows:

36 (2) An applicant shall obtain and include with his or her

1 application a certified copy of the applicant's ~~judgment and commitment~~  
2 sentencing order or comparable document.

3 (3) Applications shall be referred to the ~~Parole~~ Post-Prison  
4 Transfer Board for investigation.

5  
6 SECTION 168. Arkansas Code § 16-93-205, is amended to read as follows:

7 16-93-205. Parole of Arkansas inmates in out-of-state prisons.

8 (a) The ~~Parole~~ Post-Prison Transfer Board may request the appropriate  
9 board or commission having jurisdiction over parole, post-release  
10 supervision, or transfer matters in other states or the United States Parole  
11 Commission to make recommendations concerning whether Arkansas inmates  
12 confined in prison systems of the other states or in federal prisons should  
13 be granted parole, post-release supervision, or transfer when eligible under  
14 Arkansas law.

15 (b) The ~~Parole~~ Post-Prison Transfer Board may take action at its  
16 option on the application of an inmate for parole, post-release supervision,  
17 or transfer, using as its criteria the recommendations received from the  
18 appropriate board or commission of the other states or the United States  
19 Parole Commission in lieu of the personal appearance before the ~~Parole~~ Post-  
20 Prison Transfer Board of the inmate seeking parole, post-release supervision,  
21 or transfer.

22  
23 SECTION 169. Arkansas Code § 16-93-206, is amended to read as follows:

24 16-93-206. Parole revocation review – Jurisdiction.

25 (a) The ~~Parole~~ Post-Prison Transfer Board shall serve as the  
26 revocation review board for any person subject to either parole, post-release  
27 supervision, or transfer from prison.

28 (b) Revocation proceedings for either parole, post-release  
29 supervision, or transfer shall follow all legal requirements applicable to  
30 parole, post-release supervision, or transfer and shall be subject to any  
31 additional policies and rules set by the board.

32  
33 SECTION 170. Arkansas Code § 16-93-207(b), concerning an application  
34 for pardon, commutation of sentence, and remission of fines and forfeitures,  
35 is amended to read as follows:

36 (b) If the Governor does not grant an application for pardon,

1 commutation of sentence, or remission of fine or forfeiture within two  
2 hundred forty (240) days of the Governor's receipt of the recommendation of  
3 the ~~Parole~~ Post-Prison Transfer Board regarding the application, the  
4 application shall be deemed denied by the Governor, and any pardon,  
5 commutation of sentence, or remission of fine or forfeiture granted after the  
6 two-hundred-forty-day period shall be null and void.

7  
8 SECTION 171. Arkansas Code § 16-93-207(c)(1), concerning applications  
9 for pardon, commutation of sentence, and remission of fines and forfeitures,  
10 is amended to read as follows:

11 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3) and subsection (d)  
12 of this section, if an application for pardon, commutation of sentence, or  
13 remission of fine or forfeiture is denied in writing by the Governor, the  
14 person filing the application shall not be eligible to file a new application  
15 for pardon, commutation of sentence, or remission of fine or forfeiture  
16 related to the same offense for a period of ~~four (4)~~ five (5) years from the  
17 date of ~~filing the application that was denied~~ the denial.

18 ~~(B) Any person who made an application for pardon,~~  
19 ~~commutation of sentence, or remission of fine or forfeiture that was denied~~  
20 ~~on or after July 1, 2004, shall be eligible to file a new application four~~  
21 ~~(4) years after the date of filing the application that was denied.~~

22  
23 SECTION 172. Arkansas Code § 16-93-207(d)(1), concerning applications  
24 for pardon, commutation of sentence, and remission of fines and forfeitures,  
25 is amended to read as follows:

26 (d)(1) Except as provided in subdivision (d)(3) of this section, if an  
27 application for pardon, commutation of sentence, or remission of fine or  
28 forfeiture of a person sentenced to life imprisonment without parole is  
29 denied in writing by the Governor, the person filing the application shall  
30 not be eligible to file a new application for pardon, commutation of  
31 sentence, or remission of fine or forfeiture related to the same offense for  
32 a period of:

33 (A) ~~Six (6)~~ Seven (7) years from the date of the denial;  
34 or

35 (B) ~~Eight (8)~~ Nine (9) years from the date of the denial  
36 if the applicant is serving a sentence of life without parole for capital

1 murder, § 5-10-101.

2  
3 SECTION 173. Arkansas Code § 16-93-208, is amended to read as follows:  
4 16-93-208. Services and equipment.

5 The Division of Correction and the Division of Community Correction may  
6 provide services, furnishings, equipment, and office space to assist the  
7 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the  
8 board was created by law.

9  
10 SECTION 174. Arkansas Code § 16-93-210, is amended to read as follows:  
11 16-93-210. Monthly performance report on parole and post-release  
12 supervision applications and outcome – Reports concerning administrative  
13 directives filed with Legislative Council.

14 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall submit a monthly  
15 report to the chairs of the House Committee on Judiciary and the Senate  
16 Committee on Judiciary, the Legislative Council, the Board of Corrections,  
17 and the Governor, showing the number of persons who make application for  
18 parole or post-release supervision and those who are granted or denied parole  
19 or post-release supervision during the previous month for each criminal  
20 offense classification.

21 (2) The report shall include a breakdown by race of all persons  
22 sentenced in each criminal offense classification.

23 (3) The report shall include the reason for each denial of  
24 parole or post-release supervision, the results of the risk-needs assessment,  
25 and the course of action that accompanies each denial pursuant to § 16-93-  
26 615(a)(2)(B)(ii).

27 (b) The ~~Parole~~ Post-Prison Transfer Board shall cooperate with and  
28 upon request make presentations and provide various reports, to the extent  
29 the ~~Parole~~ Post-Prison Transfer Board's budget will allow, to the Legislative  
30 Council concerning ~~Parole~~ Post-Prison Transfer Board policy and criteria on  
31 discretionary offender programs and services.

32 (c) The ~~Parole~~ Post-Prison Transfer Board shall file a report with the  
33 Legislative Council on a quarterly basis containing all new and revised  
34 administrative directives issued in the previous quarter by:

35 (1) The ~~Parole~~ Post-Prison Transfer Board;

36 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

- 1           (3) ~~The Administrative Services Manager of the Parole Board;~~  
2           ~~(4) The Administrator of the Parole Board; and~~  
3           ~~(5) Staff of the Parole~~ Post-Prison Transfer Board.  
4

5           SECTION 175. Arkansas Code § 16-93-211(a)(1)(A), concerning early  
6 release to transitional housing facilities, is amended to read as follows:

7                   (A) ~~Transferred or paroled~~ Paroled or transferred to post-  
8 release supervision from the Division of Correction by the ~~Parole~~ Post-Prison  
9 Transfer Board;  
10

11          SECTION 176. Arkansas Code § 16-93-211(b)(1), concerning early release  
12 to transitional housing facilities, is amended to read as follows:

13               (b)(1) To assist an offender who will be eligible for parole, post-  
14 release supervision, or transfer to successfully reintegrate into the  
15 community, the board is authorized to place the offender into approved  
16 transitional housing up to one (1) year prior to the offender's date of  
17 eligibility for parole or transfer.  
18

19          SECTION 177. Arkansas Code § 16-93-212, is amended to read as follows:  
20          16-93-212. Rulemaking authority.

21          The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,  
22 administer, and enforce this subchapter.  
23

24          SECTION 178. The introductory language of Arkansas Code § 16-93-  
25 213(a), concerning records to be posted on the website of the Post-Prison  
26 Transfer Board, is amended to read as follows:

27               (a) To the extent permitted by federal law, the ~~Parole~~ Post-Prison  
28 Transfer Board shall post on the board's website the following information  
29 concerning an inmate who is being considered for parole or post-release  
30 supervision no less than six (6) months before his or her transfer-  
31 eligibility or parole-eligibility date or post-release supervision  
32 eligibility date, or the date the board determines eligibility for parole or  
33 transfer or post-release supervision if the inmate is past his or her  
34 transfer-eligibility or parole-eligibility date or post-release supervision  
35 eligibility date:  
36

1       SECTION 179. Arkansas Code § 16-93-213(a)(5), concerning records to be  
2 posted on the website of the Post-Prison Transfer Board, is amended to read  
3 as follows:

4               (5) The number of times, if any, probation, ~~or parole, or post-~~  
5 release supervision has been revoked from the inmate; and

6  
7       SECTION 180. Arkansas Code § 16-93-213(b)(3), concerning removal of  
8 records posted on the website of the Post-Prison Transfer Board, is amended  
9 to read as follows:

10              (3) May be removed when the inmate has been either granted or  
11 denied parole or post-release supervision.

12  
13       SECTION 181. Arkansas Code § 16-93-306(d)(2), concerning probation  
14 supervision, is amended to add an additional subdivision to read as follows:

15                      (C) The intermediate sanctioning grid shall include:

16                              (i) An assignment of point values to commonly  
17 occurring violations of terms of probation or criminal behavior;

18                              (ii) An assignment of point values to behaviors that  
19 decrease the likelihood of recidivism, including without limitation:

20                                      (a) Education;

21                                      (b) Workforce development;

22                                      (c) Community service; and

23                                      (d) Behavioral health programming;

24                              (iii) Details on the mechanisms by which points are  
25 accumulated and reduced; and

26                              (iv) Guidance on which intermediate sanctions should  
27 be applied at which point thresholds.

28  
29       SECTION 182. Arkansas Code § 16-93-306(d)(3)(E)(ii)(d), concerning  
30 probation supervision, is amended to read as follows:

31                      (d) A probationer may not be incarcerated more  
32 than two (2) times as a probation sanction in a Division of Community  
33 Correction or Division of Correction facility during a two-year period.

34  
35       SECTION 183. Arkansas Code § 16-93-310(c)(2)(A), concerning the  
36 revocation of probation, is amended to read as follows:

1 (2)(A) The court shall commit the eligible offender to the  
2 custody of the Division of Correction under this subchapter for judicial or  
3 administrative transfer to the Division of Community Correction subject to  
4 the following:

5 (i) That the sentence imposed provides that the  
6 offender shall serve no more than three (3) years of confinement, with credit  
7 for meritorious good time or earned release credits, with initial placement  
8 in a Division of Community Correction facility; and

9 (ii) That the initial placement in the Division of  
10 Community Correction is conditioned upon the offender's continuing  
11 eligibility for Division of Community Correction placement and the offender's  
12 compliance with all applicable rules established by the Board of Corrections  
13 for community correction programs.

14  
15 SECTION 184. Arkansas Code § 16-93-601(a), concerning felonies  
16 committed before April 1, 1977, is amended to read as follows:

17 (a) Death Sentence. An individual under sentence of death is not  
18 eligible for release on parole or post-release supervision.

19  
20 SECTION 185. Arkansas Code § 16-93-609 is amended to read as follows:  
21 16-93-609. Effect of more than one conviction for certain felonies –  
22 Definition.

23 (a) Any person who commits murder in the first degree, § 5-10-102,  
24 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,  
25 1983, and who has previously been found guilty of or pleaded guilty or nolo  
26 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or  
27 aggravated robbery, § 5-12-103, shall not be eligible for release on parole  
28 by the ~~Parole~~ Post-Prison Transfer Board.

29 (b)(1) Any person who commits a violent felony offense or any felony  
30 sex offense subsequent to August 13, 2001, but before January 1, 2025, and  
31 who has previously been found guilty of or pleaded guilty or nolo contendere  
32 to any violent felony offense or any felony sex offense shall not be eligible  
33 for release on parole by the board.

34 (2) As used in this subsection, "a violent felony offense or any  
35 felony sex offense" means those offenses listed in § 5-4-501(d)(2).

36 (c) A person who commits the offense of possession of firearms by

1 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),  
2 after April 27, 2021, is not eligible for parole.

3 (d)(1) Any person who commits a parole-ineligible felony on or after  
4 January 1, 2024, but before January 1, 2025, is not eligible for release on  
5 parole.

6 (2) As used in this subsection, "parole-ineligible felony" means  
7 the same as a felony ineligible to receive earned release credits as defined  
8 in § 16-93-1802.

9  
10 SECTION 186. Arkansas Code § 16-93-612 is amended to read as follows:

11 16-93-612. Parole eligibility – Date of offense.

12 (a) A person's parole eligibility shall be determined by the laws in  
13 effect at the time of the offense for which he or she is sentenced to the  
14 Division of Correction.

15 (b) For an offender serving a sentence for a felony committed before  
16 April 1, 1977, § 16-93-601 governs that person's parole eligibility.

17 (c) For an offender serving a sentence for a felony committed between  
18 April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole  
19 eligibility.

20 (d) For an offender serving a sentence for a felony committed on or  
21 after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that  
22 person's parole eligibility.

