

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

A Bill

HOUSE BILL 1196

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT AN APPEAL TO CIRCUIT COURT FROM A PLEA
9 OF GUILTY OR A PLEA OF NOLO CONTENDERE IN MUNICIPAL
10 COURTS; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. No appeal shall be allowed to circuit court from a plea of
15 guilty or a plea of nolo contendere in municipal courts.

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17 SECTION 2. *If the offense involves a charge of driving while*
18 *intoxicated or any other charge which would result in a conviction of Class A*
19 *or Class B misdemeanor, the municipal court judge shall advise the defendant*
20 *that his right to appeal to circuit court is forfeited if the defendant enters*
21 *a plea of guilty or nolo contendere. The municipal court shall obtain the*
22 *defendant's signature upon a form which states that the defendant has been*
23 *advised of his forfeiture of appeal if he enters a plea of guilty or nolo*
24 *contendere.*

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26 SECTION 3. *The sentence imposed by the court shall remain subject to*
27 *appeal. However, where a minimum penalty for an offense is established by law*
28 *and not subject to suspension by the court, including suspension of a driver's*
29 *license, that minimum penalty and/or suspension shall be effective once the*
30 *plea is entered. This shall not preclude a judge or jury from giving the*
31 *maximum penalty upon appeal. If the penalty and sentence by the judge or jury*
32 *exceeds that of the minimum, the defendant shall receive credit for time*
33 *served or the appropriate period of the driver's license suspension.*

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35 SECTION 4. *An appeal of a sentence to circuit court shall remain de*

1 *novo from a proper court instruction that the jury will determine only the*
2 *sentence.*

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4 SECTION 5. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 6. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 7. All laws or parts of laws in conflict with this act are
15 hereby repealed.

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/s/B. Porter

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