

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Beebe**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-4-104 AND 301 TO ALLOW
9 THE SUSPENSION OF SENTENCES FOR CERTAIN DRUG OFFENSES; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE 5-4-104 AND 301 PERTAINING
14 TO A SUSPENSION OF SENTENCES FOR CERTAIN DRUG OFFENSES."

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

18 SECTION 1. Arkansas Code Annotated §5-4-104(e)(1) is amended to read as
19 follows:

20 "(e)(1) The court shall not suspend imposition of sentence as to a term
21 of imprisonment nor place the defendant on probation for the following
22 offenses:

23 (A) Capital murder;

24 (B) Treason;

25 (C) Class Y felonies, except to the extent suspension of an additional
26 term of imprisonment is permitted in subsection (c) of this section;

27 (D) Driving while intoxicated;

28 (E) Murder in the second degree, except to the extent suspension of an
29 additional term of imprisonment is permitted in subsection (c) of this
30 section;

31 (F) Engaging in a continuing criminal enterprise."

33 SECTION 2. Arkansas Code Annotated §5-4-301(a)(1) is amended to read as
34 follows:

35 "(a)(1) A court shall not suspend imposition of sentence as to a term

1 of imprisonment nor place the defendant on probation for the following
2 offenses:

- 3 (A) Capital murder;
- 4 (B) Treason;
- 5 (C) Class Y felonies, except to the extent suspension of an additional
6 term of imprisonment is permitted in §5-4-104(c);
- 7 (D) Driving while intoxicated;
- 8 (E) Murder in the second degree, except to the extent suspension of an
9 additional term of imprisonment is permitted in §5-4-104(c);
- 10 (F) Engaging in a continuing criminal enterprise."

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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