

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 2131

CONCERNING A SUSPENDED IMPOSITION OF SENTENCE; CONCERNING A CRIMINAL CONVICTION;
AND CONCERNING SUSPENDING AN IMPOSITION OF SENTENCE WHEN A PERSON OWES
RESTITUTION,

Amendment No. 1 to House Bill No. 2131

Amend House Bill No. 2131 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-4-301(a), concerning the offenses for which a court may not place a person on probation or suspended imposition of sentence, is amended to read as follows:

(a)(1) A court shall not suspend imposition of sentence as to a term of imprisonment or place a defendant on probation for the following offenses:

(A) Capital murder, § 5-10-101;

(B) Treason, § 5-51-201;

(C) A Class Y felony, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c);

(D) Driving or boating while intoxicated, § 5-65-103;

(E) Murder in the second degree, § 5-10-103, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c); or

(F) Engaging in a continuing criminal enterprise, § 5-64-405.

(2) If it is determined ~~pursuant to~~ under § 5-4-502 that a defendant has previously been convicted of two (2) or more felonies, the court shall not:

(A) Suspend imposition of sentence; or

(B) Place the defendant on probation.

(3) A court shall not sentence a person to a suspended imposition of sentence if the person owes restitution to a victim of the offense for which the person is being sentenced.

SECTION 2. Arkansas Code § 5-4-303(f)(1), concerning conditions of suspension and probation, is amended to read as follows:

(f)(1) If the court ~~suspends imposition of sentence on a defendant or places him or her~~ a defendant on probation conditioned upon his or her making restitution under subdivision (c)(6) of this section, the court, by concurrence of the victim, defendant, and the prosecuting authority, shall



determine the amount to be paid as restitution."

The Amendment was read _____

By: Representative K. Ferguson
BPG/TDW - 03-10-2017 16:10:20
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Chief Clerk