

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 2264

4  
5 By: Representatives Goss, Elliott, Lamoureux, Ledbetter

## For An Act To Be Entitled

9 AN ACT TO CREATE THE COMMISSION ON DISPARITY IN  
10 SENTENCING; AND FOR OTHER PURPOSES.

## Subtitle

13 AN ACT TO CREATE THE COMMISSION ON  
14 DISPARITY IN SENTENCING.

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

19 SECTION 1. (a) There is created the Commission on Disparity in  
20 Sentencing.

21 . (b) The commission shall consist of fifteen (15) persons to be  
22 appointed as follows;

23 (1) Five (5) members by the Governor, at least one (1) from each  
24 Congressional District;

25 (2) Five (5) members by the Speaker of the House of  
26 Representatives, at least one (1) from each Congressional District; and

27 (3) Five (5) members by the President Pro Tempore of the Senate,  
28 at least one (1) from each Congressional District.

29 (c)(1) Members of the commission shall be appointed for three (3) year  
30 staggered terms, and may be reappointed.

31 (2) The staggered terms shall be assigned by lot.

32 (3) The terms shall commence on July 1 of each year.

33 (4) For the first three (3) years, five (5) members' terms shall  
34 expire on July 1, 2004, five (5) members' terms shall expire on July 1, 2005,  
35 and five (5) members' terms shall expire on July 1, 2006.

36 (d) Appointments to fill vacancies shall be made for the remainder of



1 an unexpired term only.

2 (e)(1) A majority of the membership of the commission shall constitute  
3 a quorum.

4 (2) A majority of a quorum shall be necessary for the  
5 transacting of any business of the commission.

6 (f)(1) The Governor shall designate a temporary chair to call the  
7 first meeting of the commission within thirty (30) days of the effective date  
8 of this act, and to act as chair for the first meeting.

9 (2) At the first meeting, the commission shall elect a  
10 chairperson and draw for terms.

11 (g) Each member of the commission shall receive expense reimbursement  
12 and stipends in accordance with § 25-16-903 to the extent funds are  
13 available.

14 (h) The Arkansas Crime Information Center shall provide a meeting room  
15 and staff support as required for the administration and operation of the  
16 commission.

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18 SECTION 2. (a) The commission shall collect reports on the criminal  
19 justice process from the following agencies:

- 20 (1) Arkansas Crime Information Center;
- 21 (2) Administrative Office of the Courts;
- 22 (3) Department of Community Correction;
- 23 (4) Department of Correction; and
- 24 (5) Post Prison Transfer Board.

25 (b) Based on the reports collected under subsection (a) of this  
26 section, the commission shall make recommendations for policies changes, and  
27 shall propose legislation to the General Assembly.

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29 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
30 General Assembly of the State of Arkansas that the "Task Force to Study the  
31 Disparity in Sentencing for Persons Convicted of Nonviolent Crimes" has  
32 determined that Arkansas citizens do not receive equitable sentences under  
33 the law; that it is necessary to establish a permanent group who may compile  
34 and study statistical sentencing information in order to determine where the  
35 disparities exist and propose policy and legislative changes; and that this  
36 act is immediately necessary to provide a group to begin compiling the needed

1 statistical information in the first quarter of 2003. Therefore, an  
2 emergency is declared to exist and this act being immediately necessary for  
3 the preservation of the public peace, health, and safety shall become  
4 effective on:

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

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

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

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