

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

# **A Bill**

**ACT 5 OF 1993**  
**SENATE BILL 163**

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

8 "AN ACT TO REGULATE APPLICATIONS FOR PARDON, COMMUTATION  
9 OF SENTENCE, AND REMISSION OF FINES AND FORFEITURES; AND  
10 FOR OTHER PURPOSES."

### **Subtitle**

12 **"TO REGULATE THE GRANTING OF A PARDON OR**  
13 **COMMUTATION OF SENTENCE."**

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

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18 **SECTION 1. At least thirty (30) days before granting an application for pardon,**  
19 **commutation of sentence, or remission of fine or forfeiture, the Governor shall file with the**  
20 **Secretary of State a notice of his intention to grant such application. The filing of such notice**  
21 **shall not preclude the Governor from later denying the application, but any pardon,**  
22 **commutation of sentence, or remission of fine or forfeiture granted without filing such notice**  
23 **shall be null and void.**

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25 **SECTION 2. If the Governor does not grant an application for pardon, commutation**  
26 **of sentence, or remission of fine or forfeiture within one hundred twenty (120) days of the**  
27 **Governor's receipt of the recommendation of the State Board or Parole and Community**  
28 **Rehabilitation regarding the application, the application shall be deemed denied by the**  
29 **Governor and any pardon, commutation of sentence, or remission of fine or forfeiture granted**  
30 **after the one hundred twenty (120) day period shall be null and void.**

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32 **SECTION 3. If an application for pardon, commutation of sentence, or remission of**  
33 **fine or forfeiture is denied in writing by the Governor, the person filing the application shall**  
34 **not be eligible to file a new application for pardon, commutation of sentence, or remission of**  
35 **fine or forfeiture related to the same offense for a period of one (1) year from the date of the**  
36 **denial. If an application for pardon, commutation of sentence, or remission of fine or**

1 **forfeiture is deemed denied by the Governor pursuant to Section 2 of this act, the person filing**  
2 **the application may immediately file a new application for pardon, commutation of sentence, or**  
3 **remission of fine or forfeiture related to the same offense.**

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5 **SECTION 4. This act shall not apply to reprieves, and reprieves may be granted as**  
6 **presently provided by law.**

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8 **SECTION 5. All provisions of this act of a general and permanent nature are**  
9 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
10 **Commission shall incorporate the same in the Code.**

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12 **SECTION 6. If any provision of this act or the application thereof to any person or**  
13 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**  
14 **the act which can be given effect without the invalid provision or application, and to this end**  
15 **the provisions of this act are declared to be severable.**

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17 **SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.**

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19 **SECTION 8. EMERGENCY. It is hereby found and determined by the General**  
20 **Assembly that the people of Arkansas are not receiving adequate notice of the granting of**  
21 **applications for pardon, commutation of sentence, or remission of fine or forfeiture; that**  
22 **applications for pardon, commutation of sentence, or remission of fine or forfeiture are not**  
23 **being acted upon within a reasonable period of time after receipt of the recommendation of the**  
24 **State Board of Parole and Community Rehabilitation; and that repeated applications by the**  
25 **same individuals for pardon, commutation of sentence, or remission of fine or forfeiture are**  
26 **delaying the processing of applications for pardon, commutation of sentence, or remission of**  
27 **fine or forfeiture. Therefore, an emergency is hereby declared to exist and this act being**  
28 **necessary for the immediate preservation of the public peace, health and safety shall be in full**  
29 **force and effect from and after its passage and approval.**

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**APPROVED: 1/29/93**

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