23 (e) For an offender serving a sentence for a felony committed on or  
24 after January 1, 1994, but before January 1, 2025, § 16-93-614 governs that  
25 person's parole eligibility, unless otherwise noted and except:

26 (1) If the felony is murder in the first degree, § 5-10-102,  
27 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-  
28 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the  
29 offense occurred after July 28, 1995, but before January 1, 2025, § 16-93-618  
30 governs that person's parole eligibility;

31 (2) If the felony is manufacturing methamphetamine, § 5-64-  
32 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the  
33 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the  
34 offense occurred after April 9, 1999, but before January 1, 2025, § 16-93-618  
35 governs that person's parole eligibility;

36 (3) If the felony is battery in the second degree, § 5-13-202,



1 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic  
2 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-  
3 201(a), and the offense occurred on or after April 1, 2015, but before  
4 January 1, 2025, § 16-93-620 governs that person's parole eligibility; ~~or~~

5 (4) If the felony was committed by a person who was a minor at  
6 the time of the offense, he or she was committed to the former Department of  
7 Correction, or to the division, and the offense occurred before, on, or after  
8 March 20, 2017, § 16-93-621 governs the date on which that ~~person's parole~~,  
9 eligibility person becomes eligible for consideration for release;

10 (5) If the felony was committed prior to January 1, 2025, § 16-  
11 93-701 et seq. governs procedures for consideration for parole or transfer to  
12 the Division of Community Correction; and

13 (6) If the felony was committed on or after January 1, 2025, §  
14 16-93-1901 et. seq., governs procedures for consideration for transfer to  
15 post-release supervision.

16 (f) For an offender serving a sentence for a felony committed on or  
17 after January 1, 1994, but before January 1, 2025, § 16-93-615 governs that  
18 person's parole eligibility procedures.

19 (g) Notwithstanding any law allowing the award of meritorious good  
20 time, earned release credits, or any other law to the contrary, if the felony  
21 is an offense that is subject to delayed release under § 5-4-405 and was  
22 committed on or after July 28, 2021, the person shall not be eligible for  
23 parole or community correction transfer until the person serves a minimum of  
24 eighty percent (80%) of the term of imprisonment to which the person is  
25 sentenced.

26  
27 SECTION 187. Arkansas Code § 16-93-614(b)(3), concerning offenses  
28 committed after January 1, 1994, is amended to read as follows:

29 (3) A person who has committed a felony who is within a target  
30 group as currently defined under § 16-93-1202(10) and who is released on  
31 parole shall be eligible, pursuant to rules established by the ~~Parole Post-~~  
32 Prison Transfer Board, for commitment to a community correction facility if  
33 he or she is found to be in violation of any of his or her parole conditions,  
34 unless the parole violation constitutes a nontarget felony offense.

35  
36 SECTION 188. Arkansas Code § 16-93-615(a), concerning parole

1 eligibility procedures for offenses committed after January 1, 1994, is  
2 amended to read as follows:

3 (a)(1)(A) An inmate under sentence for any felony, except those listed  
4 in § 5-4-104(c)(2) or subsection (b) of this section, shall be transferred  
5 from the Division of Correction to the Division of Community Correction under  
6 this section and §§ 16-93-614, 16-93-616, and 16-93-617, subject to rules  
7 promulgated by the Board of Corrections or the ~~Parole~~ Post-Prison Transfer  
8 Board and conditions adopted by the ~~Parole~~ Post-Prison Transfer Board.

9 (B) The determination under subdivision (a)(1)(A) of this  
10 section shall be made by reviewing information such as the result of the  
11 risk-needs assessment to inform the decision of whether to release a person  
12 on parole by quantifying that person's risk to reoffend, and if parole is  
13 granted, this information shall be used to set conditions for supervision.

14 (C) The ~~Parole~~ Post-Prison Transfer Board shall begin  
15 transfer release proceedings or a preliminary review under this subchapter no  
16 later than six (6) months before a person's transfer eligibility date, and  
17 the ~~Parole~~ Post-Prison Transfer Board shall authorize jacket review  
18 procedures no later than six (6) months before a person's transfer  
19 eligibility at all institutions holding parole-eligible inmates to prepare  
20 parole applications.

21 (D) This review may be conducted without a hearing when  
22 the inmate has not received a major disciplinary report against him or her  
23 that resulted in the loss of good time, there has not been a request by a  
24 victim to have input on transfer conditions, and there is no indication in  
25 the risk-needs assessment review that special conditions need to be placed on  
26 the inmate.

27 (2)(A) When one (1) or more of the circumstances in subdivision  
28 (a)(1) of this section are present, the ~~Parole~~ Post-Prison Transfer Board  
29 shall conduct a hearing to determine the appropriateness of the inmate for  
30 transfer.

31 (B) The ~~Parole~~ Post-Prison Transfer Board has two (2)  
32 options:

33 (i) To transfer the individual to the Division of  
34 Community Correction accompanied by notice of conditions of the transfer,  
35 including without limitation:

36 (a) Supervision levels;

1 (b) Economic fee sanction;  
2 (c) Treatment program;  
3 (d) Programming requirements; and  
4 (e) Facility placement when appropriate; or  
5 (ii) To deny transfer based on a set of established  
6 criteria and to accompany the denial with a prescribed course of action to be  
7 undertaken by the inmate to rectify the ~~Parole~~ Post-Prison Transfer Board's  
8 concerns.

9 (C) Upon completion of the course of action determined by  
10 the ~~Parole~~ Post-Prison Transfer Board and after final review of the inmate's  
11 file to ensure successful completion, the ~~Parole~~ Post-Prison Transfer Board  
12 shall authorize the inmate's transfer to the Division of Community Correction  
13 under this section and §§ 16-93-614, 16-93-616, and 16-93-617, in accordance  
14 with administrative policies and procedures governing the transfer and  
15 subject to conditions attached to the transfer.

16 (3) Should an inmate fail to fulfill the course of action  
17 outlined by the ~~Parole~~ Post-Prison Transfer Board to facilitate transfer to  
18 community correction, it shall be the responsibility of the inmate to  
19 petition the ~~Parole~~ Post-Prison Transfer Board for rehearing.

20 (4)(A) The ~~Parole~~ Post-Prison Transfer Board shall conduct open  
21 meetings and shall make public its findings for each eligible candidate for  
22 parole.

23 (B)(i) Open meetings held under subdivision (a)(2)(A) of  
24 this section may be conducted through video-conference technology if the  
25 person is housed at that time in a county jail and if the technology is  
26 available.

27 (ii) Open meetings utilizing video-conference  
28 technology shall be conducted in public.

29 (5) Inmate interviews and related deliberations may be closed to  
30 the public.

31  
32 SECTION 189. The introductory language of Arkansas Code § 16-93-  
33 615(b)(1), concerning parole eligibility procedures for offenses committed  
34 after January 1, 1994, is amended to read as follows:

35 (b)(1) An inmate under sentence for one (1) of the following felonies  
36 is eligible for discretionary transfer to the Division of Community

1 Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-  
2 third ( $\frac{1}{3}$ ) or one-half ( $\frac{1}{2}$ ) of his or her sentence, with credit for meritorious  
3 good time, depending on the seriousness determination made by the Arkansas  
4 Sentencing Commission, or one-half ( $\frac{1}{2}$ ) of the time to which his or her  
5 sentence is commuted by executive clemency, with credit for meritorious good  
6 time:

7  
8 SECTION 190. Arkansas Code § 16-93-615(b)(3)-(6), concerning parole  
9 eligibility procedures for offenses committed after January 1, 1994, are  
10 amended to read as follows:

11 (3)(A) Review of an inmate convicted of the enumerated offenses  
12 in subdivision (b)(1) of this section shall be based upon policies and  
13 procedures adopted by the ~~Parole~~ Post-Prison Transfer Board for the review,  
14 and the ~~Parole~~ Post-Prison Transfer Board shall conduct a risk-needs  
15 assessment review.

16 (B) The policies and procedures shall include a provision  
17 for notification of the victim or victims that a hearing shall be held and  
18 records kept of the proceedings and that there be a listing of the criteria  
19 upon which a denial may be based.

20 (4) Any transfer of an offender specified in this subsection  
21 shall be issued upon an order, duly adopted, of the ~~Parole~~ Post-Prison  
22 Transfer Board in accordance with such policies and procedures.

23 (5) After the ~~Parole~~ Post-Prison Transfer Board has fully  
24 considered and denied the transfer of an offender sentenced for committing an  
25 offense listed in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison  
26 Transfer Board may delay any reconsideration of the transfer for a maximum  
27 period of two (2) years.

28 (6) Notification of the court, prosecutor, county sheriff, and  
29 the victim or the victim's next of kin for a person convicted of an offense  
30 listed in subdivision (b)(1) of this section shall follow the procedures set  
31 forth below:

32 (A)(i) Before the ~~Parole~~ Post-Prison Transfer Board shall  
33 grant any transfer, the ~~Parole~~ Post-Prison Transfer Board shall solicit the  
34 written or oral recommendations of the committing court, the prosecuting  
35 attorney, and the county sheriff of the county from which the inmate was  
36 committed.

1 (ii) If the person whose transfer is being  
2 considered by the ~~Parole~~ Post-Prison Transfer Board was convicted of one (1)  
3 of the offenses enumerated in subdivision (b)(1) of this section, the ~~Parole~~  
4 Post-Prison Transfer Board shall also notify the victim of the crime or the  
5 victim's next of kin of the transfer hearing and shall solicit written or  
6 oral recommendations of the victim or his or her next of kin regarding the  
7 granting of the transfer unless the prosecuting attorney has notified the  
8 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the prisoner  
9 that the victim or his or her next of kin does not want to be notified of  
10 future transfer hearings.

11 (iii) The recommendations shall not be binding upon  
12 the ~~Parole~~ Post-Prison Transfer Board in the granting of any transfer but  
13 shall be maintained in the inmate's file.

14 (iv) When soliciting recommendations from a victim  
15 of a crime, the ~~Parole~~ Post-Prison Transfer Board shall notify the victim or  
16 his or her next of kin of the date, time, and place of the transfer hearing;

17 (B)(i) The ~~Parole~~ Post-Prison Transfer Board shall not  
18 schedule transfer hearings at which victims or relatives of victims of crimes  
19 are invited to appear at a facility wherein inmates are housed other than the  
20 Central Administration Building of the Division of Correction at Pine Bluff.

21 (ii) Nothing herein shall be construed as  
22 prohibiting the ~~Parole~~ Post-Prison Transfer Board from conducting transfer  
23 hearings in two (2) sessions, one (1) at the place of the inmate's  
24 incarceration for interviews with the inmate, the inmate's witnesses, and  
25 correctional personnel, and the second session for victims and relatives of  
26 victims as set out in subdivision (b)(6)(B)(i) of this section;

27 (C)(i) At the time that any person eligible under  
28 subdivision (c)(1) of this section is transferred by the ~~Parole~~ Post-Prison  
29 Transfer Board, the Division of Community Correction shall give written  
30 notice of the granting of the transfer to the county sheriff, the committing  
31 court, and the chief of police of each city of the first class of the county  
32 from which the person was sentenced.

33 (ii) If the person is transferred to a county other  
34 than that from which he or she was committed, the ~~Parole~~ Post-Prison Transfer  
35 Board shall give notice to the chief of police or marshal of the city to  
36 which he or she is transferred, to the chief of police of each city of the

1 first class and the county sheriff of the county to which he or she is  
2 transferred, and to the county sheriff of the county from which the person  
3 was committed; and

4 (D)(i) It shall be the responsibility of the prosecuting  
5 attorney of the county from which the inmate was committed to notify the  
6 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the desire of  
7 the victim or his or her next of kin to be notified of any future transfer  
8 hearings and to forward to the ~~Parole~~ Post-Prison Transfer Board the last  
9 known address and telephone number of the victim or his or her next of kin.

10 (ii) It shall be the responsibility of the victim or  
11 his or her next of kin to notify the ~~Parole~~ Post-Prison Transfer Board of any  
12 change in address or telephone number.

13 (iii) It shall be the responsibility of the victim  
14 or his or her next of kin to notify the ~~Parole~~ Post-Prison Transfer Board  
15 after the date of commitment of any change in regard to the desire to be  
16 notified of any future transfer hearings.

17  
18 SECTION 191. Arkansas Code § 16-93-615(c)-(i), concerning parole  
19 eligibility procedures for offenses committed after January 1, 1994, are  
20 amended to read as follows:

21 (c)(1) In all other felonies committed before January 1, 2025, before  
22 the ~~Parole~~ Post-Prison Transfer Board sets conditions for transfer of an  
23 inmate to community correction, a victim, or his or her next of kin in cases  
24 in which the victim is unable to express his or her wishes, who has expressed  
25 the wish to be consulted by the ~~Parole~~ Post-Prison Transfer Board shall be  
26 notified of the date, time, and place of the transfer hearing.

27 (2)(A) A victim or his or her next of kin who wishes to be  
28 consulted by the ~~Parole~~ Post-Prison Transfer Board shall inform the ~~Parole~~  
29 Post-Prison Transfer Board in writing at the time of sentencing.

30 (B) A victim or his or her next of kin who does not so  
31 inform the ~~Parole~~ Post-Prison Transfer Board shall not be notified by the  
32 ~~Parole~~ Post-Prison Transfer Board.

33 (3)(A) Victim input to the ~~Parole~~ Post-Prison Transfer Board  
34 shall be limited to oral or written recommendations on conditions relevant to  
35 the offender under review for transfer.

36 (B) The recommendations shall not be binding on the ~~Parole~~

1 Post-Prison Transfer Board, but shall be given due consideration within the  
2 resources available for transfer.

3 (d)(1) The ~~Parole~~ Post-Prison Transfer Board shall approve a set of  
4 conditions that shall be applicable to all inmates transferred from the  
5 Division of Correction to the Division of Community Correction.

