

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

Act 717 of 1999
SENATE BILL 413

4
5 By: Senator Bearden

For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 16-93-611 TO GRANT THE
10 SENTENCING JUDGE THE DISCRETION TO WAIVE THE STATUTE
11 AS TO A JUVENILE CONVICTED AS AN ADULT FOR BEING AN
12 ACCOMPLICE TO THE CRIMES INDICATED; AND FOR OTHER
13 PURPOSES. "

Subtitle

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16 "AN ACT TO AMEND ARKANSAS CODE 16-93-611
17 TO GRANT THE SENTENCING JUDGE THE
18 DISCRETION TO WAIVE THE STATUTE AS TO A
19 JUVENILE CONVICTED AS AN ADULT FOR BEING
20 AN ACCOMPLICE TO THE CRIMES INDICATED. "

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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 16-93-611 is amended to read as follows:

26 "16-93-611. Class Y felonies.

27 (a) Notwithstanding any law allowing the award of meritorious good
28 time or any other law to the contrary, any person who is found guilty of or
29 who pleads guilty or nolo contendere to murder in the first degree, § 5-10-
30 102, kidnapping, Class Y felonies, § 5-11-102, aggravated robbery, § 5-12-103,
31 rape, § 5-14-103, and causing a catastrophe, § 5-38-202(a), shall not, except
32 as provided in subsection (b), be eligible for parole or community punishment
33 transfer until the person serves seventy percent (70%) of the term of
34 imprisonment, including a sentence prescribed under § 5-4-501, to which the
35 person is sentenced.

36 (b) The sentencing judge may, in his discretion, waive subsection (a)

1 under the following circumstances:

2 (1) The defendant was a juvenile at the time of the offense;

3 (2) The juvenile was merely an accomplice to the offense; and

4 (3) The offense occurred on or after the effective date of Act
5 1326 of 1995."

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

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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

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21 APPROVED: 3/18/1999