

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Mahony**

# **A Bill**

**ACT 1267 OF 1993**  
**HOUSE BILL 2037**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-4-323 RELATING TO THE  
9 REQUIREMENT THAT PERSONS CONVICTED OF CERTAIN OFFENSES  
10 MAKE GOOD FAITH EFFORTS TO EARN A HIGH SCHOOL DIPLOMA OR  
11 GED CERTIFICATE AS A CONDITION OF SUSPENSION OF SENTENCE  
12 OR PROBATION; AND FOR OTHER PURPOSES."

## **Subtitle**

14 "EFFORTS TO EARN HIGH SCHOOL DIPLOMA OR GED CERTIFICATE AS  
15 CONDITION OF SUSPENDED SENTENCE OR PROBATION."  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 5-4-323 as amended by Act 343 of 1993, is  
22 amended to read as follows:

23 "5-4-323. Additional conditions - High school diploma or GED  
24 certificate.

25 (a) (1) (A) As an additional requirement for suspension of sentence or  
26 probation, the court shall require any person who is convicted of a felony or  
27 Class A misdemeanor to make a good faith effort towards completion of a high  
28 school diploma or a General Education Development (GED) certificate unless the  
29 person has already achieved the diploma or certificate.

30 (B) Such requirement shall be implemented only upon the  
31 acceptance of the person by the administrative head of the school or program.

32 (C) If no appropriate school or program can be found, the  
33 requirement is of no effect.

34 (2) The court, after consultation with the school or program,  
35 shall determine the appropriate documentation for those individuals  
36 participating under the provisions of this section and shall report all

1 documentation of program participation on a quarterly basis to the  
2 Administrative Office of the Courts who shall then report to the Governor's  
3 Commission on Adult Literacy.

4 (b) The court shall not revoke a suspension of sentence or probation  
5 because of the person's inability to achieve the degree or certificate but  
6 shall revoke a suspension or probation if the person fails to make a good  
7 faith effort to achieve the degree or certificate.

8 (c) A good faith effort means the person has been enrolled in a  
9 program of instruction and is attending school.

10 (d) Any person who fails to make a good faith effort to comply with a  
11 court order issued pursuant to this section shall be guilty of an unclassified  
12 misdemeanor and shall be punished by a fine of at least one hundred dollars  
13 (\$100) but not more than one thousand dollars (\$1,000)."

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15 SECTION 2. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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*/s/J. Mahony*

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APPROVED: 4/20/93

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