6 (2) The set of conditions is subject to periodic review and  
7 revision as the ~~Parole~~ Post-Prison Transfer Board deems necessary.

8 (e)(1) The course of action required by the ~~Parole~~ Post-Prison  
9 Transfer Board shall not be outside the current resources of the Division of  
10 Correction nor the conditions set be outside the current resources of the  
11 Division of Community Correction.

12 (2) However, the Division of Correction and Division of  
13 Community Correction shall strive to accommodate the actions required by the  
14 Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board to the best of  
15 their abilities.

16 (f) Transfer is not an award of clemency, and it shall not be  
17 considered as a reduction of sentence or a pardon.

18 (g) Every inmate while on transfer status shall remain in the legal  
19 custody of the Division of Correction under the supervision of the Division  
20 of Community Correction and subject to the orders of the ~~Parole~~ Post-Prison  
21 Transfer Board.

22 (h) An inmate who is sentenced under the provisions of § 5-4-501(c) or  
23 § 5-4-501(d) for a serious violent felony or a felony involving violence may  
24 be considered eligible for parole or for community correction transfer upon  
25 reaching regular parole or transfer eligibility, but only after reaching a  
26 minimum age of fifty-five (55) years.

27 (i) Decisions on parole release, courses of action applicable prior to  
28 transfer, and transfer conditions to be set by the ~~Parole~~ Post-Prison  
29 Transfer Board shall be based on a reasoned and rational plan developed in  
30 conjunction with an accepted risk-needs assessment tool such that each  
31 decision is defensible based on preestablished criteria.

32  
33 SECTION 192. Arkansas Code § 16-93-617(a), concerning revocation of  
34 transfer for offenses committed after January 1, 1994, is amended to read as  
35 follows:

36 (a) In the event an offender transferred under this section, §§ 16-93-

1 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or  
2 her transfer, a hearing shall follow all applicable legal requirements and  
3 shall be subject to any additional policies and rules set by the ~~Parole Post-~~  
4 Prison Transfer Board.

5  
6 SECTION 193. The introductory language for Arkansas Code § 16-93-  
7 618(a)(1), concerning parole eligibility for Class Y felony offenses and  
8 certain methamphetamine offenses, is amended to read as follows:

9 (a)(1) Notwithstanding any law allowing the award of meritorious good  
10 time or any other law to the contrary, and subject to provisions requiring  
11 that an offender serve a greater percentage of his or her sentence in § 16-  
12 93-609 or delayed release under § 5-4-405, a person who is found guilty of or  
13 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this  
14 section for an offense committed before January 1, 2025, shall not be  
15 eligible for parole or community correction transfer, except as provided in  
16 subdivision (a)(3) of this section or subsection (c) of this section, until  
17 the person serves seventy percent (70%) of the term of imprisonment to which  
18 the person is sentenced, including a sentence prescribed under § 5-4-501:

19  
20 SECTION 194. Arkansas Code § 16-93-619 is amended to read as follows:

21 16-93-619. Rulemaking authority.

22 The ~~Parole Post-Prison Transfer~~ Board may adopt rules to implement,  
23 administer, and enforce this subchapter.

24  
25 SECTION 195. The introductory language of Arkansas Code § 16-93-  
26 620(a), concerning parole eligibility procedures for offenses committed after  
27 April 1, 2015, is amended to read as follows:

28 (a) An inmate sentenced for one (1) of the following felonies on or  
29 after April 1, 2015, is eligible for discretionary transfer to the ~~Department~~  
30 Division of Community Correction by the ~~Parole Post-Prison Transfer~~ Board  
31 after having served one-third ( $\frac{1}{3}$ ) or one-half ( $\frac{1}{2}$ ) of his or her sentence,  
32 with credit for meritorious good time, depending on the seriousness  
33 determination made by the Arkansas Sentencing Commission, or one-half ( $\frac{1}{2}$ ) of  
34 the time to which his or her sentence is commuted:

35  
36 SECTION 196. Arkansas Code § 16-93-621, is amended to read as follows:



1 16-93-621. Parole or post-release supervision eligibility – A person  
2 who was a minor at the time of committing an offense that was committed  
3 before, on, or after March 20, 2017.

4 (a)(1)(A) A minor who was convicted and sentenced to the former  
5 Department of Correction or the Division of Correction for an offense  
6 committed before he or she was eighteen (18) years of age and in which the  
7 death of another person did not occur is eligible for release on parole or  
8 transfer to post-release supervision no later than after twenty (20) years of  
9 incarceration, including any applicable sentencing enhancements, and  
10 including an instance in which multiple sentences are to be served  
11 consecutively or concurrently, unless by law the minor is eligible for  
12 earlier parole or post-release supervision eligibility.

13 (B) Subdivision (a)(1)(A) of this section applies  
14 retroactively to a minor whose offense was committed before he or she was  
15 eighteen (18) years of age, including a minor serving a sentence of life,  
16 regardless of the original sentences that were imposed.

17 (2)(A) A minor who was convicted and sentenced to the department  
18 or the division for an offense committed before he or she was eighteen (18)  
19 years of age, in which the death of another person occurred, and that was  
20 committed before, on, or after March 20, 2017, is eligible for release on  
21 parole or transfer to post-release supervision no later than after twenty-  
22 five (25) years of incarceration if he or she was convicted of murder in the  
23 first degree, § 5-10-102, or no later than after thirty (30) years of  
24 incarceration if he or she was convicted of capital murder, § 5-10-101,  
25 including any applicable sentencing enhancements, unless by law the minor is  
26 eligible for earlier parole or post-release supervision eligibility.

27 (B) Subdivision (a)(2)(A) of this section applies  
28 retroactively to a minor whose offense was committed before he or she was  
29 eighteen (18) years of age, including minors serving sentences of life,  
30 regardless of the original sentences that were imposed.

31 (3) Credit for meritorious good time or earned release credits  
32 shall not be applied to calculations of time served under this subsection for  
33 minors convicted and sentenced for capital murder, § 5-10-101(c), or when a  
34 life sentence is imposed for murder in the first degree, § 5-10-102.

35 (4) The calculation of the time periods under this subsection  
36 shall include any applicable sentence enhancements to which the minor was

1 sentenced that accompany the sentence for the underlying offense.

2 (b)(1) The ~~Parole~~ Post-Prison Transfer Board shall ensure that a  
3 hearing to consider the parole or post-release supervision eligibility of a  
4 person who was a minor at the time of the offense that was committed before,  
5 on, or after March 20, 2017, takes into account how a minor offender is  
6 different from an adult offender and provides a person who was a minor at the  
7 time of the offense that was committed before, on, or after March 20, 2017,  
8 with a meaningful opportunity to be released on parole or post-release  
9 supervision based on demonstrated maturity and rehabilitation.

10 (2) During a parole eligibility or transfer hearing involving a  
11 person who was a minor at the time of the offense that was committed before,  
12 on, or after March 20, 2017, the board shall take into consideration in  
13 addition to other factors required by law to be considered by the board:

14 (A) The diminished culpability of minors as compared to  
15 that of adults;

16 (B) The hallmark features of youth;

17 (C) Subsequent growth and increased maturity of the person  
18 during incarceration;

19 (D) Age of the person at the time of the offense;

20 (E) Immaturity of the person at the time of the offense;

21 (F) The extent of the person's role in the offense and  
22 whether and to what extent an adult was involved in the offense;

23 (G) The person's family and community circumstances at the  
24 time of the offense, including any history of abuse, trauma, and involvement  
25 in the child welfare system;

26 (H) The person's participation in available rehabilitative  
27 and educational programs while in prison, if those programs have been made  
28 available, or use of self-study for self-improvement;

29 (I) The results of comprehensive mental health evaluations  
30 conducted by an adolescent mental health professional licensed in the state  
31 at the time of sentencing and at the time the person becomes eligible for  
32 parole or transfer to post-release supervision under this section; and

33 (J) Other factors the board deems relevant.

34 (3) A person eligible for parole or transfer to post-release  
35 supervision under this section may have an attorney present to represent him  
36 or her at the parole eligibility or transfer hearing.

1 (c)(1)(A) The board shall notify a victim of the crime before the  
2 board reviews parole or transfer eligibility under this section for an inmate  
3 convicted of the crime and provide information regarding victim input  
4 meetings, as well as state and national victim resource information.

5 (B) If the victim is incapacitated or deceased, the notice  
6 under subdivision (c)(1)(A) of this section shall be given to the victim's  
7 family.

8 (C) If the victim is less than eighteen (18) years of age,  
9 the notice under subdivision (c)(1)(A) of this section shall be given to the  
10 victim's parent or guardian.

11 (2) Victim notification under this subsection shall include:

12 (A) The location, date, and time of parole or transfer  
13 review; and

14 (B) The name and phone number of the individual to contact  
15 for additional information.

16  
17 SECTION 197. Arkansas Code § 16-93-622, is amended to read as follows:  
18 16-93-622. Parole discharge for offenders who are minors –  
19 Reinstatement of rights.

20 (a) The ~~Parole~~ Post-Prison Transfer Board may discharge a person from  
21 parole or post-release supervision if:

22 (1) The person:

23 (A) Was released on parole or post-release supervision  
24 under § 16-93-621 for having committed an offense as a minor; and

25 (B) Has served at least five (5) years on parole or post-  
26 release supervision without a violation; and

27 (2) The prosecuting attorney in the county where the person was  
28 originally convicted has consented to the discharge of the person from parole  
29 or post-release supervision.

30 (b) Unless otherwise provided by Arkansas Constitution, Amendment 51,  
31 a person who has been discharged from parole or post-release supervision  
32 under subsection (a) of this section shall have his or her constitutional  
33 right to vote restored.

34  
35 SECTION 198. Arkansas Code § 16-93-701(a)(1), concerning the authority  
36 of the Post-Prison Transfer Board to grant release, is amended to read as

1 follows:

2 (a)(1) The ~~Parole~~ Post-Prison Transfer Board may release on parole any  
3 eligible inmate who is confined in any correctional institution administered  
4 by the Division of Correction or the Division of Community Correction, when  
5 in the board's opinion there is a reasonable probability that the inmate can  
6 be released without detriment to the community or himself or herself and is  
7 able and willing to fulfill the obligations of a law-abiding citizen.

8  
9 SECTION 199. Arkansas Code § 16-93-702(a), concerning recommendations  
10 solicited by the Post-Prison Transfer Board is amended to read as follows:

11 (a) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any  
12 parole, the board shall solicit the written or oral recommendations of the  
13 committing court, the prosecuting attorney, and the county sheriff of the  
14 county from which the inmate was committed.

15  
16 SECTION 200. Arkansas Code § 16-93-703(a), concerning place of hearing  
17 of the Post-Prison Transfer Board, is amended to read as follows:

18 (a) The ~~Parole~~ Post-Prison Transfer Board shall not schedule parole  
19 hearings at which victims or relatives of victims of crime are invited to  
20 appear at a facility wherein inmates are housed other than the Central  
21 Administration Building of the Division of Correction at Pine Bluff.

22  
23 SECTION 201. Arkansas Code § 16-93-704(a), concerning notice to law  
24 enforcement personnel and the committing court before a hearing of the Post-  
25 Prison Transfer Board, is amended to read as follows:

26 (a) At the time that any person is paroled by the ~~Parole~~ Post-Prison  
27 Transfer Board, the board shall give written notice of the granting of the  
28 parole to the county sheriff, the committing court, and the chief of police  
29 of all cities of the first class of the county from which the person was  
30 sentenced.

31  
32 SECTION 202. Arkansas Code § 16-93-705(a)(1)(A)(i), concerning  
33 procedures for parole revocation, is amended to read as follows:

34 (a)(1)(A)(i) At any time during a parolee's release on parole, the  
35 ~~Parole~~ Post-Prison Transfer Board may issue a warrant for the arrest of the  
36 parolee for violation of any conditions of parole or may issue a notice to

1 appear to answer a charge of a violation.

2  
3 SECTION 203. Arkansas Code § 16-93-705(a)(4), concerning procedures  
4 for parole revocation, is amended to read as follows:

5 (4) Any ~~parole~~ community supervision officer may arrest a  
6 parolee without a warrant or may deputize any officer with power of arrest to  
7 arrest the parolee without a warrant by giving him or her a written statement  
8 setting forth that the parolee, in the judgment of the parole officer,  
9 violated conditions of his or her parole.

10  
11 SECTION 204. Arkansas Code § 16-93-705(b)(5)-(8), concerning  
12 procedures for parole revocation, are amended to read as follows:

13 (5) If the ~~parole~~ revocation hearing judge finds that there is  
14 reasonable cause to believe that the parolee has violated a condition of  
15 parole, the ~~parole~~ revocation hearing judge may order the parolee returned to  
16 the nearest facility of the Division of Correction or Division of Community  
17 Correction where the parolee shall be placed in custody for a parole  
18 revocation hearing before the board.

19 (6) If the ~~parole~~ revocation hearing judge finds that there is  
20 reasonable cause to believe that the parolee has violated a condition of  
21 parole, the ~~parole~~ revocation hearing judge may return the parolee to parole  
22 supervision rather than to the custody of the Division of Correction and may  
23 impose additional supervision conditions in response to the violating  
24 conduct.

