

*As Engrossed: 2/1/91 3/15/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Flanagin**

# A Bill

**HOUSE BILL 1015**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-4-607 TO PROVIDE NOTICE  
9 TO VICTIMS AND VICTIMS' NEXT OF KIN AND AN OPPORTUNITY FOR  
10 THEM TO BE HEARD BY THE PAROLE BOARD WHEN CONSIDERING  
11 REQUESTS FOR PARDONS AND COMMUTATIONS OF SENTENCES; AND  
12 FOR OTHER PURPOSES."

13  
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Arkansas Code 5-4-607(a) is hereby amended to read as  
17 follows:

18 "(a) The pardon of a person convicted of a capital murder, or of a  
19 Class Y, Class A, or Class B felony, or the commutation of a sentence of a  
20 person so convicted may be granted only in the manner provided herein:

21 (1) Copies of the application for pardon or commutation shall be filed

22 with: (A) The Secretary of State;

23 (B) The Attorney General;

24 (C) The sheriff of the county in which the offense was committed;

25 (D) The prosecuting attorney of the judicial district in which the  
26 applicant was found guilty and sentenced, if still in office, and, if not, the  
27 successor of such prosecuting attorney; (E)

28 The circuit judge presiding over the proceedings at which the applicant was  
29 found guilty and sentenced, if still in office, and, if not, the successor of  
30 such circuit judge; and

31 (F) *The victim of the crime or the victim's next of kin, if he or she*  
32 *files a request for notice with the prosecuting attorney.*

33 (2) The application shall set forth the grounds upon which the pardon  
34 or commutation is sought. *If the application involves a conviction for*  
35 *capital murder, the application shall be published by two (2) insertions,*

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1 separated by a minimum of seven (7) days, in a newspaper of general  
2 circulation in the county or counties in which the offense or offenses of the  
3 applicant were committed;

4 (3) On granting the application, the Governor shall include in his  
5 written order the reasons therefor, and shall file with each house of the  
6 General Assembly a copy of his order which shall state the applicant's name,  
7 the offense of which he was convicted and sentence imposed, the date of the  
8 judgment imposing the sentence, and the effective date of the pardon or  
9 commutation."

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11 *SECTION 2. (a) Before the Parole Board shall consider an application*  
12 *for a pardon or recommends a commutation of sentence, the board shall solicit*  
13 *the written or oral recommendation of the committing court, the prosecuting*  
14 *attorney, and the sheriff of the county from which the person was committed.*

15 *(b) Before considering an application for a pardon or recommending a*  
16 *commutation of sentence of a person who was convicted of capital murder or a*  
17 *Class Y, Class A, or Class B felony, the board shall notify the victim of the*  
18 *crime or the victim's next of kin, if he or she files a request for notice*  
19 *with the prosecuting attorney. When the board provides notice under this*  
20 *subsection, the board shall solicit the written or oral recommendations of the*  
21 *victim or his next of kin regarding the granting of a pardon or commutation of*  
22 *sentence.*

23 *(c) The board shall retain a copy of the recommendations in the board's*  
24 *file.*

25 *(d) The recommendations shall not be binding upon the board in advising*  
26 *the Governor whether to grant a pardon or commute a sentence, but shall be*  
27 *maintained in a file which shall be open to the public during reasonable*  
28 *business hours.*

29 *(e) If a hearing will be held on the application, the board shall*  
30 *notify the victim or his next of kin of the date, time, and place of the*  
31 *hearing. The notice shall be given when soliciting the recommendations of the*  
32 *victim of the crime or his next of kin.*

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34 *SECTION 3. All provisions of this Act of a general and permanent nature*  
35 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 4. If any provision of this Act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the Act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 Act are declared to be severable.

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9 SECTION 5. All laws and parts of laws in conflict with this Act are  
10 hereby repealed.

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*/s/ P. Flanagan*

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