

1 State of Arkansas *As Engrossed: S3/3/21 S3/15/21 S3/18/21 H4/21/21*  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

SENATE BILL 300

4  
5 By: Senators J. Dismang, Gilmore, T. Garner, *K. Hammer, B. Johnson, D. Sullivan, Hill*  
6 By: Representatives Slape, Beaty Jr., Watson, Crawford, C. Cooper, *Bentley, Christiansen, Hollowell,*  
7 *Cavanaugh, McNair, Fortner, Nicks, Jean, Shepherd, Lynch, Evans, B. Smith, D. Garner, Dalby,*  
8 *Milligan, Cloud, Underwood*

## For An Act To Be Entitled

11 AN ACT PROHIBITING PAROLE FOR A PERSON CONVICTED OF  
12 THE OFFENSE OF POSSESSION OF A FIREARM BY CERTAIN  
13 PERSONS UNDER CERTAIN CIRCUMSTANCES; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

18 PROHIBITING PAROLE FOR A PERSON CONVICTED  
19 OF THE OFFENSE OF POSSESSION OF A FIREARM  
20 BY CERTAIN PERSONS UNDER CERTAIN  
21 CIRCUMSTANCES; AND TO DECLARE AN  
22 EMERGENCY.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27 SECTION 1. Arkansas Code § 16-93-609 is amended to read as follows:  
28 16-93-609. Effect of more than one conviction for certain felonies –  
29 Definition.

30 (a) Any person who commits murder in the first degree, § 5-10-102,  
31 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,  
32 1983, and who has previously been found guilty of or pleaded guilty or nolo  
33 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or  
34 aggravated robbery, § 5-12-103, shall not be eligible for release on parole  
35 by the Parole Board.

36 (b)(1) Any person who commits a violent felony offense or any felony



1 sex offense subsequent to August 13, 2001, and who has previously been found  
2 guilty of or pleaded guilty or nolo contendere to any violent felony offense  
3 or any felony sex offense shall not be eligible for release on parole by the  
4 board.

5 (2) As used in this subsection, "a violent felony offense or any  
6 felony sex offense" means those offenses listed in § 5-4-501(d)(2).

7 (c) A person who commits the offense of possession of firearms by  
8 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),  
9 after the effective date of this act, is not eligible for parole.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that Arkansas is in the top six  
13 states concerning the crime rate and violent crime rate as per the Federal  
14 Bureau of Investigation and National Incident-Based Reporting System; that  
15 the Arkansas Criminal Code is currently not equipped with an effective method  
16 to punish those persons who are convicted felons and are prohibited by law  
17 from possessing a firearm who decide to ignore the law and use a firearm to  
18 commit violent offenses; that law enforcement in Arkansas has had to use the  
19 offices of the United States Department of Justice and the United States  
20 district courts to prosecute crimes covered by this act in order to get  
21 commensurate sentences and length of incarceration; that this act eliminates  
22 parole for those bad actors and will serve as a more effective deterrent  
23 against further violent criminal acts; and that this act is immediately  
24 necessary because the safety of the public and the ability of law enforcement  
25 to establish the deterrent effect of this act needs to occur as soon as  
26 possible. Therefore, an emergency is declared to exist, and this act being  
27 immediately necessary for the preservation of the public peace, health, and  
28 safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,  
31 the expiration of the period of time during which the Governor may veto the  
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is  
34 overridden, the date the last house overrides the veto.

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*/s/J. Dismang*

**APPROVED: 4/27/21**