25 (7) If the ~~parole~~ revocation hearing judge does not find  
26 reasonable cause, he or she shall order the parolee released from custody,  
27 but that action shall not bar the board from holding a parole revocation  
28 hearing on the alleged violation of parole or from ordering the parolee to  
29 appear before the board.

30 (8) The ~~parole~~ revocation hearing judge shall prepare and  
31 furnish to the board and the parolee a summary of the parole revocation  
32 hearing, including the substance of the evidence and testimony considered  
33 along with the ruling or determination, within twenty-one (21) days from the  
34 date of the preliminary hearing, excluding a weekend, holiday, or delay  
35 caused by an act of nature.

1 SECTION 205. Arkansas Code § 16-93-705(d)(1), concerning procedures  
2 for parole revocation, is amended to read as follows:

3 (1) The parolee shall have the right to confront and cross-  
4 examine adverse witnesses unless the ~~parole~~ revocation hearing judge or the  
5 board or its designee specifically finds good cause for not allowing  
6 confrontation; and  
7

8 SECTION 206. Arkansas Code § 16-93-706(a)(1), concerning the subpoena  
9 of witnesses and documents for a parole revocation hearing, is amended to  
10 read as follows:

11 (a)(1) The Chair of the ~~Parole~~ Post-Prison Transfer Board or his or  
12 her designee, the hearing officer presiding over any preliminary hearing with  
13 respect to an alleged parole violation, the administrator of the ~~Parole Post-~~  
14 Prison Transfer Board, or any member of the board pursuant to the authority  
15 of the board to meet and determine whether to revoke parole shall have the  
16 power to issue oaths and to subpoena witnesses to appear and testify and  
17 bring before the hearing officer or the board any relevant books, papers,  
18 records, or documents.  
19

20 SECTION 207. Arkansas Code § 16-93-708(b)(1)(A), concerning home  
21 detention as a parole alternative, is amended to read as follows:

22 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this  
23 section, a defendant convicted of a felony or misdemeanor and sentenced to  
24 imprisonment may be incarcerated in a home detention program when the  
25 Director of the ~~Department~~ Division of Correction or the Director of the  
26 ~~Department~~ Division of Community Correction communicates to the ~~Parole Post-~~  
27 Prison Transfer Board when, in the independent opinions of either a  
28 ~~Department~~ Division of Correction physician or ~~Department~~ Division of  
29 Community Correction physician and a consultant physician in Arkansas, an  
30 inmate is either terminally ill, permanently incapacitated, or would be  
31 suitable for hospice care and should be considered for transfer to parole  
32 supervision.  
33

34 SECTION 208. Arkansas Code § 16-93-708(b)(1)(B), concerning home  
35 detention as a parole alternative, is amended to read as follows:

36 (B) The Director of the ~~Department~~ Division of Correction

1 or the Director of the ~~Department~~ Division of Community Correction shall make  
2 the facts described in subdivision (b)(1)(A) of this section known to the  
3 ~~Parole~~ Post-Prison Transfer Board for consideration of early release to home  
4 detention.

5  
6 SECTION 209. Arkansas Code § 16-93-709(a), concerning the prohibition  
7 on a sex offender residing with a minor, is amended to read as follows:

8 (a) Whenever an inmate in a facility of the Division of Correction who  
9 has been found guilty of or has pleaded guilty or nolo contendere to any  
10 sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-  
11 202, and the sexual offense or incest was perpetrated against a minor,  
12 becomes eligible for parole and makes application for release on parole, the  
13 ~~Parole~~ Post-Prison Transfer Board shall prohibit, as a condition of granting  
14 the parole, the parolee from residing upon parole in a residence with any  
15 minor, unless the board makes a specific finding that the inmate poses no  
16 danger to the minors residing in the residence.

17  
18 SECTION 210. Arkansas Code § 16-93-710(a)(1), concerning parole for  
19 inmates who have served imprisonment in the county jail prior to being  
20 processed into the Division of Correction, is amended to read as follows:

21 (a)(1) Subject to conditions set by the ~~Parole~~ Post-Prison Transfer  
22 Board, an offender convicted of a felony and sentenced to a term of  
23 imprisonment of two (2) years or less in the Division of Correction, and who  
24 has served his or her term of imprisonment in a county jail prior to being  
25 processed into the Division of Correction, may be paroled from the Division  
26 of Correction county jail backup facility directly to the Division of  
27 Community Correction under parole supervision, and upon eligibility  
28 determination, processed for release by the board.

29  
30 SECTION 211. Arkansas Code § 16-93-711(b)(1)(B), concerning electronic  
31 monitoring as a parole alternative, is amended to read as follows:

32 (B) The Director of the ~~Department~~ Division of Correction  
33 shall make the facts described in subdivision (b)(1)(A) of this section known  
34 to the ~~Parole~~ Post-Prison Transfer Board for consideration of electronic  
35 monitoring.

1 SECTION 212. Arkansas Code § 16-93-712(a)(1), concerning parole  
2 supervision, is amended to read as follows:

3 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall establish written  
4 policies and procedures governing the supervision of parolees designed to  
5 enhance public safety and to assist the parolees in reintegrating into  
6 society.

7  
8 SECTION 213. The introductory language of Arkansas Code § 16-93-  
9 712(b), concerning parole supervision, is amended to read as follows:

10 (b) A ~~parole~~ community supervision officer shall:

11  
12 SECTION 214. Arkansas Code § 16-93-712(b)(1), concerning the duties of  
13 a community supervision officer in relation to parole supervision, is amended  
14 to read as follows:

15 (1) Investigate each case referred to him or her by the Chair of  
16 the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction,  
17 or the prosecuting attorney;

18  
19 SECTION 215. Arkansas Code § 16-93-712(d)(2)(A)(i) and (ii),  
20 concerning the sanctioning grid required for parole supervision, are amended  
21 to read as follows:

22 (2)(A)(i) The Division of Community Correction shall develop an  
23 intermediate sanctions procedure and grid to guide a ~~parole~~ community  
24 supervision officer in determining the appropriate response to a violation of  
25 conditions of supervision.

26 (ii) The intermediate sanctions procedure shall  
27 include a requirement that the ~~parole~~ community supervision officer consider  
28 multiple factors when determining the sanction to be imposed, including  
29 previous violations and sanctions and the severity of the current and prior  
30 violation.

31  
32 SECTION 216. Arkansas Code § 16-93-712(d)(2), concerning the  
33 sanctioning grid required for community supervision, is amended to add an  
34 additional subdivision to read as follows:

35 (C) The intermediate sanctioning grid shall include:

36 (i) An assignment of point values to commonly



1 occurring violations of terms of parole or criminal behavior;

2 (ii) An assignment of point values to behaviors that  
3 decrease the likelihood of recidivism, including without limitation:

4 (a) Education;

5 (b) Workforce development;

6 (c) Community service; and

7 (d) Behavioral health programming;

8 (iii) Details on the mechanisms by which points are  
9 accumulated and reduced; and

10 (iv) Guidance on which intermediate sanctions should  
11 be applied at which point thresholds.

12  
13 SECTION 217. Arkansas Code § 16-93-712(d)(2)(B)(d), concerning  
14 sanctions permitted for parole supervision, is amended to read as follows:

15 (d) A parolee may not be incarcerated more  
16 than two (2) times as a parole sanction in a Division of Community Correction  
17 facility or Division of Correction facility during a two-year period.

18  
19 SECTION 218. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b), concerning  
20 sanctions permitted for parole supervision, is amended to read as follows:

21 (b) A parolee shall accumulate no more than  
22 twenty-one (21) days' incarceration in a county jail or no more than two  
23 hundred forty (240) days' incarceration in a Division of Community Correction  
24 facility or Division of Correction facility as an intermediate sanction  
25 before the ~~parole~~ community supervision officer recommends a violation of the  
26 person's parole under § 16-93-706.

27  
28 SECTION 219. Arkansas Code § 16-93-713, is amended to read as follows:  
29 16-93-713. Rulemaking authority.

30 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,  
31 administer, and enforce this subchapter.

32  
33 SECTION 220. Arkansas Code § 16-93-714, is amended to read as follows:  
34 16-93-714. Denial of parole – Detriment to the community.

35 The ~~Parole~~ Post-Prison Transfer Board may deny parole to any otherwise  
36 eligible person, regardless of the sentence that he or she is serving, if

1 five (5) members of the board determine that the person upon release would be  
2 a detriment to the community into which the person would be released.

3  
4 SECTION 221. Arkansas Code § 16-93-715(b)(2)(C), concerning revocation  
5 of parole after sanctions for technical violations, is amended to read as  
6 follows:

7 (C) A parolee is subject to having his or her parole  
8 revoked and being returned to the Division of Correction or the Division of  
9 Community Correction under this section without having been sanctioned for a  
10 period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of  
11 this section if the ~~Parole~~ Post-Prison Transfer Board determines by a  
12 preponderance of the evidence that the parolee is engaging in or has engaged  
13 in behavior that poses a threat to the community.

14  
15 SECTION 222. Arkansas Code § 16-93-1202(4), concerning the definitions  
16 to be used in relation to community correction, is amended to read as  
17 follows:

18 (4) "Division of Community Correction" means the administrative  
19 structure in place to oversee the development and operation of community  
20 correction facilities, programs, and services, including probation, ~~and~~  
21 parole, and post-release supervision;

22  
23 SECTION 223. Arkansas Code § 16-93-1202(8), concerning the definitions  
24 to be used in relation to community correction, is amended to read as  
25 follows:

26 (8) "Supervision" means direct supervision at varying levels of  
27 intensity by ~~either probation~~ community supervision officers in the case of  
28 sentences to probation with a condition of community correction, ~~or parole~~  
29 ~~and post-prison supervision officers, in the case of~~ or offenders eligible  
30 for release on parole or offenders transferred to community correction or  
31 community supervision from the Division of Correction;

32  
33 SECTION 224. Arkansas Code § 16-93-1202(10), concerning the  
34 definitions to be used in relation to community correction, is amended to  
35 read as follows:

36 (10)(A)(i) "Target group" means a group of offenders who have

1 committed one (1) or more of the following offenses without limitation:

2 ~~(a) Terroristic threatening, § 5-13-301, if a~~  
3 ~~firearm was not used or brandished during the commission of the offense;~~

4 ~~(b)(a)~~ Endangering the welfare of a minor in the  
5 first degree, § 5-27-205;

6 ~~(e)(b)~~ Theft, § 5-36-101 et seq.;

7 ~~(d)(c)~~ Theft by receiving, § 5-36-106;

8 ~~(e)(d)~~ Fraudulent use of a credit card or debit  
9 card, § 5-37-207;

10 ~~(f)(e)~~ Violation of the Arkansas Hot Check Law, § 5-  
11 37-301 et seq.;

12 ~~(g)(f)~~ Criminal mischief in the first degree, § 5-  
13 38-203, and criminal mischief in the second degree, § 5-38-204;

14 ~~(h)(g)~~ Commercial burglary, § 5-39-201(b);

15 ~~(i)(h)~~ Breaking or entering, § 5-39-202;

16 ~~(j)(i)~~ Failure to appear, § 5-54-120;

17 ~~(k)(j)~~ Drug paraphernalia, § 5-64-443;

18 ~~(l)(k)~~ Driving or boating while intoxicated, § 5-65-  
19 103, fourth or subsequent offense;

20 ~~(m)(l)~~ Leaving the scene of an accident resulting in  
21 death or injury, § 27-53-101;

22 ~~(n)(m)~~ A Class B felony, Class C felony, or Class D  
23 felony that is not violent or sexual and that meets the eligibility criteria  
24 determined by the General Assembly to have significant impact on the use of  
25 correctional resources;

26 ~~(o)(n)~~ A controlled substance felony, other than  
27 trafficking a controlled substance, § 5-64-440;

28 ~~(p)(o)~~ An unclassified felony for which the  
29 prescribed limitations on the sentence do not exceed the prescribed  
30 limitations for a Class B felony and that is not violent or sexual; and

31 ~~(q)(p)~~ Solicitation, attempt, or conspiracy to  
32 commit an offense listed in this subdivision (10)(A)(i).

33 (ii) As used in this subdivision (10)(A), "violent or  
34 sexual" includes:

35 (a) An offense against the person under § 5-10-101  
36 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-

1 310, and § 5-14-101 et seq.; ~~and~~

2 (b) A felony ineligible to receive earned release  
3 credits or a restricted release felony, as defined in § 16-93-1802; and

4 ~~(b)~~(c) An offense containing as an element of the  
5 offense the use of physical force, the threatened use of serious physical  
6 force, the infliction of physical injury, or the creation of a substantial  
7 risk of serious physical injury, and an offense for which the offender is  
8 required to register as a sex offender under the Sex Offender Registration  
9 Act of 1997, § 12-12-901 et seq.

10 (iii) For the purpose of the sealing of a criminal record  
11 under § 16-93-1207, "target group" includes any misdemeanor conviction except  
12 a misdemeanor conviction for which the offender is required to register as a  
13 sex offender or a misdemeanor conviction for driving while intoxicated.

