

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  
4

# A Bill

HOUSE BILL 2576

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

8 AN ACT TO EXEMPT FIRST OFFENDERS FROM THE SEVENTY  
9 PERCENT RULE; AND FOR OTHER PURPOSES.  
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11

## Subtitle

12 AN ACT TO EXEMPT FIRST OFFENDERS FROM  
13 THE SEVENTY PERCENT RULE.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:  
21 16-93-611. Class Y felonies.

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

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

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

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

28 (D) Rape, § 5-14-103;

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

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

31 or

32 (G) Possession of drug paraphernalia with the intent to  
33 manufacture methamphetamine, § 5-64-403(c)(5)

34 shall not, except as provided in subsection (b) of this section, be  
35 eligible for parole or community punishment transfer until the person serves  
36 seventy percent (70%) of the term of imprisonment to which the person is



1 sentenced, including a sentence prescribed under § 5-4-501.

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

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

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

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

14 (c) The sentencing judge shall waive subsection (a) for any offender  
15 who has not previously plead guilty or nolo contendere to, or been found  
16 guilty of a felony offense.

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