

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1047 of the Regular Session

As Engrossed: S3/12/07 H3/29/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 844

4
5 By: Senator Broadway
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For An Act To Be Entitled

8
9 AN ACT TO RESTRICT THE ELIGIBILITY FOR PAROLE OR
10 COMMUNITY CORRECTION TRANSFER OF PERSONS
11 SENTENCED TO ENHANCED PENALTIES UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO RESTRICT THE ELIGIBILITY FOR PAROLE
16 OR COMMUNITY CORRECTION TRANSFER OF
17 PERSONS SENTENCED TO ENHANCED PENALTIES
18 UNDER CERTAIN CIRCUMSTANCES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-4-702(d), pertaining to parole
24 eligibility for persons subjected to an enhanced penalty for offenses
25 committed in the presence of a child, is amended to read as follows:

26 (d) Any person convicted under this section is not eligible for early
27 release on parole or community correction transfer for the enhanced portion
28 of the sentence.
29

30 SECTION 2. Arkansas Code § 5-54-206(c), pertaining to parole
31 eligibility for persons subjected to an enhanced penalty for causing serious
32 physical injury to a law enforcement officer, firefighter, or emergency
33 service technician providing emergency assistance at the scene of the act of
34 terrorism, is amended to read as follows:

35 (c) Any person sentenced under this section is not eligible for early



1 release on parole or community correction transfer for the enhanced portion
2 of the sentence.

3
4 SECTION 3. Arkansas Code § 5-64-407(c), pertaining to parole
5 eligibility for persons subjected to an enhanced penalty for manufacturing
6 methamphetamine or possessing drug paraphernalia with the intent to
7 manufacture methamphetamine in the presence of a minor, is amended to read as
8 follows:

9 (c) Any person sentenced under this section is not eligible for early
10 release on parole or community correction transfer for the enhanced portion
11 of the sentence.

12
13 SECTION 4. Arkansas Code § 5-64-411(c), pertaining to parole
14 eligibility for persons subjected to an enhanced penalty for selling,
15 delivering, possessing with intent to deliver, dispensing, manufacturing,
16 transporting, administering, or distributing a controlled substance if the
17 offense is committed on or within one thousand feet (1,000') of the real
18 property of a city or state park or other specified locations, is amended to
19 read as follows:

20 (c) Any person convicted under this section is not eligible for early
21 release on parole or community correction transfer for the enhanced portion
22 of the sentence.

23
24 SECTION 5. Arkansas Code § 16-90-120, pertaining to an additional
25 period of confinement that may be imposed on a person convicted of a felony
26 who employed a firearm as a means of committing or escaping from the felony,
27 is amended to add an additional subsection to read as follows:

28 (e)(1) For an offense committed on or after the effective date of this
29 act, notwithstanding any law allowing the award of meritorious good time or
30 any other law to the contrary, except as provided in subdivision
31 (e)(1)(B)(ii) of this section, any person who is sentenced under subsection
32 (a) of this section is not eligible for parole or community correction
33 transfer until the person serves:

34 (A) Seventy percent (70%) of the term of imprisonment to
35 which the person is sentenced under subsection (a) of this section if the
36 underlying felony was any of the following:

1 (i) Murder in the first degree, § 5-10-102;
2 (ii) Kidnapping that is a Class Y felony, § 5-11-
3 102;

4 (iii) Aggravated robbery, § 5-12-103;

5 (iv) Rape, § 5-14-103; or

6 (v) Causing a catastrophe, § 5-38-202(a);

7 (B)(i) Except as provided in subdivision (e)(1)(B)(ii) of
8 this section, seventy percent (70%) of the term of imprisonment to which the
9 person is sentenced under subsection (a) of this section if the underlying
10 felony was any of the following:

11 (a) Manufacture of methamphetamine, § 5-64-
12 401(a)(1); or

13 (b) Possession of drug paraphernalia with the
14 intent to manufacture methamphetamine, § 5-64-403(c)(5).

15 (ii) The person is eligible for parole or community
16 correction transfer if the person serves at least fifty percent (50%) of the
17 term of imprisonment to which the person is sentenced under subsection (a) of
18 this section for the offenses listed in subdivision (e)(1)(B)(i) of this
19 section with credit for the award of meritorious good time under § 12-29-202
20 unless the person is sentenced to a term of life imprisonment. The time
21 served by any person under this subdivision (e)(1)(B)(ii) shall not be
22 reduced to less than fifty percent (50%) of the person's original sentence
23 under subsection (a) of this section; or

24 (C) Either one-third (1/3) or one-half (1/2) of the term of
25 imprisonment to which the person is sentenced under subsection (a) of this
26 section with credit for meritorious good time and depending on the
27 seriousness determination made by the Arkansas Sentencing Commission if the
28 underlying felony was any felony not listed in subdivision (e)(1)(A) or (B)
29 of this section.

30 (2) The sentencing court may waive subdivision (e)(1) of this
31 section if all of the following circumstances exist:

32 (A) The defendant was a juvenile when the offense was
33 committed;

34 (B) The defendant was merely an accomplice to the offense;
35 and

36 (C) The offense was committed on or after the effective

1 date of this act.

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/s/ Broadway

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APPROVED: 4/4/2007

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