

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/7/01

# A Bill

HOUSE BILL 1088

5 By: Representatives Bright, Milligan, Borhauer  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 16-90-120 TO  
10 PROVIDE FOR A DISCRETIONARY ADDITIONAL PERIOD OF  
11 CONFINEMENT SERVED WITHOUT ELIGIBILITY FOR PAROLE  
12 OR COMMUNITY PUNISHMENT TRANSFER FOR PERSONS  
13 EMPLOYING A FIREARM OR DEADLY WEAPON WHILE  
14 COMMITTING A FELONY; AND FOR OTHER PURPOSES.  
15

## Subtitle

16 AN ACT TO AMEND ARKANSAS CODE 16-90-120  
17 CONCERNING PERSONS EMPLOYING A FIREARM OR  
18 DEADLY WEAPON WHILE COMMITTING A FELONY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 16-90-120 is amended to read as follows:  
25 16-90-120. Felony with firearm or deadly weapon.

26 (a)(1) Any person convicted of any felony offense ~~which is classified~~  
27 ~~by the laws of this state as a felony~~ who employed any a firearm or deadly  
28 weapon of any character as a means of committing the felony or escaping from  
29 the felony, in the discretion of the sentencing court, may be subjected to an  
30 additional period of confinement in the state penitentiary for a period not to  
31 exceed fifteen (15) years, five (5) years of which, in the discretion of the  
32 sentencing court, may be served without the defendant being eligible for  
33 parole or community punishment transfer.

34 (1) For a second or subsequent violation of subdivision (a)(1) of  
35 this section, the defendant shall be sentenced to an mandatory additional  
36 period of confinement of at least five (5) years, during which time the person

1 shall not be eligible for parole or community punishment transfer.

2 (b) The period of confinement, if any, imposed pursuant to this section  
3 shall be in addition to any fine or penalty provided by law as punishment for  
4 the felony itself. Any additional prison sentence imposed under the provisions  
5 of this section, if any, shall run consecutively and not concurrently with any  
6 period of confinement imposed for conviction of the felony itself.

7 (c) A separate appeal may be taken to the Supreme Court of Arkansas  
8 from the imposition of the sentence, if any, provided for by this section, and  
9 any appeal shall be in the manner prescribed for appellate review of  
10 conviction of criminal offenses in general. However, the sole and only  
11 question to be decided upon the separate appeal shall be whether the evidence  
12 warrants a finding that the defendant actually employed a firearm or deadly  
13 weapon in the commission of, or escape from commission of, the felony for  
14 which he stands convicted.

15 (d) Any reversal of a defendant's conviction for the commission of the  
16 felony shall automatically reverse the prison sentence which may be imposed  
17 under this section.

18 /s/ Bright, et al.  
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