

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 2549

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

9 AN ACT TO ESTABLISH PAROLE ELIGIBILITY FOR FELONS
10 COMMITTED TO THE DEPARTMENT OF CORRECTION; TO
11 REPEAL THE SEVENTY PERCENT (70%) RULE; AND FOR
12 OTHER PURPOSES.

Subtitle

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14 AN ACT TO ESTABLISH PAROLE ELIGIBILITY
15 FOR FELONS COMMITTED TO THE DEPARTMENT
16 OF CORRECTION; TO REPEAL THE SEVENTY
17 PERCENT (70%) RULE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Parole and community correction eligibility.

24 (a) Notwithstanding any other provision of law:

25 (1) Any person who pleads guilty or nolo contendere to, or is
26 found guilty of a felony and has not previously plead guilty or nolo
27 contendere to, or been found guilty of a felony offense and is committed to
28 the Department of Correction for a term of years shall be eligible for parole
29 or community correction transfer at any time after having served one-third
30 (1/3) of the total time sentenced with credit for good-time allowances,
31 regardless of the date of the offense;

32 (2) Any person who pleads guilty or nolo contendere to, or is
33 found guilty of a felony and has previously plead guilty or nolo contendere
34 to, or been found guilty of one (1) felony offense and is committed to the
35 Department of Correction for a term of years shall be eligible for parole or
36 community correction transfer at any time after having served one-half (1/2)



1 of the total time sentenced with credit for good-time allowances, regardless
2 of the date of the offense; and

3 (3) Any person who pleads guilty or nolo contendere to, or is
4 found guilty of a felony and has previously plead guilty or nolo contendere
5 to, or been found guilty of two (2) or more felony offenses and is committed
6 to the Department of Correction for a term of years shall be eligible for
7 parole or community correction transfer at any time after having served
8 seventy percent (70%) of the total time sentenced with credit for good-time
9 allowances, regardless of the date of the offense.

10 (b) Nothing in this section shall be construed to increase the time
11 any offender, committed to the Department of Correction before the effective
12 date of this act, is required to serve before being eligible for parole or
13 community correction transfer.

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15 SECTION 2. Arkansas Code § 16-93-611 is repealed.

16 ~~16-93-611. Class Y felonies.~~

17 ~~(a)(1) Notwithstanding any law allowing the award of meritorious good~~
18 ~~time or any other law to the contrary, any person who is found guilty of or~~
19 ~~who pleads guilty or nolo contendere to:~~

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

21 ~~(B) Kidnapping, Class Y felony, § 5-11-102;~~

22 ~~(C) Aggravated robbery, § 5-12-103;~~

23 ~~(D) Rape, § 5-14-103;~~

24 ~~(E) Causing a catastrophe, § 5-38-202(a);~~

25 ~~(F) Manufacture of methamphetamine, § 5-64-401(a)(1)(i);~~

26 ~~or~~

27 ~~(G) Possession of drug paraphernalia with the intent to~~
28 ~~manufacture methamphetamine, § 5-64-403(e)(5)~~

29 ~~shall not, except as provided in subsection (b) of this section, be eligible~~
30 ~~for parole or community punishment transfer until the person serves seventy~~
31 ~~percent (70%) of the term of imprisonment to which the person is sentenced,~~
32 ~~including a sentence prescribed under § 5-4-501.~~

33 ~~(2)(A) The seventy percent (70%) provision of subdivision (a)(1)~~
34 ~~of this section has no application to any person who is found guilty of or~~
35 ~~pleads guilty or nolo contendere to kidnapping, Class B felony, § 5-11-102,~~
36 ~~regardless of the date of the offense.~~

1 ~~(B) Furthermore, the provisions of this section shall~~
2 ~~apply retroactively to all persons presently serving a sentence for~~
3 ~~kidnapping, Class B felony, § 5-11-102.~~

4 ~~(b) The sentencing judge, in his or her discretion, may waive~~
5 ~~subsection (a) of this section under the following circumstances:~~

- 6 ~~(1) The defendant was a juvenile at the time of the offense;~~
- 7 ~~(2) The juvenile was merely an accomplice to the offense; and~~
- 8 ~~(3) The offense occurred on or after July 28, 1995.~~

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