

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

SENATE BILL 884

4
5 By: Senator Bryles
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For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE THE MODIFICATION OF THE
10 SENTENCE OF CERTAIN PERSONS WHO WERE JUVENILES AT
11 THE TIME OF THE COMMISSION OF THE CRIME; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15 AN ACT TO AUTHORIZE THE MODIFICATION OF
16 THE SENTENCE OF CERTAIN PERSONS WHO WERE
17 JUVENILES AT THE TIME OF THE COMMISSION
18 OF THE CRIME.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:
24 16-93-611. Class Y felonies.

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

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

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

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

31 (D) Rape, § 5-14-103;

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

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

34 or

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



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

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

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

12 (b) The Notwithstanding § 16-90-111 or any other law to the contrary,
13 the sentencing judge, in his or her discretion, may at any time waive
14 subsection (a) of this section under the following circumstances:

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

18 (c) Subsection (b) of this section applies retroactively to an offense
19 that occurred on or after July 28, 1995.

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