14 (B) Except for those offenders assigned to a technical violator  
15 program, only those offenders falling within the target group population may  
16 access community correction facilities whether by judicial transfer,  
17 administrative transfer, drug court sanction, or probation sanction.

18 (C) Final determination of eligibility for placement in any  
19 community correction center or program is the responsibility of the Division  
20 of Community Correction;  
21

22 SECTION 225. Arkansas Code § 16-93-1208(a)(1)(A), concerning post-  
23 commitment transfer to community correction, is amended to read as follows:

24 (a)(1)(A) Upon commitment of an eligible offender to the Division of  
25 Correction, the Division of Correction will transfer the eligible offender to  
26 a community correction program, when he or she reaches his or her transfer  
27 date, in accordance with the rules promulgated by the Board of Corrections  
28 and conditions set by the ~~Parole~~ Post-Prison Transfer Board.  
29

30 SECTION 226. Arkansas Code § 16-93-1208(a)(2), concerning post-  
31 commitment transfer to community correction, is amended to read as follows:

32 (2) A person eligible for release from incarceration on parole  
33 or post-release supervision may be placed in community correction programming  
34 while under parole supervision or post-release supervision upon the  
35 recommendation of the condition by the releasing authority.  
36

1 SECTION 227. Arkansas Code § 16-93-1209, concerning post-commitment  
2 transfer to community correction, is amended to read as follows:

3 16-93-1209. Liability.

4 The Division of Correction, the Board of Corrections, the Division of  
5 Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and all  
6 governmental agencies and units utilizing eligible offenders in community  
7 correction programs as defined in this subchapter are immune from liability  
8 and suit for damages, and no tort action shall lie against the Division of  
9 Correction, the Board of Corrections, the Division of Community Correction,  
10 the ~~Parole~~ Post-Prison Transfer Board, and any governmental agency or unit or  
11 any of their employees because of any acts of eligible offenders utilized  
12 under the provisions of this subchapter.

13  
14 SECTION 228. Arkansas Code § 16-93-1401(2), concerning notification of  
15 offenders' acquired immune deficiency syndrome status and related  
16 definitions, is amended to read as follows:

17 (2) "~~Parole or probation~~ Community supervision officer" means a  
18 parole, post-release supervision, or probation officer of the ~~Department~~  
19 Division of Community Correction.

20  
21 SECTION 229. Arkansas Code § 16-93-1402(a), concerning notification of  
22 offenders' acquired immune deficiency syndrome status, is amended to read as  
23 follows:

24 (a) The purpose of this subchapter is to provide ~~parole or probation~~  
25 community supervision officers with information so they can make informed  
26 programming decisions and direct offenders to autoimmune deficiency syndrome-  
27 related resources, including appropriate financial, housing, legal, medical,  
28 and counseling services.

29  
30 SECTION 230. Arkansas Code § 16-93-1402(b), concerning notification of  
31 offenders' acquired immune deficiency syndrome status, is amended to read as  
32 follows:

33 (b) Upon the release of an offender from a correctional institution, a  
34 medical representative of the correctional institution shall notify the  
35 offender's ~~parole or probation~~ community supervision officer when the  
36 offender has tested positive for infection with human immunodeficiency virus

1 (HIV), or has been diagnosed as having acquired deficiency syndrome (AIDS) or  
2 acquired immune deficiency syndrome-related conditions.

3  
4 SECTION 231. Arkansas Code § 16-93-1402(c), concerning notification of  
5 offenders' acquired immune deficiency syndrome status, is amended to read as  
6 follows:

7 (c) Information obtained by a ~~parole or probation~~ community  
8 supervision officer pursuant to this subchapter shall be confidential and  
9 shall not be disclosed except as specifically authorized by this subchapter.

10  
11 SECTION 232. Arkansas Code § 16-93-1602(3)(A), concerning definitions  
12 related to transitional housing for offenders transferring from the Division  
13 of Correction, is amended to read as follows:

14 (3)(A) "Transitional housing" means a program that provides  
15 housing for one (1) or more offenders who either have been transferred or  
16 paroled from the Division of Correction by the ~~Parole~~ Post-Prison Transfer  
17 Board or placed on probation by a circuit court or district court.

18  
19 SECTION 233. Arkansas Code § 16-93-1603(b)(1), concerning powers and  
20 duties of the Board of Corrections related to transitional housing for  
21 offenders transferring from the Division of Correction, is amended to read as  
22 follows:

23 (b)(1) The ~~Parole~~ Post-Prison Transfer Board, a district court, or a  
24 circuit court shall not release a transferee, parolee, or probationer to a  
25 transitional housing facility as a resident unless the transitional housing  
26 facility provides a copy of a current license issued by the Division of  
27 Community Correction under § 16-93-1604.

28  
29 SECTION 234. Arkansas Code § 16-97-103(1), concerning relevant  
30 evidence related to sentencing, is amended to read as follows:

31 (1) The law applicable to parole, post-release supervision,  
32 meritorious good time, earned release credits, or transfer;

33  
34 SECTION 235. Arkansas Code § 16-112-208(c)(2)(C), concerning actions a  
35 court may take upon finding that a person's assertion of actual innocence is  
36 false, is amended to read as follows:

(C) Forward the finding to the Board of Corrections for consideration in the awarding of meritorious good time or earned release credits to the person; or

SECTION 236. Arkansas Code § 16-112-208(c)(2)(D), concerning new evidence based on new deoxyribonucleic acid technology, is amended to read as follows:

(D) Forward the finding to the ~~Parole~~ Post-Prison Transfer Board for consideration in the granting of parole or post-release supervision to the person.

SECTION 237. Arkansas Code § 17-1-103(d)(1), concerning registration, certification, and licensing for criminal offenders and evidence of rehabilitation, is amended to read as follows:

(1) Probation, ~~or~~ parole, or post-release supervision; and

SECTION 238. Arkansas Code § 17-19-301(a), concerning premiums for bail bonds, is amended to read as follows:

(a)(1) ~~With the exception of other provisions of~~ Except as provided in this section, the premium or compensation for giving bond or depositing money or property as bail on any bond shall be ten percent (10%), except that the amount may be rounded up to the nearest five-dollar amount.

(2)(A) The premium or compensation under subdivision (a)(1) of this section shall be deposited in full prior to release.

(B) In no event shall all or a portion of the premium or compensation under subdivision (a)(1) of this section be deposited after release.

(3) If property is deposited as bail to meet the premium or compensation under subdivision (a)(1) of this section, appropriate documentation shall be submitted to the court verifying:

(A) The value of the property deposited as bail; and

(B) That title to the property has been transferred to the surety.

SECTION 239. Arkansas Code § 19-5-302(12)(B)(ii), concerning the Miscellaneous Agencies Fund Account that is part of the State General

1 Government Fund, is amended to read as follows:

2 (ii) Nonrevenue income derived from services  
3 provided by the probation, parole, post-release supervision, and community  
4 correction program; and

5  
6 SECTION 240. Arkansas Code § 19-6-301(31), concerning enumerated  
7 special revenues, is amended to read as follows:

8 (31) Fees recovered from ex-offenders on probation, ~~or parole,~~  
9 or post-release supervision from a facility of the Division of Community  
10 Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto,  
11 § 16-93-104;

12  
13 SECTION 241. Arkansas Code § 19-10-204(b)(5), concerning the  
14 jurisdiction of the Arkansas State Claims Commission, is amended to read as  
15 follows:

16 (5) Brought against the Division of Community Correction for  
17 acts committed by a person while that person is subject to conditions of  
18 parole, post-release supervision, or probation under Arkansas law;

19  
20 SECTION 242. Arkansas Code § 20-13-1704(b), concerning immunity for  
21 seeking medical assistance related to a controlled substance, is amended to  
22 read as follows:

23 (b) A person shall not be subject to penalties for a violation of a  
24 permanent or temporary protective order or restraining order or sanctions for  
25 a violation of a condition of pretrial release, condition of probation, or  
26 condition of parole or post-release supervision based on the possession of a  
27 controlled substance in violation of § 5-64-419 if the penalties or sanctions  
28 are related to the seeking of medical assistance.

29  
30 SECTION 243. Arkansas Code § 20-18-306 is amended to read as follows:  
31 20-18-306. Fees for certified copies.

32 (a) ~~All~~ Except as provided in subsections (b) and (c) of this section,  
33 all fees for certified copies of vital records or vital reports under this  
34 chapter are listed in § 20-7-123.

35 (b)(1) ~~However, certified~~ Certified copies of the records shall be  
36 furnished to veterans or their dependents without costs when the Department



1 of Veterans Affairs requires certified copies of the records.

2 (2) Any veteran or his or her dependents shall make application  
3 and shall execute an unnotarized affidavit that he or she is a veteran or a  
4 dependent of a veteran in order to obtain the free certified copy of any  
5 vital record.

6 (3) Any person who falsely or fraudulently makes an application  
7 and unnotarized affidavit that he or she is a veteran or a dependent of a  
8 veteran when the person is not a veteran or a dependent of a veteran shall be  
9 guilty of a misdemeanor. Upon conviction, the person shall be subject to a  
10 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty  
11 dollars (\$250) or imprisonment for not less than thirty (30) days nor more  
12 than six (6) months, or both fine and imprisonment.

13 (c) Certified copies of the records shall be furnished to the  
14 Department of Corrections on behalf on a state inmate without costs when  
15 requested as release documentation for the state inmate.  
16

17 SECTION 244. Arkansas Code § 20-38-105(d)(3)(D), concerning exceptions  
18 to background checks and disqualification from employment, is amended to read  
19 as follows:

20 (D) The person has completed probation, ~~or~~ parole, or  
21 post-release supervision, paid all court-ordered fees or fines, including  
22 restitution, and fully complied with all court orders pertaining to the  
23 conviction or plea;  
24

25 SECTION 245. Arkansas Code § 20-76-410(a)(6), concerning conduct that  
26 warrants a reduction in a grant of assistance, is amended to read as follows:

27 (6) The individual flees prosecution or custody or confinement  
28 following conviction or is in violation of the terms or conditions of parole,  
29 post-release supervision, or probation.  
30

31 SECTION 246. Arkansas Code § 25-16-904(11), concerning state boards  
32 that may pay a stipend to members, is amended to read as follows:

33 (11) ~~Parole~~ Post-Prison Transfer Board;  
34

35 SECTION 247. Arkansas Code § 25-43-402(a)(7), concerning state  
36 entities transferred to the Department of Corrections, is amended to read as

1 follows:

2 (7) The ~~Parole~~ Post-Prison Transfer Board, created under § 16-  
3 93-201;

4  
5 SECTION 248. Arkansas Code § 25-43-403(c), concerning the Secretary of  
6 the Department of Corrections, is amended to read as follows:

7 (c) The secretary may perform all duties to administer the department,  
8 subject to Arkansas Constitution, Amendment 33, including without limitation:

9 (1) Delegate to the employees of the department any of the  
10 powers or duties of the department required to administer the:

11 (A) Statutory duties; or

12 (B) Rules, orders, or directives promulgated or issued by  
13 the state entities transferred to or established within the department;

14 (2) Hire department personnel; ~~and~~

15 (3) Perform or assign duties assigned to the department or to  
16 the employees of the department; and

17 (4)(A) Ensure compliance with the balanced correctional plan  
18 developed under § 16-90-802(d)(4) by reviewing the strategic plans of the  
19 state entities transferred to or established within the department.

20 (B) Review by the secretary under subdivision (c)(4)(A) of  
21 this section shall be conducted before the review and approval of the  
22 authority of a state entity that is required to develop a strategic plan.

23  
24 SECTION 249. Arkansas Code § 27-16-816 is amended to read as follows:

25 27-16-816. Probationer and parolee restricted permits.

26 (a)(1) If a person is on probation, ~~or~~ or parole, or post-release  
27 supervision, or is within ninety (90) days of release on probation, ~~or~~  
28 parole, or post-release supervision, for an offense that did not involve the  
29 operation of a motor vehicle ~~and he or she has his or her license suspended~~  
30 ~~for a reason not listed under § 27-16-915(b)(2)(C)~~, the person may be  
31 eligible for a restricted driving permit under this section that permits the  
32 holder to drive a motor vehicle directly to and directly home from:

33 (A) A place where he or she is employed;

34 (B) A place where he or she, or his or her minor child,  
35 attends school;

36 (C) A scheduled meeting with his or her ~~probation or~~

1 ~~parole~~ community supervision officer; or

2 (D) Any place, location, or meeting that the person's  
3 ~~probation or parole~~ community supervision officer has directed the person on  
4 probation or parole to travel to or attend.

5 (2) This section does not apply to a person with an expired  
6 driver's license or a person who has failed to comply with license  
7 reinstatement requirements under § 5-65-115(a) and § 5-65-121.

8 (3) The Department of Corrections shall provide access to the  
9 programs required under § 5-65-115(a) and § 5-65-121 to inmates.

10 (b)(1)(A) The application for a restricted driving permit under this  
11 section by a person on probation, ~~or~~ parole, or post-release supervision may  
12 be submitted electronically to the Department of Finance and Administration  
13 by a ~~probation or parole~~ community supervision officer employed by the  
14 Division of Community Correction.

