

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 313

"TO REPEAL ARKANSAS LAWS CONCERNING THE REQUIREMENT THAT CERTAIN
CRIMINAL OFFENDERS SERVE SEVENTY PERCENT (70%) OF THEIR SENTENCES."

Amendment No. 1 to Senate Bill No. 313.

Amend Senate Bill No. 313 as originally introduced:

Page 1, line 9, delete "REPEAL" and substitute "AMEND"

AND

Page 1, line 18 delete "REPEAL" and substitute "AMEND"

AND

Delete Sections 1 and 2 of the bill and substitute the following:

"SECTION 1. Arkansas Code 16-93-611 [Effective until April 30, 2002.]
is amended to read as follows:

16-93-611. Class Y felonies. [Effective until April 30, 2002.]

(a) Notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, any person who is found guilty of or who pleads guilty or nolo contendere to murder in the first degree, § 5-10-102, kidnapping, Class Y felony, § 5-11-102, aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), ~~manufacture of methamphetamine, § 5-64-401(a)(1)(i), or possession of drug paraphernalia with the intent to manufacture methamphetamine, § 5-64-403(c)(5)~~ shall not, except as provided in subsection (b) of this section, be eligible for parole or community punishment transfer until the person serves seventy percent (70%) of the term of imprisonment, including a sentence prescribed under § 5-4-501, to which the person is sentenced. The seventy percent (70%) provision of subdivision (a)(1) of this section has no application to any person who is found guilty of or pleads guilty or nolo contendere to kidnapping, Class B felony, § 5-11-102, regardless of the date of the offense, and, furthermore, the provisions of this section shall apply retroactively to all persons presently serving a sentence for kidnapping, Class B felony, § 5-11-102.

(b) The sentencing judge, in his discretion, may waive subsection (a) of this section under the following circumstances:

- (1) The defendant was a juvenile at the time of the offense;
- (2) The juvenile was merely an accomplice to the offense; and

(3) The offense occurred on or after July 28, 1995."

AND

Renumber the subsequent sections appropriately.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Everett

EN/VJF

VJF834

Secretary