

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 2385

4
5 By: Representative Medley
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For An Act To Be Entitled

8
9 AN ACT TO REQUIRE PERSONS WHO PLEAD GUILTY, NOLO
10 CONTENDERE OR ARE FOUND GUILTY OF A THIRD FELONY
11 INVOLVING VIOLENCE TO BE SENTENCED TO LIFE
12 IMPRISONMENT; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT TO REQUIRE PERSONS WHO PLEAD
16 GUILTY, NOLO CONTENDERE OR ARE FOUND
17 GUILTY OF A THIRD FELONY INVOLVING
18 VIOLENCE TO BE SENTENCED TO LIFE
19 IMPRISONMENT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. (a) Beginning on the effective date of this act, a
25 defendant who pleads guilty, nolo contendere, or is found guilty of a felony
26 involving violence enumerated in subsection (b) of this section and who has
27 previously plead guilty, nolo contendere, or been found guilty of two (2) or
28 more felonies involving violence enumerated in subsection (b) of this
29 section, and in each instance has been sentenced and committed to a term of
30 years in the Department of Corrections, shall be sentenced to life
31 imprisonment.

32 (b) For the purposes of this section, a felony involving violence
33 shall mean:

34 (1) Any of the following felonies:

35 (A) Murder in the first degree, § 5-10-102;

36 (B) Murder in the second degree, § 5-10-103;



- 1 (C) Kidnapping, § 5-11-102;
- 2 (D) Aggravated robbery, § 5-12-103;
- 3 (E) Rape, § 5-14-103;
- 4 (F) Battery in the first degree, § 5-13-201;
- 5 (G) Terroristic act, § 5-13-310;
- 6 (H) Sexual abuse in the first degree, § 5-14-108;
- 7 (I) Violation of a minor in the first degree, § 5-14-120;
- 8 (J) Domestic battering in the first degree, § 5-26-303;
- 9 (K) Unlawful discharge of a firearm from a vehicle, § 5-
- 10 74-107;

11 (L) Criminal use of prohibited weapons, § 5-73-104,
 12 involving activities making it a Class B felony; or

13 (M) A felony attempt, solicitation, or conspiracy to
 14 commit:

- 15 (i) Capital murder, § 5-10-101;
- 16 (ii) Murder in the first degree, § 5-10-102;
- 17 (iii) Murder in the second degree, § 5-10-103;
- 18 (iv) Kidnapping, § 5-11-102;
- 19 (v) Aggravated robbery, § 5-12-103;
- 20 (vi) Rape, § 5-14-103;
- 21 (vii) Battery in the first degree, § 5-13-201;
- 22 (viii) Domestic battering in the first degree, § 5-
- 23 26-303; or

24 (2) A conviction of a comparable felony involving violence from
 25 another jurisdiction for which the defendant was sentenced and committed to a
 26 term of years in a penal facility.

27 (c) The same procedures shall govern trials at which a sentence to
 28 life imprisonment is sought under this section as are used for extended terms
 29 of imprisonment under § 5-4-501.

30 (d) The determination of whether a felony conviction from another
 31 jurisdiction is comparable to one of the enumerated felonies involving
 32 violence under Arkansas criminal law shall lie within the discretion of the
 33 trial judge at the time of sentencing.

34 (e) The same criteria used to determine whether a defendant has
 35 previously plead guilty, nolo contendere or been found guilty of two (2) or
 36 more felonies under § 5-4-501 shall be used to determine whether a defendant

1 has previously plead guilty, nolo contendere or been found guilty of two (2)
2 or more felonies involving violence under this section.

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