15 (B) ~~The department~~ Department of Finance and  
16 Administration shall determine whether the restricted driving permit that  
17 allows a person on probation, ~~or~~ parole, or post-release supervision to drive  
18 a motor vehicle to and from a place listed under subsection (a) of this  
19 section shall be issued.

20 (2)(A) A restricted driving permit issued under this section  
21 shall be a standardized permit, and the person possessing a restricted  
22 driving permit under this section shall have the restricted driving permit in  
23 his or her possession at all times when the person is operating a motor  
24 vehicle until the person's driver's license is no longer suspended.

25 (B)(i) A restricted driving permit shall include the  
26 address of the person's residence and the address of each location to and  
27 from where the person is permitted to drive under this section.

28 (ii) The person's name and address on a restricted  
29 driving permit under this section shall match the person's name and address  
30 as listed on a valid state-issued identification in the person's possession.

31 (3) ~~The department~~ Department of Finance and Administration may  
32 revoke a restricted driving permit under this section at any time and for any  
33 reason.

34 (c) A person who knowingly creates a fraudulent restricted driving  
35 permit, the purpose of which is to be used as a restricted driving permit  
36 under this section upon conviction is guilty of a Class A misdemeanor.

1 (d) A motor vehicle liability insurance carrier may provide liability  
2 insurance for a person issued a restricted driving permit under this section  
3 but is not required to issue an insurance policy for a person who has been  
4 issued a restricted driving permit under this section.

5 (e)(1) A person on probation, ~~or~~ parole, or post-release supervision  
6 who has been issued a restricted driving permit under this section shall  
7 continue to have his or her driver's license suspended until the person has  
8 satisfied all the requirements necessary to remove his or her driver's  
9 license from suspension.

10 (2) Once the person on probation, ~~or~~ parole, or post-release  
11 supervision has his or her driver's license removed from suspension, he or  
12 she shall be free from the restrictions placed on him or her under this  
13 section.

14 (f) A restricted driving permit issued under this section expires on  
15 the date on which the person is released from probation, ~~or~~ parole, or post-  
16 release supervision.

17 (g) The division and the ~~department~~ Department of Finance and  
18 Administration may promulgate rules to implement this section.

19  
20 SECTION 250. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative  
21 Recidivism Reduction Task Force – Creation – Membership – Duties.

22 (a) There is created the Legislative Recidivism Reduction Task Force.

23 (b) The task force shall consist of the following nineteen (19)  
24 members:

25 (1) One (1) member appointed by the Chief Justice of the Supreme  
26 Court;

27 (2) Nine (9) members appointed by the Governor, as follows:

28 (A) One (1) member who is a county sheriff;

29 (B) One (1) member who is a representative of the Arkansas  
30 Public Defender Commission;

31 (C) One (1) member who is a public defender;

32 (D) One (1) member who is a prosecuting attorney;

33 (E) One (1) member who is a member of the executive board  
34 of the Arkansas Association of Chiefs of Police;

35 (F) One (1) member who is a victim of crime or an advocate  
36 for victims of crime;

1 (G) One (1) member who is a member of a community affected  
2 by crime and who may be a person with personal experience in the criminal  
3 justice system; and

4 (H) Two (2) at-large members who are representative of the  
5 racial, ethnic, gender, or geographical diversity of the state;

6 (3) Two (2) members of the Senate appointed by the President Pro  
7 Tempore of the Senate;

8 (4) Two (2) members of the House of Representatives appointed by  
9 the Speaker of the House of Representatives;

10 (5) The Chair of the Board of Corrections, or his or her  
11 designee;

12 (6) The Chair of the Arkansas Parole Board, or his or her  
13 designee;

14 (7) The Secretary of the Department of Corrections, or his or  
15 her designee;

16 (8) The Director of the Division of Community Correction, or his  
17 or her designee; and

18 (9) The Attorney General, or his or her designee.

19 (c) If a vacancy occurs on the task force, the vacancy shall be filled  
20 by the same process as the original appointment.

21 (d)(1) The Senate members appointed by the President Pro Tempore of  
22 the Senate shall call the first meeting of the task force no later than  
23 August 31, 2023.

24 (2) At the first meeting of the task force, the members of the  
25 task force shall elect from the membership a chair and other officers as  
26 needed for the transaction of its business.

27 (3) The task force shall meet at least quarterly at the call of  
28 the chair or a majority of the members of the task force.

29 (4) The task force shall meet at the State Capitol Building or  
30 in the legislative committee rooms in the Multi-Agency Complex on the State  
31 Capitol grounds.

32 (e)(1) The task force shall adopt rules and procedures for conducting  
33 its business.

34 (2) Nine (9) members of the task force shall constitute a quorum  
35 for transacting business.

36 (f) The purpose of the task force is to study and recommend

1 improvements to the criminal justice system outcomes in the State of  
2 Arkansas.

3 (g) To achieve this purpose, the task force, working with the support  
4 of the Council of State Governments Justice Center, shall:

5 (1) Conduct a comprehensive data analysis to identify the  
6 drivers of Arkansas's high recidivism rates;

7 (2) Examine the effectiveness of current supervision practices  
8 and responses to technical violations of supervision;

9 (3) Identify unnecessary barriers to successful reentry into  
10 society;

11 (4) Determine gaps in behavioral health treatment, workforce  
12 training, and other services for people on supervision and reentering society  
13 from incarceration;

14 (5) Use data to identify how recidivism contributes to overall  
15 crime and incarceration rates; and

16 (6) Develop data-driven recommendations for reducing recidivism  
17 and improving outcomes for people on supervision and reentering society from  
18 incarceration.

19 (h)(1) On or before December 31, 2023, the task force shall submit a  
20 preliminary report to the Legislative Council, the Governor, and the Chief  
21 Justice of the Supreme Court.

22 (2) On or before December 1, 2024, the task force shall submit  
23 its final report to the Legislative Council, the Governor, and the Chief  
24 Justice of the Supreme Court.

25 (3) The preliminary report and the final report shall include  
26 the task force's activities, findings, and recommendations, including without  
27 limitation:

28 (A) Recommendations for improvements to criminal justice  
29 system outcomes;

30 (B) A summary of projected savings to the State of  
31 Arkansas to be generated from adoption of the recommendations of the task  
32 force; and

33 (C) The projected impact on public safety in the state  
34 with adoption of the recommendations of the task force.

35 (i) The task force shall expire on December 31, 2024.  
36

1 SECTION 251. DO NOT CODIFY. CORRECTION OF TECHNICAL ERRORS RELATED TO  
2 IMPLEMENTATION OF the "Protect Arkansas Act".

3 (a)(1) The General Assembly finds that:

4 (A) The implementation of this act involves a multitude of  
5 changes to existing Arkansas law;

6 (B) Many of the changes implicated by this act are highly  
7 technical and require careful study of the purpose and context of each  
8 Arkansas Code section, with the need for some of the changes not becoming  
9 apparent until the implementation of this act;

10 (C) When implementing revisions as large and comprehensive  
11 as the changes under this act, it is inevitable that certain sections of the  
12 Arkansas Code requiring technical changes to follow the intent of this act  
13 will be either omitted or amended in a manner that is later found to be  
14 erroneous and unintentional;

15 (D) It is likewise inevitable that other acts enacted by  
16 the Ninety-fourth General Assembly will not take into account the changes in  
17 this act, resulting in technical inconsistencies between newly passed laws;  
18 and

19 (E) If the correct statutory change to remedy an  
20 unintentional error or an inconsistency between this act and another act of  
21 the Ninety-fourth General Assembly is readily apparent and consistent with  
22 the intent of this act, the unintentional error or inconsistency should be  
23 corrected as part of the codification process due to the technical nature of  
24 the unintentional error or inconsistency.

25 (2) It is the intent of the General Assembly to empower the  
26 Arkansas Code Revision Commission to correct technical errors identified in  
27 the Arkansas Code during the implementation of this act to allow this act to  
28 be fully implemented.

29 (b)(1)(A) Any person or state entity identifying one (1) or more  
30 sections of the Arkansas Code that require revision to implement the intent  
31 of this act may notify the Director of the Bureau of Legislative Research or  
32 his or her designee of the section or sections at issue.

33 (B) If the Bureau of Legislative Research, while assisting  
34 the commission with the commission's powers and duties, becomes aware of one  
35 (1) or more sections of the Arkansas Code that require revision to implement  
36 the intent of this act for which it appears that the bureau and the

1 commission do not have authority to make the necessary revision under § 1-2-  
2 303(d), the bureau may notify the commission of the section or sections at  
3 issue.

4 (2) If the commission determines that the revision necessary to  
5 one (1) or more sections of the Arkansas Code under subdivision (b)(1) of  
6 this section is technical in nature, germane to the intent of this act, and  
7 consistent with this act's policy and purposes, the commission may make the  
8 revision to the Arkansas Code.

9 (3) The commission shall notify the publisher of the Arkansas  
10 Code of a revision to the Arkansas Code under subdivision (b)(2) of this  
11 section as soon as possible so that the revision may be reflected in the  
12 official hard copy version of the Arkansas Code and official electronic  
13 version of the Arkansas Code.

14 (4)(A) Except as provided in subdivision (b)(4)(B) of this  
15 section, when the commission approves a revision to the Arkansas Code under  
16 subdivision (b)(2) of this section, the commission shall notify the following  
17 of the revision within thirty (30) days:

18 (i) The Speaker of the House of Representatives;

19 (ii) The President Pro Tempore of the Senate; and

20 (iii) The Legislative Council.

21 (B) The commission is not required to make a notification  
22 under subdivision (b)(4)(A) of this section if the revision is made under §  
23 1-2-303(d).

24 (c) The authority granted to the commission under this section is  
25 supplemental to the commission's authority under § 1-2-303.

26 (d) This section shall expire on December 31, 2024.

27  
28 SECTION 252. DO NOT CODIFY. CONSTRUCTION.

29 (a) Except as provided in subsection (b) of this section, to the  
30 extent that a conflict exists between an act of the regular session of the  
31 Ninety-Fourth General Assembly and this act:

32 (1) Section 1-2-107 shall not apply; and

33 (2) All of the enactments of each act shall be given effect  
34 except to the extent of irreconcilable conflicts, in which case the  
35 conflicting provision of this act shall prevail.

36 (b) This section shall not revive or re-enact any provision of the



1 Arkansas Code that has been repealed by an act of the regular session of the  
2 Ninety-Fourth General Assembly, including without limitation this act.

3  
4 SECTION 253. DO NOT CODIFY. Severability.

5 As provided in § 1-2-117, the provisions of this act are severable,  
6 and, if any portion of this act is determined to be unconstitutional or  
7 invalid, the remaining portions of the act remain in effect.

8  
9 SECTION 254. DO NOT CODIFY. Revisions to position classification  
10 titles.

11 (a) Any position classification title that is no longer appropriate in  
12 light of the changes to Arkansas law under this act may be revised as  
13 determined appropriate by the Office of Personnel Management, including  
14 without limitation the revision of position classification titles that  
15 reference the Parole Board to instead reference the Post-Prison Transfer  
16 Board.

17 (b) The authority under subsection (a) of this section does not allow  
18 for revisions to:

19 (1) A pay grade;

20 (2) A line item;

21 (3) The number of authorized classifications; or

22 (4) A job duty.

23  
24 SECTION 255. DO NOT CODIFY. EFFECTIVE DATE.

25 Sections 1-249 of this act and sections 251-254 of this act are  
26 effective on and after January 1, 2024.

27  
28 */s/Gilmore*

29  
30  
31 **APPROVED: 4/11/23**

State of Arkansas                      *As Engrossed: S3/15/23 S3/27/23*  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 390

By: Senators C. Penzo, G. Leding, C. Tucker, J. Bryant  
By: Representative Burkes

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING CHILD LABOR; TO  
INCREASE THE AMOUNT OF CIVIL PENALTIES FOR  
VIOLATIONS; TO EXTEND THE TIME FOR ASSESSMENTS OF  
CIVIL PENALTIES BY THE DIRECTOR OF THE DIVISION OF  
LABOR; TO ESTABLISH CRIMINAL PENALTIES; TO ESTABLISH  
PENALTIES FOR HINDERING INVESTIGATIONS; *TO CLARIFY  
THE LAW REGARDING WORKERS' COMPENSATION RELATED TO  
CHILD LABOR RESULTING FROM INITIATED ACT 4 OF 1948;  
AND FOR OTHER PURPOSES.*

## Subtitle

*TO AMEND THE CIVIL PENALTIES AND  
ESTABLISH CRIMINAL PENALTIES RELATED TO  
CHILD LABOR VIOLATIONS; AND TO CLARIFY  
THE WORKERS' COMPENSATION LAW RELATED TO  
CHILD LABOR RESULTING FROM INITIATED ACT  
4 OF 1948.*

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

SECTION 1. Arkansas Code § 11-6-103(a)(1), concerning the civil  
penalty related to child labor violations, is amended to read as follows:

(a)(1) Any person, firm, corporation, partnership, association,  
parent, guardian, or custodian who employs or permits or suffers any child to  
be employed or to work in violation of this subchapter or §§ 11-12-101 – 11-  
12-105, or any rules issued thereunder, shall be subject to a civil penalty



1 of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) and not  
2 more than ~~one five~~ thousand dollars ~~(\$1,000)~~ (\$5,000) for each violation.

