

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

A Bill

HOUSE BILL 1713

5 By: Representative Lowery
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For An Act To Be Entitled

8 AN ACT TO ESTABLISH MURDER IN THE SECOND DEGREE AS A
9 SEVENTY-PERCENT CRIME; AND FOR OTHER PURPOSES.
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Subtitle

11 TO ESTABLISH MURDER IN THE SECOND DEGREE
12 AS A SEVENTY-PERCENT CRIME.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-93-612 is amended to read as follows:
20 16-93-612. Parole eligibility – Date of offense.

21 (a) A person's parole eligibility shall be determined by the laws in
22 effect at the time of the offense for which he or she is sentenced to the
23 Department of Correction.

24 (b) For ~~an offender~~ a person serving a sentence for a felony committed
25 before April 1, 1977, § 16-93-601 governs that person's parole eligibility.

26 (c) For ~~an offender~~ a person serving a sentence for a felony committed
27 between April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's
28 parole eligibility.

29 (d) For ~~an offender~~ a person serving a sentence for a felony committed
30 on or after April 1, 1983, but before January 1, 1994, § 16-93-607 governs
31 that person's parole eligibility.

32 (e) For ~~an offender~~ a person serving a sentence for a felony committed
33 on or after January 1, 1994, § 16-93-614 governs that person's parole
34 eligibility, unless otherwise ~~noted~~ provided and except:

35 (1) If the felony is murder in the first degree, § 5-10-102,
36 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-



1 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
 2 offense occurred after July 28, 1995, § 16-93-618 governs that person's
 3 parole eligibility;

4 (2) If the felony is manufacturing methamphetamine, § 5-64-
 5 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
 6 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
 7 offense occurred after April 9, 1999, § 16-93-618 governs that person's
 8 parole eligibility; ~~or~~

9 (3) If the felony is battery in the second degree, § 5-13-202,
 10 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
 11 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
 12 201, and the offense occurred on or after April 1, 2015, § 16-93-620 governs
 13 that person's parole eligibility; or

14 (4) If the felony is murder in the second degree, § 5-10-103,
 15 and the offense occurred after the effective date of this act, § 16-93-618
 16 governs that person's parole eligibility.

17 (f) For ~~an offender~~ a person serving a sentence for a felony committed
 18 on or after January 1, 1994, § 16-93-615 governs that person's parole
 19 eligibility procedures.

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 21 SECTION 2. Arkansas Code § 16-93-618(a)(1), concerning which criminal
 22 offenses are seventy-percent offenses, is amended to read as follows:

23 (a)(1) Notwithstanding any law allowing the award of meritorious good
 24 time or any other law to the contrary, a person who is found guilty of or
 25 pleads guilty or nolo contendere to subdivisions ~~(a)(1)(A)-(I)~~ (a)(1)(A)-(J)
 26 of this section shall not be eligible for parole or community correction
 27 transfer, except as provided in subdivision (a)(3) or subsection (c) of this
 28 section, until the person serves seventy percent (70%) of the term of
 29 imprisonment to which the person is sentenced, including a sentence
 30 prescribed under § 5-4-501:

31 (A) Murder in the first degree, § 5-10-102;

32 (B) Murder in the second degree, § 5-10-103;

33 ~~(B)~~ (C) Kidnapping, Class Y felony, § 5-11-102;

34 ~~(C)~~ (D) Aggravated robbery, § 5-12-103;

35 ~~(D)~~ (E) Rape, § 5-14-103;

36 ~~(E)~~ (F) Trafficking of persons, Class Y felony, § 5-18-103;

1 ~~(F)~~(G) Causing a catastrophe, § 5-38-202(a);
2 ~~(G)~~(H) Manufacturing methamphetamine, § 5-64-423(a) or the
3 former § 5-64-401;
4 ~~(H)~~(I) Trafficking methamphetamine, § 5-64-440(b)(1); or
5 ~~(I)~~(J) Possession of drug paraphernalia with the purpose
6 to manufacture methamphetamine, former § 5-64-403(c)(5).

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