

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

As Engrossed: S1/28/99 S2/4/99

A Bill

SENATE BILL 112

5 By: Senator Beebe
6 By: Representative Files, Glover
7

For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE 5-4-607(a) AND 16-93-
11 207 (c)(1) TO LIMIT APPLICATIONS FOR EXECUTIVE
12 CLEMENCY; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO AMEND ARKANSAS CODE TO LIMIT
16 APPLICATIONS FOR EXECUTIVE CLEMENCY."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 5-4-607(a) is amended to read as follows:

21 "(a) The pardon of a person convicted of a capital murder, or of a
22 Class Y, Class A, or Class B felony, or the commutation of a sentence of a
23 person so convicted may be granted only in the manner provided herein:

24 (1) Copies of the application for pardon or commutation shall be
25 filed with:

26 (A) The Secretary of State;

27 (B) The Attorney General;

28 (C) The sheriff of the county in which the offense was
29 committed;

30 (D) The prosecuting attorney of the judicial district in
31 which the applicant was found guilty and sentenced, if still in office, and,
32 if not, the successor of such prosecuting attorney;

33 (E) The circuit judge presiding over the proceedings at
34 which the applicant was found guilty and sentenced, if still in office, and,
35 if not, the successor of such circuit judge; and

36 (F) The victim of the crime or the victim's next of kin,

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1 if he or she files a request for notice with the prosecuting attorney;

2 (2) The application shall set forth the grounds upon which the
3 pardon or commutation is sought. If the application involves a conviction
4 for capital murder, a notice of the application shall be published by two (2)
5 insertions, separated by a minimum of seven (7) days, in a newspaper of
6 general circulation in the county or counties in which the offense or
7 offenses of the applicant were committed;

8 (3) On granting the application, the Governor shall include in
9 his written order the reasons therefor, and shall file with each house of the
10 General Assembly a copy of his order which shall state the applicant's name,
11 the offense of which he was convicted and sentence imposed, the date of the
12 judgment imposing the sentence, and the effective date of the pardon or
13 commutation.

14 (4)(A) Any person who has been convicted of capital murder, any
15 Class Y or Class A felony, and who makes an application shall not be eligible
16 to reapply for a period of four (4) years after the date the application was
17 denied.

18 (B) Applications made prior to the effective date of this
19 subdivision (a)(4) shall be included in determining whether a person is
20 eligible to reapply.

21 (C) Applications pending on the effective date of this
22 subdivision (a)(4) that do not meet the requirements of this subdivision
23 shall be dismissed. Applications dismissed under this subdivision (a)(4)(C)
24 shall not be included in determining future eligibility."

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26 SECTION 2. Arkansas Code 16-93-207 (c)(1) is amended to read as
27 follows:

28 '(1) If an application for pardon, commutation of sentence, or
29 remission of fine or forfeiture is denied in writing by the Governor, the
30 person filing the application shall not be eligible to file a new application
31 for pardon, commutation of sentence, or remission of fine or forfeiture
32 related to the same offense for a period of ~~one (1)~~ four (4) year years from
33 the date of the denial.'

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35 SECTION 3. All provisions of this Act of a general and permanent
36 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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3 SECTION 4. If any provision of this Act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the Act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 Act are declared to be severable.

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9 SECTION 5. All laws and parts of laws in conflict with this Act are
10 hereby repealed.

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/s/ Beebe

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