3  
4 SECTION 2. Arkansas Code § 11-6-103(f), concerning the length of time  
5 for the assessment of a civil penalty related to child labor violations, is  
6 amended to read as follows:

7 (f) Assessment of a civil penalty by the director shall be made no  
8 later than ~~two (2)~~ three (3) years from the date of the occurrence of the  
9 violation.

10  
11 SECTION 3. Arkansas Code § 11-6-103, concerning the penalties and  
12 disposition of fines related to child labor violations, is amended to add  
13 additional subsections to read as follows:

14 (h)(1) In addition to the civil penalties provided for in subsection  
15 (a) of this section, an employer who knowingly violates this subchapter is,  
16 upon conviction, guilty of a Class C misdemeanor.

17 (2) Upon a second or subsequent conviction, the employer is  
18 guilty of a Class B misdemeanor.

19 (i)(1) In addition to the civil penalties provided for in subsection  
20 (a) of this section and the criminal penalties provided for in subsection (h)  
21 of this section, an employer who knowingly violates this subchapter and the  
22 violation results in a serious physical injury to or death of a minor is,  
23 upon conviction, guilty of a Class A misdemeanor.

24 (2) Upon a second or subsequent conviction, the employer is  
25 guilty of a Class C felony.

26 (j) An employer that willfully engages in any of the following actions  
27 is in violation of this subchapter and subject to a civil penalty of not less  
28 than one hundred dollars (\$100) and not more than five thousand dollars  
29 (\$5,000) for each violation:

30 (1) Hinders or delays the director or his or her authorized  
31 representative in the performance of his or her duties in the enforcement of  
32 this subchapter; and

33 (2) Falsifies records related to child labor.

34 (k) As used in this section, "employer" means every person, firm,  
35 corporation, partnership, stock association, agent, manager, representative,  
36 foreman, or other person having control or custody of any employment, place

1 of employment, or of any employee.

2  
3 SECTION 4. Arkansas Code § 11-9-504(a), concerning additional  
4 compensation related to the injury to or death of an illegally employed minor  
5 resulting from Initiated Act 4 of 1948, is amended to read as follows:

6 (a) Where an injury or death is sustained by a minor employed in  
7 violation of federal or state statutes pertaining to minimum ages for  
8 employment of minors, including without limitation § 11-6-101 et seq.,  
9 compensation or death benefits provided for by this chapter shall be doubled.

10  
11 /s/C. Penzo

12  
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14 APPROVED: 4/11/23  
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State of Arkansas

As Engrossed: H3/29/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1502

By: Representatives Gazaway, C. Fite, Lundstrum, J. Mayberry

By: Senator K. Hammer

## For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF SEXUAL SOLICITATION  
OF A MINOR; TO AMEND THE LAW CONCERNING THE HUMAN  
TRAFFICKING VICTIM SUPPORT FUND; TO AMEND THE LAW  
CONCERNING THE SAFE HARBOR FUND FOR SEXUALLY  
EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE OFFENSE OF SEXUAL  
SOLICITATION OF A MINOR; TO AMEND THE LAW  
CONCERNING THE HUMAN TRAFFICKING VICTIM  
SUPPORT FUND; AND TO AMEND THE LAW  
CONCERNING THE SAFE HARBOR FUND FOR  
SEXUALLY EXPLOITED CHILDREN.

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

SECTION 1. Arkansas Code Title 5, Chapter 70, Subchapter 1, is amended  
to add an additional section to read as follows:

5-70-107. Sexual solicitation of a minor.

(a) A person commits the offense of sexual solicitation of a minor if  
he or she:

(1) Offers or agrees to pay a fee or provide a thing of value to  
a person who he or she knows or reasonably should know is a minor to engage  
in sexual activity with the person who he or she knows or reasonably should  
know is a minor;

(2) Offers or agrees to pay a fee or provide a thing of value to



1 another person for the purpose of engaging in sexual activity with a person  
2 who he or she knows or reasonably should know is a minor;

3 (3) Solicits, offers, or agrees to accept a fee or a thing of  
4 value from another person for the purpose of allowing the other person to  
5 engage in sexual activity with a person who he or she knows or reasonably  
6 should know is a minor; or

7 (4) Pays a fee or provides a thing of value to a person who he  
8 or she knows or reasonably should know is a minor or another person for the  
9 purpose of engaging in sexual activity with the person who he or she knows or  
10 reasonably should know is a minor.

11 (b) It is an affirmative defense to a prosecution under this section  
12 that the actor in good faith reasonably believed that the minor was eighteen  
13 (18) years of age or older.

14 (c) It is not a defense to a prosecution under this section that the  
15 minor consented to the sexual activity.

16 (d) Sexual solicitation of a minor is a Class B felony.

17 (e)(1) In addition to any other sentence authorized by this section, a  
18 person who violates this section by offering to pay, agreeing to pay, or  
19 paying a fee to engage in sexual activity upon conviction shall be ordered to  
20 pay a fine of not less than five thousand dollars (\$5,000) nor more than  
21 fifteen thousand dollars (\$15,000).

22 (2) Fine payments received under subdivision (e)(1) of this  
23 section shall be deposited as follows:

24 (A) Fifty percent (50%) into the Safe Harbor Fund for  
25 Sexually Exploited Children; and

26 (B) Fifty percent (50%) into the Human Trafficking Victim  
27 Support Fund.

28  
29 SECTION 2. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor  
30 Fund for Sexually Exploited Children, is amended to read as follows:

31 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-  
32 70-102(d), ~~and~~ 5-70-103(d), and 5-70-107(e) and any other revenues authorized  
33 by law.

34  
35 SECTION 3. Arkansas Code § 19-5-1252(d), concerning the Safe Harbor  
36 Fund for Sexually Exploited Children, is amended to read as follows:

1 (d) As used in this section, "sexually exploited child" means a person  
2 less than eighteen (18) years of age who has been subject to sexual  
3 exploitation because the person:

4 (1) Is a victim of trafficking of persons under § 5-18-103;

5 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,  
6 as it existed on January 1, 2013; or

7 (3) Engages in an act of prostitution under § 5-70-102 or sexual  
8 solicitation under § 5-70-103 or § 5-70-107.

9  
10 SECTION 4. Arkansas Code § 19-5-1261(b), concerning the Human  
11 Trafficking Victim Support Fund, is amended to read as follows:

12 (b) The fund shall consist of fees collected under §§ 5-5-501(d) and  
13 5-70-107(e) and any other revenues authorized by law.

14  
15 SECTION 5. Arkansas Code § 19-5-1261(d), concerning the Human  
16 Trafficking Victim Support Fund, is amended to read as follows:

17 (d) As used in this section, "victim of human trafficking" means a  
18 person who has been subject to sexual exploitation because the person:

19 (1) Is a victim of trafficking of persons under § 5-18-103;

20 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,  
21 as it existed on January 1, 2017; or

22 (3) Engages in an act of prostitution under § 5-70-102 or sexual  
23 solicitation under § 5-70-103 or § 5-70-107.

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25 /s/Gazaway  
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28 **APPROVED: 4/12/23**  
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State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1623

By: Representative Tosh  
By: Senator D. Wallace

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE OFFENSE  
OF FLEEING BY MEANS OF A VEHICLE OR CONVEYANCE; AND  
FOR OTHER PURPOSES.

## Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE  
OFFENSE OF FLEEING BY MEANS OF A VEHICLE  
OR CONVEYANCE.

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

SECTION 1. Arkansas Code § 5-54-125(d), concerning fleeing by means of  
any vehicle or conveyance, is amended to read as follows:

(d)(1)(A) Fleeing by means of any vehicle or conveyance is considered  
a Class A misdemeanor.

(B) A person convicted under subdivision (d)(1)(A) of this  
section shall serve a minimum of two (2) days in jail.

~~(C) A person convicted under subdivision (d)(1)(A) of this  
section who operated the vehicle or conveyance in excess of the posted speed  
limit shall serve a minimum of thirty (30) days in jail.~~

(2) Fleeing by means of any vehicle or conveyance is considered  
a Class D felony if the person operated the vehicle or conveyance in excess  
of the posted speed limit.

~~(2)(3)~~ Fleeing by means of any vehicle or conveyance is  
considered a Class C felony if, under circumstances manifesting extreme  
indifference to the value of human life, a person purposely operates the





1 vehicle or conveyance in such a manner that creates a substantial danger of  
2 death or serious physical injury to another person.

3 ~~(3)~~(4) If serious physical injury to any person occurs as a  
4 direct result of fleeing by means of any vehicle or conveyance, the fleeing  
5 by means of any vehicle or conveyance offense is a Class B felony.

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8 **APPROVED: 4/12/23**  
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State of Arkansas

As Engrossed: H4/3/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1663

By: Representatives Gazaway, M. Berry

By: Senator Gilmore

## For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF KNOWINGLY EXPOSING  
ANOTHER PERSON TO FENTANYL; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE OFFENSE OF KNOWINGLY  
EXPOSING ANOTHER PERSON TO FENTANYL.

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

SECTION 1. Arkansas Code § 5-4-501, concerning the sentencing of  
habitual offenders, is amended to add an additional subsection to read as  
follows:

(j) For the purpose of determining under this section the number of  
felonies for which a defendant has been convicted, if the defendant was  
previously convicted of felony for possession of fentanyl, § 5-64-421, and  
the defendant also was convicted of a felony for knowingly exposing another  
person to fentanyl in the first degree, § 5-13-214(b), or knowingly exposing  
another person to fentanyl in the second degree, §5-13-214(c), stemming from  
the same set of facts, the two (2) felonies shall be considered as one (1)  
felony.

SECTION 2. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended  
to add an additional section to read as follows:

5-13-214. Knowingly exposing another person to fentanyl in the first  
and second degree.

(a) As used in this section:



1           (1)(A) "Correctional facility" means a place used for the  
2 confinement of persons charged with or convicted of an offense or otherwise  
3 confined under a court order.

4           (B) "Correctional facility" includes the Arkansas State  
5 Hospital only in regard to persons who are detained at the hospital and  
6 charged with or convicted of an offense.

7           (C) "Correctional facility" does not include youth  
8 services programs;

9           (2) "Employee of a correctional facility" means a person who is  
10 employed by or working under a professional services contract for a  
11 correctional facility;

12           (3) "Expose" includes without limitation skin contact,  
13 inhalation, ingestion, or contact with a needlestick or a mucus membrane,  
14 including without limitation the mouth, eyes, or nose; and

15           (4) "Fentanyl" means the same as defined in § 5-64-101.

16           (b)(1) A person commits the offense of knowingly exposing another  
17 person to fentanyl in the first degree if:

18           (A) The person knowingly exposes another person to  
19 fentanyl; and

20           (B) The other person suffers serious physical injury as a  
21 result of the exposure to fentanyl.

22           (2) Knowingly exposing another person to fentanyl in the first  
23 degree is:

24           (A) A Class Y felony if the other person is a first  
25 responder or an employee of a correctional facility; or

26           (B) A Class A felony if otherwise committed.

27           (c)(1) A person commits the offense of knowingly exposing another  
28 person to fentanyl in the second degree if:

29           (A) The person knowingly exposes another person to  
30 fentanyl; and

31           (B) The other person suffers physical injury as a result  
32 of the exposure to fentanyl.

33           (2) Knowingly exposing another person to fentanyl in the second  
34 degree is:

35           (A) A Class A felony if the other person is a first  
36 responder or an employee of a correctional facility; or

1                   (B) A Class B felony if otherwise committed.

2           (d) The following are not offenses under this subchapter:

3                   (1) An individual practitioner acting in the usual course of  
4 professional practice issuing a valid prescription for fentanyl for a  
5 legitimate medical purpose;

6                   (2) A pharmacy, pharmacist, or an individual practitioner  
7 dispensing, delivering, or administering fentanyl pursuant to a prescription;

8                   (3) A permitted manufacturer, wholesaler, pharmacy, hospital,  
9 long-term care facility, or other medical provider delivering, prescribing,  
10 administering, or transferring fentanyl available by prescription for lawful  
11 purposes and in compliance with state and federal law; or

12                   (4) A pharmaceutical company manufacturing fentanyl available by  
13 prescription in compliance with state and federal law.

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16                                   */s/Gazaway*

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State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 237

By: Senator A. Clark

## For An Act To Be Entitled

AN ACT CONCERNING VEHICLES, BOATS, OR FARMING  
EQUIPMENT WITH A REMOVED, DAMAGED, MUTILATED, OR  
DEFACED SERIAL NUMBER OR VEHICLE IDENTIFICATION  
NUMBER; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING VEHICLES, BOATS, OR FARMING  
EQUIPMENT WITH A REMOVED, DAMAGED,  
MUTILATED, OR DEFACED SERIAL NUMBER OR  
VEHICLE IDENTIFICATION NUMBER.

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

SECTION 1. Arkansas Code § 5-37-521 is amended to read as follows:

5-37-521. Farm implements – Removal or alteration of serial number.

(a) ~~Any~~ A person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his or her possession any tractor, trailer, or other farm implement, or engine removed from the tractor or farm implement, from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number placed on the tractor, trailer, or farm implement or engine has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the tractor, trailer, or farm implement or engine upon conviction is guilty of a Class A ~~misdemeanor~~ D felony.

