

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

A Bill

SENATE BILL 682

5 By: Senator K. Ingram
6 By: Representative Richey
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE SENTENCING AND PAROLE
10 ELIGIBILITY OF A DEFENDANT WHO ENTERS INTO A
11 NEGOTIATED PLEA WITH THE STATE; CONCERNING THE DUTIES
12 OF THE PROSECUTING ATTORNEY; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE SENTENCING AND PAROLE
16 ELIGIBILITY OF A DEFENDANT WHO ENTERS
17 INTO A NEGOTIATED PLEA WITH THE STATE;
18 AND CONCERNING THE DUTIES OF THE
19 PROSECUTING ATTORNEY.
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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 § 16-21-106(b), concerning the
26 responsibilities of the prosecuting attorney when assisting a victim of a
27 crime, is amended to read as follows:

28 (b)(1)(A) Prosecuting attorneys shall confer and explain his or her
29 rationale with the victim before amending or dismissing a charge or agreeing
30 to pretrial diversion.

31 (B) The prosecuting attorney or his or her deputy shall
32 explain to a victim of a crime and his or her family the sentencing and
33 parole ramifications of a negotiated plea entered into between the state and
34 a defendant before agreeing to a negotiated plea ~~or pretrial diversion~~ with
35 the defendant.

36 (2) Failure of the prosecuting attorney to confer with or



1 explain to the victim does not affect the validity of an agreement between
2 the prosecuting attorney and the defendant or of an amendment, dismissal,
3 negotiated plea, pretrial diversion, or other disposition.

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5 SECTION 2. Arkansas Code § 16-93-612, concerning the date of the
6 offense pertaining to a person’s parole eligibility, is amended to add an
7 additional subsection to read as follows:

8 (g) For an offender serving a sentence for a felony offense that
9 resulted from a negotiated plea of guilty or nolo contendere on or after the
10 effective date of this act, § 16-93-622 governs that person’s parole
11 eligibility.

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13 SECTION 3. Arkansas Code Title 16, Chapter 93, Subchapter 6, is
14 amended to add an additional section to read as follows:

15 16-93-622. Parole eligibility - Negotiated plea.

16 A person is not eligible for parole if the person enters into a
17 negotiated plea with the state to plead guilty or nolo contendere to a felony
18 offense that includes incarceration in the Department of Correction as a part
19 of the sentence and the sentence is not probation or a suspended imposition
20 of sentence.