

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

As Engrossed: S3/18/03
A Bill

SENATE BILL 737

5 By: Senators Critcher, Wilkinson
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For An Act To Be Entitled

9 AN ACT TO MAKE CERTAIN DRUG OFFENDERS UNDER THE
10 SEVENTY PERCENT RULE ELIGIBLE FOR GOOD TIME; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO MAKE CERTAIN DRUG OFFENDERS
14 UNDER THE SEVENTY PERCENT RULE ELIGIBLE
15 FOR GOOD TIME.
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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) shall not, except as provided
35 in subsection (b) of this section, be eligible for parole or community
36 punishment transfer until the person serves seventy percent (70%) of the term



1 of imprisonment to which the person is sentenced, including a sentence
2 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 (3)(A) For persons sentenced July 1, 2003 and thereafter, the
11 seventy percent (70%) provision under subdivision (a)(1) of this section
12 shall include credit for the award of meritorious good time to any person who
13 pleads guilty or nolo contendere, or is found guilty of manufacture of
14 methamphetamine, § 5-64-401(a)(1)(i), or possession of drug paraphernalia
15 with the intent to manufacture methamphetamine, § 5-64-403(c)(5), regardless
16 of the date of the offense.

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

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

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23 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that there is serious overcrowding
25 in the Department of Correction facilities and that such overcrowding is
26 likely to worsen unless appropriate action is taken immediately; that this
27 act is immediately necessary because it is designed to allow a procedure for
28 helping to alleviate this problem. Therefore, an emergency is declared to
29 exist and this act being necessary for the preservation of the public peace,
30 health, and safety shall become effective on July 1, 2003.

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32 /s/ Critcher
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