

INTERIM STUDY PROPOSAL 2019-108

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

A Bill

SENATE BILL 517

5
6 By: Senator Bond

7 Filed with: Senate Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

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17 **Subtitle**

18 CONCERNING LIFE SENTENCES IMPOSED FOR
19 NONVIOLENT FELONY OFFENSES INVOLVING A
20 CONTROLLED SUBSTANCE; CONCERNING CRIMINAL
21 SENTENCES; ESTABLISHING RETROACTIVE
22 APPLICABILITY FOR CERTAIN SENTENCES.

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

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27 SECTION 1. Arkansas Code § 5-4-401 is amended to read as follows:
28 5-4-401. Sentence.

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

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

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

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

3 (4) For a Class C felony, the sentence shall be not less than
4 three (3) years nor more than ten (10) years;

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

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

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

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

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

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

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

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

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

23 (2) Manufacture of methamphetamine – Manufacture of cocaine, §
24 5-64-423;

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

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

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28 SECTION 2. DO NOT CODIFY. Retroactivity.

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

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

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

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

3 (2) Carries forward all accumulated good time credit, retains
4 his or her parole eligibility, when applicable, and is eligible for a
5 recalculation of his or her parole eligibility date.

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8 Referred requested by the Arkansas Senate

9 Prepared by: BPG/VJF

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