(b)(1) ~~No person with fraudulent intent shall~~ A person shall not deface, destroy, or alter the manufacturer's serial or engine number or other distinguishing number or identification mark of a tractor, trailer, or other



1 farm implement with the purpose to defraud another person.

2 (2) ~~No person~~ A person shall not place or stamp any fictitious  
3 or unauthorized serial, engine, or other number or distinguishing mark with  
4 the ~~intention~~ purpose that the fictitious or unauthorized serial, engine, or  
5 other number or distinguishing mark pass for a number or mark placed on a  
6 tractor, trailer, or farm implement by the manufacturer of the tractor,  
7 trailer, or farm implement.

8 (3)(A) This subsection does not prohibit the restoration by an  
9 owner or repairer of an original serial, engine, or other number or  
10 distinguishing mark.

11 (B) However, this subsection is designed to prohibit and  
12 prevent the fraudulent removal or alteration of a mark or number placed on a  
13 tractor, trailer, or other farm implement by the manufacturer.

14 ~~(c) Any~~

15 ~~(4) A person found guilty of a violation of a provision of this~~  
16 ~~section~~ this subsection is ~~guilty of a~~ Class A ~~misdemeanor~~ D felony.

17  
18 SECTION 2. Arkansas Code § 27-14-2210 is amended to read as follows:  
19 27-14-2210. Vehicles or engines without manufacturer's numbers.

20 ~~(a) Any~~ A person who knowingly buys, receives, disposes of, sells,  
21 offers for sale, or has in his or her possession ~~any~~ a motor vehicle or  
22 engine removed from a motor vehicle from which the manufacturer's serial or  
23 engine number or other distinguishing number or identification mark or number  
24 placed thereon under assignment from the Office of Motor Vehicle has been  
25 removed, defaced, covered, altered, or destroyed for the purpose of  
26 concealing or misrepresenting the identity of the motor vehicle or engine  
27 upon conviction is guilty of a ~~misdemeanor~~.

28 ~~(b) Any person who pleads guilty or nolo contendere to or is found~~  
29 ~~guilty of a second or subsequent offense shall be guilty of a~~ Class D felony.

30  
31 SECTION 3. Arkansas Code § 27-14-2212 is amended to read as follows:  
32 27-14-2212. Mutilation of serial numbers.

33 (a)(1) ~~It shall be unlawful for any~~ A person, firm, or corporation ~~to~~  
34 shall not have in its possession an automobile, automobile tires, or ~~gasoline~~  
35 an engine, the motor ~~and serial number of which have been~~ number or serial  
36 number of which have been mutilated to the extent that it cannot be read.

(2) When ~~any~~ an automobile, automobile tires, or ~~an~~ gasoline engine has been stolen and recovered and the serial numbers found mutilated, the court ~~where the case may be tried shall have power to~~ may authorize the rightful owner of the automobile tires ~~or~~ and accessories to continue ~~the use of them~~ to use the automobile tires.

(3) The court shall also direct that the owner of the ~~car have~~ automobile have the original serial numbers restenciled on the engine, motor, or ~~car~~ automobile.

(b) ~~Any person convicted of violating subsection (a) of this section shall be deemed guilty of a felony and punished by imprisonment in the Division of Correction for not less than one (1) year nor more than five (5) years~~ A person who violates this section upon conviction is guilty of a Class D felony.

SECTION 4. Arkansas Code § 27-101-703 is amended to read as follows:

27-101-703. Boating equipment without boating equipment identification ~~numbers~~ number.

(a) ~~It is unlawful for a person to~~ A person shall not knowingly buy, receive, dispose of, sell, offer for sale, or have in his or her possession boating equipment on which the boat identification number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the boating equipment.

(b)~~(1)~~ A person who pleads guilty or nolo contendere to or is found guilty ~~of a violation under subsection (a) of this section is guilty of a Class A misdemeanor.~~

~~(2) A person who pleads guilty or nolo contendere to or is found guilty of a second or subsequent offense under~~ of violating this section is guilty of a Class D felony.

APPROVED: 4/12/23

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 519

By: Senator Irvin

## For An Act To Be Entitled

AN ACT TO CREATE THE VULNERABLE PERSON PROTECTION  
ACT; TO EXPAND PROTECTION OF CERTAIN TYPES OF  
VULNERABLE PERSONS IN THIS STATE BY ESTABLISHING  
ADDITIONAL CRIMINAL PENALTIES; AND FOR OTHER  
PURPOSES.

## Subtitle

TO CREATE THE VULNERABLE PERSON  
PROTECTION ACT; AND TO EXPAND PROTECTION  
OF CERTAIN TYPES OF VULNERABLE PERSONS IN  
THIS STATE BY ESTABLISHING ADDITIONAL  
CRIMINAL PENALTIES.

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

SECTION 1. Arkansas Code Title 5, is amended to add an additional  
chapter to read as follows:

### Chapter 29 – Vulnerable Persons

#### Subchapter 1 – [Reserved]

#### Subchapter 2 – Vulnerable Person Protection Act

##### 5-29-201. Title.

This subchapter shall be known and may cited as the "Vulnerable Person  
Protection Act."





1        5-29-202. Definitions.

2        As used in this subchapter:

3            (1) "Abuses" means any act or omission that causes or is likely  
4 to cause the following to a vulnerable person:

5                    (A) Mental anguish, physical pain, or physical injury;

6                    (B) Unlawful sexual contact or sexual contact induced by  
7 fear of retribution or hardship;

8                    (C) The use of a physical restraint, chemical restraint,  
9 medication, or isolation as punishment, for convenience of inpatient facility  
10 staff, or in conflict with a physician's order or treatment plan;

11                   (D) Any threatening or menacing conduct toward a  
12 vulnerable person that results or might reasonably be expected to result in  
13 fear or emotional mental distress; or

14                   (E) Withholding healthcare goods or services ordered or  
15 prescribed by a physician or other healthcare provider with authority to  
16 direct care or as required by the vulnerable person's current treatment plan;

17            (2) "Assets" means any type of personal property or real  
18 property, including without limitation funds;

19            (3) "Caregiver" means a person who is not a healthcare provider  
20 but has assumed the responsibility for the protection, care, or custody of a  
21 vulnerable person including without limitation a non-healthcare employee of a  
22 healthcare provider, a volunteer, a person with a power of attorney for the  
23 person, or a guardian;

24            (4) "Exploits" means an act or omission involving:

25                   (A) The unlawful use or management of a vulnerable  
26 person's assets or the unlawful use of a vulnerable person's power of  
27 attorney or guardianship for the profit or advantage of the actor or another  
28 person; or

29                   (B) The misappropriation of the assets of a vulnerable  
30 person;

31            (5)(A) "Healthcare provider" means a person who receives pay or  
32 other compensation to deliver or arrange for the delivery of healthcare goods  
33 or services.

34                   (B) "Healthcare provider" includes without limitation:

35                            (i) A physician;

36                            (ii) A dentist;

- (iii) A physician assistant;
- (iv) A certified nurse practitioner;
- (v) A nurse;
- (vi) A certified nurse midwife;
- (vii) A clinical social worker;
- (viii) A licensed therapist;
- (ix) A licensed counselor;
- (x) A certified nursing assistant;
- (xi) A direct care staff of an inpatient facility;
- (xii) A home healthcare worker;
- (xiii) A durable medical supply provider; or
- (xi) Any enrolled Medicaid or Medicare provider;

(6)(A) "Inpatient facility" means any medical, treatment, or rehabilitation facility or part of a medical, treatment, or rehabilitation facility that provides healthcare services or treatment on a twenty-four-hour basis, other than a facility operated by the Department of Corrections.

(B) "Inpatient facility" does not include outpatient medical, treatment, or rehabilitation facilities, outpatient clinics, doctor's offices, or other medical, treatment, or rehabilitation facilities where patients do not depend on the medical, treatment, or rehabilitation facility for twenty-four (24) hour care;

(7)(A) "Misappropriation" means the unlawful temporary or permanent use of a vulnerable person's assets.

(B) "Misappropriation" includes without limitation the use of the assets for the actor's own benefit, the benefit of a person other than the vulnerable person, or in any way that is harmful to the vulnerable person;

(8) "Neglects" means an act or omission by a healthcare provider or caregiver that:

(A) Fails to provide to a vulnerable person or deprives a vulnerable person of treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services as required by a care plan, prescription label or instructions, or provider contract;

(B) Fails to report a health problem or a change in a health problem or a change in a health condition of a vulnerable person to the appropriate healthcare provider;

1                   (C) Fails to carry out a prescribed treatment plan of a  
2 vulnerable person ; or

3                   (D) Fails to provide to a vulnerable person or deprives a  
4 vulnerable person of a good or service necessary to avoid physical injury,  
5 mental anguish, or mental illness as defined in rules promulgated by a  
6 regulatory agency that is required to certify an inpatient facility to  
7 receive Medicaid funding;

8                   (9) "Sexual contact" means the same as defined in § 5-14-101;  
9 and

10                  (10) "Vulnerable person" means any person who is:

11                   (A) Sixty-nine (69) years of age or older; or

12                   (B) In an inpatient facility receiving twenty-four (24)  
13 hour care.

14  
15                  5-29-203. Abuse of a vulnerable person.

16                  (a) A person commits abuse of a vulnerable person if, being a  
17 healthcare provider or caregiver, he or she purposely abuses a vulnerable  
18 person under his or her care or to whom he or she has access due to his or  
19 her position as a healthcare provider or caregiver.

20                  (b) Abuse of a vulnerable person is a:

21                   (1) Class B felony if the abuse causes serious physical injury  
22 or a substantial risk of death to the vulnerable person;

23                   (2) Class D felony if the abuse causes physical injury to the  
24 vulnerable person; or

25                   (3) Class B misdemeanor if otherwise committed.

26                  (c) It is an affirmative defense to a prosecution under this section  
27 for the use of a physical restraint or chemical restraint if the physical  
28 restraint or chemical restraint was necessary for the immediate safety of the  
29 vulnerable person, another patient, or staff in the inpatient facility.

30  
31                  5-29-204. Neglect of a vulnerable person.

32                  (a) A person commits neglect of a vulnerable person if, being a  
33 healthcare provider or caregiver, he or she purposely neglects a vulnerable  
34 person under his or her care or to whom he or she has access due to his or  
35 her position as a healthcare provider or caregiver.

36                  (b) Neglect of a vulnerable person is a:

1           (1) Class D felony if the neglect causes serious physical injury  
2 or a substantial risk of death to the vulnerable person;

3           (2) Class B misdemeanor if the neglect causes physical injury to  
4 the vulnerable person; or

5           (3) Class C misdemeanor if otherwise committed.

6  
7           5-29-205. Exploitation of a vulnerable person.

8           (a) A person commits exploitation of a vulnerable person if, being a  
9 healthcare provider or caregiver, he or she exploits a vulnerable person  
10 under his or her care or to whom he or she has access due to his or her  
11 position as a healthcare provider or caregiver.

12           (b) Exploitation of a vulnerable person is a:

13           (1) Class B felony if the value of the exploited assets is two  
14 thousand five hundred dollars (\$2,500) or more;

15           (2) Class C felony if the value of the exploited assets is more  
16 than two hundred dollars (\$200) but less than two thousand five hundred  
17 dollars (\$2,500); or

18           (3) Class A misdemeanor if the value of the exploited assets is  
19 two hundred dollars (\$200) or less.

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State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1790

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGGRAVATED ASSAULT  
AND DOMESTIC BATTERY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING AGGRAVATED  
ASSAULT AND DOMESTIC BATTERY.

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

SECTION 1. Arkansas Code § 5-26-303(a)(5)(B), concerning actions by a person that constitute domestic battering in the first degree, is amended to read as follows:

(B) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member or aggravated assault on a family or household member, as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction;

SECTION 2. Arkansas Code § 5-26-303(b)(2)(B)(ii), concerning the circumstances in which domestic battering in the first degree is a Class A felony, is amended to read as follows:

(ii) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree:

- (a) Domestic battering in the first degree;
- (b) Domestic battering in the second degree, §



1 5-26-304;

2 (c) Domestic battering in the third degree, §  
3 5-26-305; ~~or~~

4 (d) Aggravated assault on a family or  
5 household member, § 5-26-306; or

6 (e) A violation of an equivalent penal law of  
7 this state or of another state or foreign jurisdiction.

8  
9 SECTION 3. Arkansas Code § 5-26-304(b)(2)(B), concerning the  
10 circumstances in which domestic battering in the second degree as a Class B  
11 felony, is amended to read as follows:

12 (B) The person committed one (1) or more of the following  
13 offenses within five (5) years of the offense of domestic battering in the  
14 second degree:

15 (i) Domestic battering in the first degree, § 5-26-  
16 303;

17 (ii) Domestic battering in the second degree;

18 (iii) Domestic battering in the third degree, § 5-  
19 26-305; ~~or~~

20 (iv) Aggravated assault on a family or household  
21 member, § 5-26-306; or

22 (v) A violation of an equivalent penal law of this  
23 state or of another state or foreign jurisdiction.

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26 APPROVED: 4/13/23  
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