

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: S3/29/01

A Bill

SENATE BILL 313

5 By: Senator Everett
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For An Act To Be Entitled

9 AN ACT TO *AMEND* ARKANSAS CODE 16-93-611,
10 CONCERNING THE REQUIREMENT THAT CERTAIN CRIMINAL
11 OFFENDERS SERVE SEVENTY PERCENT (70%) OF THEIR
12 SENTENCES; TO REPEAL SECTION 2 OF UNCODIFIED ACT
13 1135 OF 1997, CONCERNING THE REQUIREMENT THAT
14 CERTAIN CRIMINAL OFFENDERS SERVE SEVENTY PERCENT
15 (70%) OF THEIR SENTENCES; TO REPEAL ARKANSAS CODE
16 29-30-162; AND FOR OTHER PURPOSES.

Subtitle

18 TO *AMEND* ARKANSAS LAWS CONCERNING THE
19 REQUIREMENT THAT CERTAIN CRIMINAL
20 OFFENDERS SERVE SEVENTY PERCENT (70%) OF
21 THEIR SENTENCES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 *SECTION 1. Arkansas Code 16-93-611 [Effective until April 30, 2002.]*
28 *is amended to read as follows:*

29 *16-93-611. Class Y felonies. [Effective until April 30, 2002.]*

30 *(a) Notwithstanding any law allowing the award of meritorious good*
31 *time or any other law to the contrary, any person who is found guilty of or*
32 *who pleads guilty or nolo contendere to murder in the first degree, § 5-10-*
33 *102, kidnapping, Class Y felony, § 5-11-102, aggravated robbery, § 5-12-103,*
34 *rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), ~~manufacture of~~*
35 *~~methamphetamine, § 5-64-401(a)(1)(i), or possession of drug paraphernalia~~*
36 *~~with the intent to manufacture methamphetamine, § 5-64-403(c)(5) shall not,~~*

1 except as provided in subsection (b) of this section, be eligible for parole
 2 or community punishment transfer until the person serves seventy percent
 3 (70%) of the term of imprisonment, including a sentence prescribed under § 5-
 4 4-501, to which the person is sentenced. The seventy percent (70%) provision
 5 of subdivision (a)(1) of this section has no application to any person who is
 6 found guilty of or pleads guilty or nolo contendere to kidnapping, Class B
 7 felony, § 5-11-102, regardless of the date of the offense, and, furthermore,
 8 the provisions of this section shall apply retroactively to all persons
 9 presently serving a sentence for kidnapping, Class B felony, § 5-11-102.

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

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

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 16 SECTION 2. Section 2 of Uncodified Act 1135 of 1997, as amended by Act
 17 1268 of 1999, concerning the requirement that certain criminal offenders
 18 serve seventy percent (70%) of their sentences, is repealed.

19 ~~SECTION 2. (a) Any person who is found guilty, pleads guilty, or~~
 20 ~~pleads nolo contendere to manufacturing methamphetamine in violation of § 5-~~
 21 ~~64-401 and is committed to the Department of Correction for a term of years,~~
 22 ~~shall not be eligible for release on parole until a minimum of seventy~~
 23 ~~percent (70%) of the sentence shall have been served, not counting good time~~
 24 ~~allowances, unless pardoned or the sentence is commuted to a shorter term of~~
 25 ~~years by the Governor, as provided by law.~~

26 ~~(b) The provisions of this section shall expire on April 30, 2002.~~

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 28 SECTION 3. Arkansas Code 29-30-162, concerning the expiration date of
 29 Act 1135 of 1997, is repealed.

30 ~~29-30-162. Amendment of expiration date Acts 1997, No. 1135, §2.~~

31 ~~Subsection (b) of Section 2 of Act 1135 of 1997 is amended to read as~~
 32 ~~follows:~~

33 ~~"(b) The provisions of this section shall expire on April 30, 2002."~~

34 /s/ Everett

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