

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4  
5 By: Senator P. Malone

*As Engrossed: H3/1/12*

SCR 4

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7 **SENATE CONCURRENT RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION  
9 BILL TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF  
10 FELONIES FOR WHICH TRANSFER TO PAROLE ELIGIBILITY IS  
11 DISCRETIONARY; AND FOR OTHER PURPOSES.

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14 **Subtitle**

15 TO AUTHORIZE THE INTRODUCTION OF A  
16 NONAPPROPRIATION BILL TO INCLUDE FELONY  
17 SEX OFFENSES IN THE NUMBER OF FELONIES  
18 FOR WHICH TRANSFER TO PAROLE ELIGIBILITY  
19 IS DISCRETIONARY.

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22 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE  
23 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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25 That Senator Malone is authorized to introduce a bill that, as introduced,  
26 will read substantially as follows:

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28 "For An Act To Be Entitled  
29 AN ACT TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF FELONIES FOR WHICH  
30 TRANSFER TO PAROLE ELIGIBILITY IS DISCRETIONARY; AND FOR OTHER PURPOSES.

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32 Subtitle  
33 TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF FELONIES FOR WHICH TRANSFER  
34 TO PAROLE ELIGIBILITY IS DISCRETIONARY.

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36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:



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*SECTION 1. Arkansas Code § 16-93-612 is amended to read as follows:  
16-93-612. Parole eligibility – Date of offense.*

*(a) A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Department of Correction.*

*(b) For an offender serving a sentence for a felony committed before April 1, 1977, § 16-93-601 governs that person's parole eligibility.*

*(c) For an offender serving a sentence for a felony committed between April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole eligibility.*

*(d) For an offender serving a sentence for a felony committed on or after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that person's parole eligibility.*

*(e) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-614 governs that person's parole eligibility, unless otherwise noted and except:*

*(1) If the felony is murder in the first degree, § 5-10-102, kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the offense occurred after July 28, 1995, § 16-93-618 governs that person's parole eligibility; ~~or~~*

*(2) If the felony is manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, or possession of drug paraphernalia with the intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the offense occurred after April 9, 1999, § 16-93-618 governs that person's parole eligibility; or*

*(3) If the felony is sexual indecency with a child, § 5-14-110, and the offense occurred after the effective date of this act, § 16-93-615(b)(1) governs that person's eligibility.*

*(f) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-615 governs that person's parole eligibility procedures.*

*SECTION 2. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is subject to discretionary transfer to the Department of Community Correction*

1 by the Parole Board after having served one-third (1/3) or one-half (½) of  
2 his or her sentence, is amended to read as follows:

3 (b)(1) An inmate under sentence for one (1) of the following felonies  
4 ~~shall be~~ is eligible for discretionary transfer to the Department of  
5 Community Correction by the Parole Board after having served one-third (1/3)  
6 or one-half (½) of his or her sentence, with credit for meritorious good  
7 time, depending on the seriousness determination made by the Arkansas  
8 Sentencing Commission, or one-half (½) of the time to which his or her  
9 sentence is commuted by executive clemency, with credit for meritorious good  
10 time:

11 (A) Any homicide, §§ 5-10-101 – 5-10-105, unless the  
12 offense is listed under § 16-93-612(e)(1);

13 (B) Sexual assault in the first degree, § 5-14-124;

14 (C) Sexual assault in the second degree, § 5-14-125;

15 (D) Sexual indecency with a child, § 5-14-110;

16 ~~(D)~~ (E) Battery in the first degree, § 5-13-201;

17 ~~(E)~~ (F) Domestic battering in the first degree, § 5-26-303;

18 ~~or~~

19 ~~(F)~~ (G) The following Class Y felonies:

20 (i) Kidnapping, § 5-11-102, unless the offense is  
21 listed under § 16-93-612(e)(1);

22 (ii) Rape, § 5-14-103, unless the offense is listed  
23 under § 16-93-612(e)(1);

24 (iii) Aggravated robbery, § 5-12-103, unless the  
25 offense is listed under § 16-93-612(e)(1); or

26 (iv) Causing a catastrophe, § 5-38-202(a), unless  
27 the offense is listed under § 16-93-612(e)(1);

28 ~~(G)~~ (H) Engaging in a continuing criminal enterprise, § 5-  
29 64-405; or

30 ~~(H)~~ (I) Simultaneous possession of drugs and firearms, § 5-  
31 74-106."

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33 /s/P. Malone

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