

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 2577

5 By: Representative Ledbetter
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For An Act To Be Entitled

8
9 AN ACT TO EXEMPT FIRST OFFENDERS FOR
10 MANUFACTURING METHAMPHETAMINE FROM THE SEVENTY
11 PERCENT RULE; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO EXEMPT FIRST OFFENDERS FOR
15 MANUFACTURING METHAMPHETAMINE FROM THE
16 SEVENTY PERCENT RULE.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:
22 16-93-611. Class Y felonies.

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

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

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

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

29 (D) Rape, § 5-14-103;

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

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

32 or

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

35 shall not, except as provided in subsection (b) of this section, be
36 eligible for parole or community punishment transfer until the person serves



1 seventy percent (70%) of the term of imprisonment to which the person is
2 sentenced, including a sentence prescribed under § 5-4-501.

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

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

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

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

15 (c) The sentencing judge shall waive subsection (a) for any offender
16 who has not previously plead guilty or nolo contendere to, or been found
17 guilty of manufacture of methamphetamine, § 5-64-401(a)(1)(i).

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