

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1542

5 By: Representative Shepherd  
6 By: Senator J. Hutchinson  
7

## For An Act To Be Entitled

9 AN ACT ADDRESSING THE SEALING OF A PERSON'S FELONY  
10 RECORD WHEN THE PERSON IS A FIRST-TIME FELONY  
11 OFFENDER; AND FOR OTHER PURPOSES.  
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## Subtitle

15 ADDRESSING THE SEALING OF A PERSON'S  
16 FELONY RECORD WHEN THE PERSON IS A FIRST-  
17 TIME FELONY OFFENDER.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 16-93-303(a)(1), concerning probation for a  
23 first-time felony offender, is amended to read as follows:

24 (a)(1)(A)(i) ~~Whenever~~ When an accused enters a plea of guilty or nolo  
25 contendere prior to an adjudication of guilt, ~~the judge of~~ the circuit court  
26 or district court, in the case of a defendant who previously has not been  
27 convicted of a felony, without making a finding of guilt or entering a  
28 judgment of guilt and with the consent of the defendant, may defer further  
29 proceedings and place the defendant on probation for a period of not less  
30 than one (1) year, under such terms and conditions as may be set by the  
31 circuit court or district court.

32 (ii) A sentence of a fine not exceeding three  
33 thousand five hundred dollars (\$3,500) or an assessment of court costs  
34 against a defendant does not negate the benefits provided by this section or  
35 cause the probation placed on the defendant under this section to constitute  
36 a conviction except under subsections (c)-(e) of this section.



1 (iii) A serious felony involving violence or a  
 2 felony involving violence as provided in § 5-4-501 ~~shall not be~~ is not  
 3 eligible for sealing of the record under this subchapter.

4 (B) However, a person who is found guilty of or pleads  
 5 guilty or nolo contendere to a ~~sexual offense as defined by § 5-14-101 et~~  
 6 ~~seq. and §§ 5-26-202, 5-27-602, 5-27-603, and 5-27-605~~ one (1) or more of the  
 7 following offenses is not eligible for sealing of the record under this  
 8 subchapter.:

9 (i) An offense that requires the person to register  
 10 as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-  
 11 901 et seq.;

12 (ii) Public sexual indecency, § 5-14-111;

13 (iii) Indecent exposure, § 5-14-112;

14 (iv) Bestiality, § 5-14-122; or

15 (v) Exposing another person to the human  
 16 immunodeficiency virus, § 5-14-123.

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