

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/15/07

A Bill

HOUSE BILL 1230

5 By: Representatives Patterson, Adcock, Allen, Breedlove, J. Brown, Cheatham, L. Cowling, Garner,
6 George, Glidewell, Hall, Kidd, Lovell, Maxwell, Ragland, Rogers, Wells, *Pennartz*
7 By: *Senators B. Pritchard, R. Thompson, Trusty*
8
9

For An Act To Be Entitled

11 AN ACT TO ESTABLISH A WAITING PERIOD OF SIX (6)
12 YEARS AFTER THE DATE OF DENIAL OF AN APPLICATION
13 FOR EXECUTIVE CLEMENCY FOR PERSONS SENTENCED TO
14 LIFE IMPRISONMENT WITHOUT PAROLE FOR FILING A NEW
15 APPLICATION FOR EXECUTIVE CLEMENCY; TO ALLOW THE
16 PAROLE BOARD TO WAIVE THE WAITING PERIOD UNDER
17 CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

19 TO ESTABLISH A WAITING PERIOD OF SIX (6)
20 YEARS FOR PERSONS SENTENCED TO LIFE
21 IMPRISONMENT WITHOUT PAROLE FOR FILING A
22 NEW APPLICATION FOR EXECUTIVE CLEMENCY
23 AND TO ALLOW THE PAROLE BOARD TO WAIVE
24 THE WAITING PERIOD.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 16-93-207 is amended to read as follows:

31 16-93-207. Applications for pardon, commutation of sentence, and
32 remission of fines and forfeitures.

33 (a)(1)(A) At least thirty (30) days before granting an application for
34 pardon, commutation of sentence, or remission of fine or forfeiture, the
35 Governor shall file with the Secretary of State a notice of his or her
36 intention to grant the application.



1 (B)~~(i)~~ The Governor shall also direct the Department of
2 Correction to send notice of his or her intention to the judge, the
3 prosecuting attorney, and the sheriff of the county in which the applicant
4 was convicted and, if applicable, to the victim or the victim's next of kin.

5 ~~(ii) The notification to the victim or the victim's~~
6 ~~next of kin shall not be required if the conviction occurred more than ten~~
7 ~~(10) years prior to the filing of the notice under subdivision (a)(1)(A) of~~
8 ~~this section.~~

9 (2) The filing of the notice shall not preclude the Governor
10 from later denying the application, but any pardon, commutation of sentence,
11 or remission of fine or forfeiture granted without filing the notice shall be
12 null and void.

13 (b) If the Governor does not grant an application for pardon,
14 commutation of sentence, or remission of fine or forfeiture within two
15 hundred forty (240) days of the Governor's receipt of the recommendation of
16 the Parole Board regarding the application, the application shall be deemed
17 denied by the Governor, and any pardon, commutation of sentence, or remission
18 of fine or forfeiture granted after the two-hundred-forty-day period shall be
19 null and void.

20 (c)(1)(A) Except as provided in subdivision (c)(3) and subsection (d)
21 of this section, if an application for pardon, commutation of sentence, or
22 remission of fine or forfeiture is denied in writing by the Governor, the
23 person filing the application shall not be eligible to file a new application
24 for pardon, commutation of sentence, or remission of fine or forfeiture
25 related to the same offense for a period of four (4) years from the date of
26 filing the application that was denied.

27 (B) Any person who made an application for pardon,
28 commutation of sentence, or remission of fine or forfeiture that was denied
29 on or after July 1, 2004, shall be eligible to file a new application four
30 (4) years after the date of filing the application that was denied.

31 (2) If an application for pardon, commutation of sentence, or
32 remission of fine or forfeiture is denied by the Governor pursuant to
33 subsection (b) of this section, the person filing the application may
34 immediately file a new application for pardon, commutation of sentence, or
35 remission of fine or forfeiture related to the same offense.

36 (3)(A) The Parole Board may waive the waiting period for filing

1 a new application for pardon, commutation of sentence, or remission of fine
2 or forfeiture described in subdivision (c)(1)(A) of this section if:

3 (i) It has been at least twelve (12) months after
4 the date of filing the application that was denied; and

5 (ii) The Parole Board determines that the person
6 whose application was denied has established that:

7 (a) New material evidence relating to the
8 person's guilt or punishment has been discovered;

9 (b) The person's physical or mental health has
10 substantially deteriorated; or

11 (c) Other meritorious circumstances justify a
12 waiver of the waiting period.

13 (B)(i) The Board of Corrections shall promulgate rules
14 that will establish policies and procedures for waiver of the waiting period.

15 (ii) The Board of Corrections may make additions,
16 amendments, changes, or alterations to the rules in accordance with the
17 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

18 (d)(1) Except as provided in subdivision (d)(3) of this section, if an
19 application for pardon, commutation of sentence, or remission of fine or
20 forfeiture of a person sentenced to life imprisonment without parole is
21 denied in writing by the Governor, the person filing the application shall
22 not be eligible to file a new application for pardon, commutation of
23 sentence, or remission of fine or forfeiture related to the same offense for
24 a period of six (6) years from the date of the denial.

25 (2) If an application for pardon, commutation of sentence, or
26 remission of fine or forfeiture of a person sentenced to life imprisonment
27 without parole is denied by the Governor pursuant to subsection (b) of this
28 section, the person filing the application may immediately file a new
29 application for pardon, commutation of sentence, or remission of fine or
30 forfeiture related to the same offense.

31 (3)(A) The Parole Board or the Governor may waive the waiting
32 period for filing a new application for pardon, commutation of sentence, or
33 remission of fine or forfeiture described in subdivision (d)(1) of this
34 section if:

35 (i) It has been at least twelve (12) months after
36 the date of filing the application that was denied; and

