

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 517

5 By: Senator Bond
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For An Act To Be Entitled

8 AN ACT CONCERNING LIFE SENTENCES IMPOSED FOR
9 NONVIOLENT FELONY OFFENSES INVOLVING A CONTROLLED
10 SUBSTANCE; CONCERNING CRIMINAL SENTENCES;
11 ESTABLISHING RETROACTIVE APPLICABILITY FOR CERTAIN
12 SENTENCES; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING LIFE SENTENCES IMPOSED FOR
16 NONVIOLENT FELONY OFFENSES INVOLVING A
17 CONTROLLED SUBSTANCE; CONCERNING CRIMINAL
18 SENTENCES; ESTABLISHING RETROACTIVE
19 APPLICABILITY FOR CERTAIN SENTENCES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-4-401 is amended to read as follows:
26 5-4-401. Sentence.

27 (a) A defendant convicted of a felony shall receive a determinate
28 sentence according to the following limitations:

29 (1) ~~For~~ Except as provided in subsection (c) of this section,
30 for a Class Y felony, the sentence shall be not less than ten (10) years and
31 not more than forty (40) years, or life;

32 (2) For a Class A felony, the sentence shall be not less than
33 six (6) years nor more than thirty (30) years;

34 (3) For a Class B felony, the sentence shall be not less than
35 five (5) years nor more than twenty (20) years;

36 (4) For a Class C felony, the sentence shall be not less than



1 three (3) years nor more than ten (10) years;

2 (5) For a Class D felony, the sentence shall not exceed six (6)
3 years; and

4 (6) For an unclassified felony, the sentence shall be in
5 accordance with a limitation of the statute defining the felony.

6 (b) A defendant convicted of a misdemeanor may be sentenced according
7 to the following limitations:

8 (1) For a Class A misdemeanor, the sentence shall not exceed one
9 (1) year;

10 (2) For a Class B misdemeanor, the sentence shall not exceed
11 ninety (90) days;

12 (3) For a Class C misdemeanor, the sentence shall not exceed
13 thirty (30) days; and

14 (4) For an unclassified misdemeanor, the sentence shall be in
15 accordance with a limitation of the statute defining the misdemeanor.

16 (c) A defendant convicted of one (1) or more of the following Class Y
17 felonies shall receive a determinate sentence of not less than ten (10) years
18 and not more than forty (40) years:

19 (1) Delivery of methamphetamine or cocaine, § 5-64-422;

20 (2) Manufacture of methamphetamine – Manufacture of cocaine, §
21 5-64-423;

22 (3) Trafficking a controlled substance, § 5-64-440; and

23 (4) Simultaneous possession of drugs and firearms, § 5-74-106.

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25 SECTION 2. DO NOT CODIFY. Retroactivity.

26 (a) A person who was convicted of a nonviolent controlled substance
27 offense and who was sentenced to life shall immediately be eligible for
28 resentencing.

29 (b) A person eligible for resentencing under this section may file a
30 petition in the sentencing court and may be resentenced in the same manner as
31 the person was originally sentenced.

32 (c) A person who is resentenced under this section:

33 (1) Shall be resentenced under § 5-5-401(c), as amended by this
34 act; and

35 (2) Carries forward all accumulated good time credit, retains
36 his or her parole eligibility, when applicable, and is eligible for a

1 recalculation of his or her parole eligibility date.

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