

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S2/12/13

# A Bill

SENATE BILL 259

5 By: Senator D. Sanders  
6

## For An Act To Be Entitled

8 AN ACT TO INCLUDE SEXUAL OFFENSES AND OTHER SERIOUS  
9 FELONIES AS OFFENSES NOT ELIGIBLE FOR MANDATORY  
10 PAROLE; AND FOR OTHER PURPOSES.  
11

### Subtitle

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13 TO INCLUDE SEXUAL OFFENSES AND OTHER  
14 SERIOUS FELONIES AS OFFENSES NOT ELIGIBLE  
15 FOR MANDATORY PAROLE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding certain  
22 discretionary transfers of inmates to the Department of Community Correction  
23 by the Parole Board, is amended to read as follows:

24 (b)(1) An inmate under sentence for one (1) of the following felonies  
25 ~~shall be~~ is eligible for discretionary transfer to the Department of  
26 Community Correction by the Parole Board after having served one-third (1/3)  
27 or one-half (½) of his or her sentence, with credit for meritorious good  
28 time, depending on the seriousness determination made by the Arkansas  
29 Sentencing Commission, or one-half (½) of the time to which his or her  
30 sentence is commuted by executive clemency, with credit for meritorious good  
31 time:

32 ~~(A) Any homicide, §§ 5-10-101-5-10-105, unless the~~  
33 ~~offense is listed under § 16-93-612(e)(1);~~

34 ~~(B) Sexual assault in the first degree, § 5-14-124;~~

35 ~~(C) Sexual assault in the second degree, § 5-14-125;~~

36 ~~(D) Battery in the first degree, § 5-13-201;~~



- 1                   ~~(E) Domestic battering in the first degree, § 5-26-303; or~~  
 2                   ~~(F) The following Class Y felonies:~~  
 3                   ~~(i) Kidnapping, § 5-11-102, unless the offense is~~  
 4 ~~listed under § 16-93-612(e)(1);~~  
 5                   ~~(ii) Rape, § 5-14-103, unless the offense is listed~~  
 6 ~~under § 16-93-612(e)(1);~~  
 7                   ~~(iii) Aggravated robbery, § 5-12-103, unless the~~  
 8 ~~offense is listed under § 16-93-612(e)(1); or~~  
 9                   ~~(iv) Causing a catastrophe, § 5-38-202(a), unless~~  
 10 ~~the offense is listed under § 16-93-612(e)(1);~~  
 11                   ~~(G) Engaging in a continuing criminal enterprise, § 5-64-~~  
 12 ~~405; or~~  
 13                   ~~(H) Simultaneous possession of drugs and firearms, § 5-74-~~  
 14 ~~106.~~
- 15                   (A) Unless the offense is listed under § 16-93-612(e)(1),  
 16 the following homicide offenses:  
 17                   (i) Capital murder, § 5-10-101, or attempted capital  
 18 murder;  
 19                   (ii) Murder in the first degree, § 5-10-102, or  
 20 attempted murder in the first degree;  
 21                   (iii) Murder in the second degree, § 5-10-103;  
 22                   (iv) Manslaughter, § 5-10-104;  
 23                   (v) Negligent homicide, § 5-10-105; or  
 24                   (vi) An offense under § 5-54-201 et seq.;
- 25                   (B) Unless the offense is listed under § 16-93-612(e)(1),  
 26 the following Class Y felonies:  
 27                   (i) Kidnapping, § 5-11-102;  
 28                   (ii) Aggravated robbery, § 5-12-103, or attempted  
 29 aggravated robbery;  
 30                   (iii) Terroristic act, § 5-13-310;  
 31                   (iv) Causing a catastrophe, § 5-38-202(a);  
 32                   (v) Arson, § 5-38-301;  
 33                   (vi) Aggravated residential burglary, § 5-39-204; or  
 34                   (vii) Unlawful discharge of a firearm from a  
 35 vehicle, § 5-74-107;  
 36                   (C) Unless the offense is listed under § 16-93-612(e)(1),

1 an offense for which the inmate is required upon release to register as a sex  
2 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et  
3 seq.;

4 (D) Battery in the first degree, § 5-13-201;

5 (E) Domestic battering in the first degree, § 5-26-303;

6 (F) Engaging in a continuing criminal enterprise, § 5-64-  
7 405; or

8 (G) Simultaneous possession of drugs and firearms, § 5-74-  
9 106.

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11 */s/D. Sanders*

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14 **APPROVED: 03/22/2013**