

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 1034 of the Regular Session**

*As Engrossed: S2/22/05 H3/4/05*

**A Bill**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

SENATE BILL 387

4  
5 By: Senator Luker  
6 By: Representatives Bond, D. Johnson

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9 **For An Act To Be Entitled**

10 AN ACT TO MAKE CERTAIN OFFENDERS ELIGIBLE FOR THE  
11 AWARD OF MERITORIOUS GOOD TIME UNDER THE SEVENTY-  
12 PERCENT RULE; AND OTHER PURPOSES.

13  
14 **Subtitle**

15 AN ACT TO MAKE CERTAIN OFFENDERS  
16 ELIGIBLE FOR THE AWARD OF MERITORIOUS  
17 GOOD TIME UNDER THE SEVENTY-PERCENT  
18 RULE.

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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 § 16-93-611 is amended to read as follows:  
24 16-93-611. Class Y felonies.

25 (a)(1) Notwithstanding any law allowing the award of meritorious good  
26 time or any other law to the contrary, any person who is found guilty of or  
27 who pleads guilty or nolo contendere to:

- 28 (A) Murder in the first degree, § 5-10-102;  
29 (B) Kidnapping, Class Y felony, § 5-11-102;  
30 (C) Aggravated robbery, § 5-12-103;  
31 (D) Rape, § 5-14-103;  
32 (E) Causing a catastrophe, § 5-38-202(a);  
33 (F) Manufacture of methamphetamine, § 5-64-401(a)(1)(i);

34 or

- 35 (G) Possession of drug paraphernalia with the intent to



1 manufacture methamphetamine, § 5-64-403(c)(5) shall not, except as provided  
2 in subdivision (a)(3) or subsection ~~(b)~~ (c) of this section, be eligible for  
3 parole or community punishment transfer until the person serves seventy  
4 percent (70%) of the term of imprisonment to which the person is sentenced,  
5 including a sentence prescribed under § 5-4-501.

6 (2)(A) The seventy percent (70%) provision of subdivision (a)(1)  
7 of this section has no application to any person who is found guilty of or  
8 pleads guilty or nolo contendere to kidnapping, Class B felony, § 5-11-102,  
9 regardless of the date of the offense.

10 (B) Furthermore, the provisions of this section shall  
11 apply retroactively to all persons presently serving a sentence for  
12 kidnapping, Class B felony, § 5-11-102.

13 (3)(A)(i) For offenses committed on or after the effective date  
14 of this subdivision (a)(3), the seventy-percent provision under subdivision  
15 (a)(1) of this section shall include credit for the award of meritorious good  
16 time under § 12-29-201 to any person who is found guilty of or pleads guilty  
17 or nolo contendere to manufacture of methamphetamine under § 5-64-  
18 401(a)(1)(i) or possession of drug paraphernalia with the intent to  
19 manufacture methamphetamine under § 5-64-403(c)(5).

20 (ii) For offenses committed on or after the  
21 effective date of this subdivision (a)(3), the seventy-percent provision  
22 under subdivision (a)(1) of this section may include credit for the award of  
23 meritorious good time under § 12-29-202 to any person who is found guilty of  
24 or pleads guilty or nolo contendere to manufacture of methamphetamine under §  
25 5-64-401(a)(1)(i) or possession of drug paraphernalia with the intent to  
26 manufacture methamphetamine under § 5-64-403(c)(5) unless the person is  
27 sentenced to a term of life imprisonment.

28 (B) In no event shall the time served by any person who is  
29 found guilty of or pleads guilty or nolo contendere to manufacture of  
30 methamphetamine under § 5-64-401(a)(1)(i) or possession of drug paraphernalia  
31 with the intent to manufacture methamphetamine under § 5-64-403(c)(5) be  
32 reduced to less than fifty percent (50%) of the person's original sentence.

33 (b) A jury may be instructed pursuant to § 16-97-103 regarding the  
34 awarding of meritorious good time under subdivision (a)(3) of this section.

35 ~~(b)(c)~~ The sentencing judge, in his or her discretion, may waive  
36 subsection (a) of this section under the following circumstances:

- 1 (1) The defendant was a juvenile at the time of the offense;
- 2 (2) The juvenile was merely an accomplice to the offense; and
- 3 (3) *The offense occurred on or after July 28, 1995.*

4 (d) In no event shall the awarding of meritorious good time under §  
5 12-29-201 or § 12-29-202 be applicable to persons sentenced under  
6 subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), or (a)(1)(E) of this  
7 section.

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/s/ Luker

APPROVED: 3/18/2005