

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1866

5 By: Representative Petty
6 By: Senator K. Hammer
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING EXECUTIVE CLEMENCY, PARDON, AND
10 COMMUTATION OF SENTENCE; AND FOR OTHER PURPOSES.
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Subtitle

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13 CONCERNING EXECUTIVE CLEMENCY, PARDON,
14 AND COMMUTATION OF SENTENCE.
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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 § 16-93-204(a), concerning an application for
21 executive clemency, is amended to read as follows:

22 (a)(1)(A) All applications for pardon, commutation of sentence,
23 reprieve, respite, or remission of a fine or forfeiture shall be signed by
24 the applicant under oath.

25 (B) For purposes of § 5-53-102, the application shall be
26 deemed an official proceeding.

27 (2) An applicant shall obtain and include with his or her
28 application a certified copy of the applicant's judgment and commitment order
29 or comparable document.

30 (3) Applications shall be referred to the Parole Board for
31 investigation.

32 (4) A person is not eligible to file an application for pardon
33 for a period of five (5) years from the discharge date of the sentence for
34 which pardon is sought.
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36 SECTION 2. Arkansas Code § 16-93-204(e) and (f), concerning notice of



1 the Parole Board's recommendation that executive clemency be granted, are
 2 amended to read as follows:

3 (e) ~~At least thirty (30) days before~~ Before submitting to the Governor
 4 a recommendation that an application for pardon, commutation of sentence, or
 5 remission of a fine or forfeiture be granted or denied, the board shall+

6 (1) ~~Issue a public notice of its intention to make such a~~
 7 ~~recommendation; and~~

8 (2) ~~Send notice of its intention to the circuit judge who~~
 9 ~~presided over the applicant's trial, the prosecuting attorney, and the county~~
 10 ~~sheriff of the county in which the applicant was convicted and, if~~
 11 ~~applicable, to the victim or the victim's next of kin if the victim or the~~
 12 ~~victim's next of kin registered for notification with the prosecuting~~
 13 ~~attorney under § 16-21-106(e).~~

14 (f) ~~Whether the board recommends that an application for pardon,~~
 15 ~~commutation of sentence, or remission of fine or forfeiture be granted or~~
 16 ~~denied by the Governor, the board shall issue public notice of each the~~
 17 ~~recommendation.~~

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 19 SECTION 3. Arkansas Code § 16-93-207(c)(1), concerning the application
 20 for a pardon, commutation of sentence, or remission of a fine or forfeiture,
 21 is amended to read as follows:

22 (c)(1)~~(A)~~ Except as provided ~~in~~ under subdivision (c)(3) and
 23 subsection (d) of this section, if an application for pardon, commutation of
 24 sentence, or remission of a fine or forfeiture is denied in writing by the
 25 Governor, the person filing the application ~~shall not be~~ is not eligible to
 26 file a new application for pardon, commutation of sentence, or remission of a
 27 fine or forfeiture related to the same offense for a period of four (4) years
 28 from the date of ~~filing the application that was denied~~ the denial.

29 (B) ~~Any person who made an application for pardon,~~
 30 ~~commutation of sentence, or remission of fine or forfeiture that was denied~~
 31 ~~on or after July 1, 2004, shall be eligible to file a new application four~~
 32 ~~(4) years after the date of filing the application that was denied.~~