

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

A Bill

ACT 192 OF 1993
SENATE BILL 40

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 5-4-104 AND 301 TO ALLOW
THE SUSPENSION OF SENTENCES FOR CERTAIN DRUG OFFENSES; AND
FOR OTHER PURPOSES."

Subtitle

**"AN ACT TO AMEND ARKANSAS CODE 5-4-104 AND 301
PERTAINING TO A SUSPENSION OF SENTENCES FOR
CERTAIN DRUG OFFENSES."**

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

SECTION 1. Arkansas Code Annotated §5-4-104(e)(1) is amended to read as follows:

**"(e)(1) The court shall not suspend imposition of sentence as to a term of
imprisonment nor place the defendant on probation for the following offenses:**

(A) Capital murder;

(B) Treason;

**(C) Class Y felonies, except to the extent suspension of an additional term of imprisonment
is permitted in subsection (c) of this section;**

(D) Driving while intoxicated;

**(E) Murder in the second degree, except to the extent suspension of an additional term of
imprisonment is permitted in subsection (c) of this section;**

(F) Engaging in a continuing criminal enterprise."

SECTION 2. Arkansas Code Annotated §5-4-301(a)(1) is amended to read as follows:

**"(a)(1) A court shall not suspend imposition of sentence as to a term of imprisonment
nor place the defendant on probation for the following offenses:**

(A) Capital murder;

(B) Treason;

(C) Class Y felonies, except to the extent suspension of an additional term of imprisonment

1 is permitted in §5-4-104(c);

2 (D) Driving while intoxicated;

3 (E) Murder in the second degree, except to the extent suspension of an additional term of
4 imprisonment is permitted in §5-4-104(c);

5 (F) Engaging in a continuing criminal enterprise."
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7 **SECTION 3.** All provisions of this act of a general and permanent nature are
8 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
9 Commission shall incorporate the same in the Code.
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11 **SECTION 4.** If any provision of this act or the application thereof to any person or
12 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
13 the act which can be given effect without the invalid provision or application, and to this end
14 the provisions of this act are declared to be severable.
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16 **SECTION 5.** All laws and parts of laws in conflict with this act are hereby repealed.
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18 **APPROVED: 2/24/93**
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