

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
4

A Bill

Act 216 of 1999
HOUSE BILL 1308

5 By: Representative Hale
6

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-4-101 TO CLARIFY
9 THE DEFINITION OF IMPRISONMENT TO INCLUDE PRIVATELY
10 OPERATED DETENTIONAL FACILITIES; AND FOR OTHER
11 PURPOSES. "

Subtitle

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13 "TO CLARIFY THE DEFINITION OF
14 IMPRISONMENT TO INCLUDE PRIVATELY
15 OPERATED DETENTIONAL FACILITIES. "
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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 5-4-101 is amended to read as follows:

22 "5-4-101. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) 'Suspension' or 'suspend imposition of sentence' means a
25 procedure whereby a defendant who pleads or is found guilty of an offense is
26 released by the court without pronouncement of sentence and without
27 supervision;

28 (2) 'Probation' or 'place on probation' means a procedure whereby
29 a defendant who pleads or is found guilty of an offense is released by the
30 court without pronouncement of sentence but subject to the supervision of a
31 probation officer;

32 (3) 'Probation officer' means a salaried officer attached to the
33 court pursuant to § 16-93-402 or a reputable person designated by the court to
34 supervise a defendant who is placed on probation;

35 (4) 'Imprisonment' means incarceration in a detentional facility
36 operated by the state or any of its political subdivisions, or may mean

1 incarceration in a privately operated detentional facility under contract to
2 the state or any of its political subdivisions;

3 (5) 'Restitution' means the act of making good or giving
4 equivalent value for any loss, damage, or injury. In the event of injury or
5 loss that the offender has special capacity to restore or repair,
6 'restitution' may also include a sentence to perform such reparations."
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8 SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.
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12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.
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18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.
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22 APPROVED: 2/23/1999
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