

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 As Engrossed: H3/18/03 H3/24/03 H3/27/03 H4/7/03

2 84th General Assembly

# A Bill

3 Regular Session, 2003

HOUSE BILL 2385

4

5 By: Representative Medley

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## For An Act To Be Entitled

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.

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## Subtitle

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) For acts committed after the effective date of this  
25 act, and subject to subsection (e) of this section, a defendant who pleads  
26 guilty, nolo contendere, or is found guilty of a felony involving violence  
27 enumerated in subsection (b) of this section and who has previously plead  
28 guilty, nolo contendere, or been found guilty of two (2) or more felonies  
29 involving violence enumerated in subsection (b) of this section, and has been  
30 confined on two (2) separate occasions in the Department of Correction for  
31 two (2) or more of the previously committed violent felonies, shall be  
32 sentenced to life imprisonment.

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

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(1) Any of the following felonies:

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



- 1 (B) Murder in the second degree, § 5-10-103;
- 2 (C) Kidnapping, § 5-11-102;
- 3 (D) Aggravated robbery, § 5-12-103;
- 4 (E) Rape, § 5-14-103;
- 5 (F) Sexual assault in the first degree, § 5-14-124;
- 6 (G) Sexual indecency with a child, § 5-14-110;
- 7 (H) Criminal use of prohibited weapons, § 5-73-104,
- 8 involving activities making it a Class B felony; or
- 9 (I) Unlawful discharge of a firearm from a vehicle, § 5-
- 10 74-107.

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

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

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

21 (e) Nothing in this section shall be interpreted to conflict or repeal  
22 any portion of Arkansas Code § 5-4-501.

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/s/ Medley

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