

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1678

5 By: Representative Beaty Jr.
6 By: Senator Gilmore
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING APPLICATIONS FOR
10 PARDON, COMMUTATION OF SENTENCE, AND REMISSION OF
11 FINES AND FORFEITURES; TO AUTHORIZE THE GOVERNOR TO
12 DENY AN APPLICATION FOR PARDON, COMMUTATION OF
13 SENTENCE, AND REMISSION OF FINES AND FORFEITURES WITH
14 PREJUDICE; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO AUTHORIZE THE GOVERNOR TO DENY AN
19 APPLICATION FOR PARDON, COMMUTATION OF
20 SENTENCE, AND REMISSION OF FINES AND
21 FORFEITURES WITH PREJUDICE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 16-93-207 is amended to read as follows:

27 16-93-207. Applications for pardon, commutation of sentence, and
28 remission of fines and forfeitures.

29 (a)(1)(A) At least thirty (30) days before granting an application for
30 pardon, commutation of sentence, or remission of fine or forfeiture, the
31 Governor shall file with the Secretary of State a notice of his or her
32 intention to grant the application.

33 (B) The Governor shall also direct the Division of Correction to
34 send notice of his or her intention to the judge, the prosecuting attorney,
35 and the county sheriff of the county in which the applicant was convicted
36 and, if applicable, to the victim or the victim's next of kin.



1 (2) The filing of the notice shall not preclude the Governor
2 from later denying the application, but any pardon, commutation of sentence,
3 or remission of fine or forfeiture granted without filing the notice shall be
4 null and void.

5 (b) If the Governor does not grant an application for pardon,
6 commutation of sentence, or remission of fine or forfeiture within two
7 hundred forty (240) days of the Governor's receipt of the recommendation of
8 the Parole Board regarding the application, the application shall be deemed
9 denied by the Governor, and any pardon, commutation of sentence, or remission
10 of fine or forfeiture granted after the two-hundred-forty-day period shall be
11 null and void.

12 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3), ~~and~~ subsection
13 (d), and subsection (e) of this section, if an application for pardon,
14 commutation of sentence, or remission of fine or forfeiture is denied in
15 writing by the Governor, the person filing the application shall not be
16 eligible to file a new application for pardon, commutation of sentence, or
17 remission of fine or forfeiture related to the same offense for a period of
18 four (4) years from the date of ~~filing the application that was denied~~
19 denial.

20 ~~(B) Any person who made an application for pardon, commutation of~~
21 ~~sentence, or remission of fine or forfeiture that was denied on or after July~~
22 ~~1, 2004, shall be eligible to file a new application four (4) years after the~~
23 ~~date of filing the application that was denied.~~

24 (2) If an application for pardon, commutation of sentence, or
25 remission of fine or forfeiture is denied by the Governor pursuant to
26 subsection (b) of this section, the person filing the application may
27 immediately file a new application for pardon, commutation of sentence, or
28 remission of fine or forfeiture related to the same offense.

29 (3)(A) The board may waive the waiting period for filing a new
30 application for pardon, commutation of sentence, or remission of fine or
31 forfeiture described in subdivision ~~(e)(1)(A)~~ (c)(1) of this section if:

32 (i) It has been at least twelve (12) months after
33 the date of filing the application that was denied; and

34 (ii) The board determines that the person whose
35 application was denied has established that:

36 (a) New material evidence relating to the

1 person's guilt or punishment has been discovered;

2 (b) The person's physical or mental health has
3 substantially deteriorated; or

4 (c) Other meritorious circumstances justify a
5 waiver of the waiting period.

6 (B)(i) The board shall promulgate rules that shall
7 establish policies and procedures for waiver of the waiting period.

8 (ii) The board may make additions, amendments,
9 changes, or alterations to the rules in accordance with the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.

11 (d)(1) Except as provided in subdivision (d)(3) and subsection (e) of
12 this section, if an application for pardon, commutation of sentence, or
13 remission of fine or forfeiture of a person sentenced to life imprisonment
14 without parole is denied in writing by the Governor, the person filing the
15 application shall not be eligible to file a new application for pardon,
16 commutation of sentence, or remission of fine or forfeiture related to the
17 same offense for a period of:

18 (A) Six (6) years from the date of the denial; or

19 (B) Eight (8) years from the date of the denial if the
20 applicant is serving a sentence of life without parole for capital murder, §
21 5-10-101.

22 (2) If an application for pardon, commutation of sentence, or
23 remission of fine or forfeiture of a person sentenced to life imprisonment
24 without parole is denied by the Governor pursuant to subsection (b) of this
25 section, the person filing the application may immediately file a new
26 application for pardon, commutation of sentence, or remission of fine or
27 forfeiture related to the same offense.

28 (3)(A) The board or the Governor may waive the waiting period
29 for filing a new application for pardon, commutation of sentence, or
30 remission of fine or forfeiture described in subdivision (d)(1) of this
31 section if:

32 (i) It has been at least twelve (12) months after
33 the date of filing the application that was denied; and

34 (ii) The board determines that the person whose
35 application was denied has established that:

36 (a) New material evidence relating to the

1 person's guilt or punishment has been discovered;

2 (b) The person's physical or mental health has
3 substantially deteriorated; or

4 (c) Other meritorious circumstances justify a
5 waiver of the waiting period.

6 (B)(i) The board shall promulgate rules that shall
7 establish policies and procedures for waiver of the waiting period.

8 (ii) The board may make additions, amendments,
9 changes, or alterations to the rules in accordance with the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.

11 (e)(1) The Governor may specify that a denial in writing of an
12 application for pardon, commutation of sentence, or remission of fine or
13 forfeiture is with prejudice.

14 (2) If the Governor denies an application with prejudice, the
15 applicant is barred from filing any subsequent application for pardon,
16 commutation of sentence, or remission of fine or forfeiture while the
17 Governor who issued the denial with prejudice serves as Governor.

18 (3) The effect of this subsection is in addition to any other
19 waiting period specified by this section.

20 ~~(e)(f)~~ If an application for pardon, commutation of sentence, or
21 remission of fine is granted, the Governor shall:

22 (1) Include in his or her written order the reasons for granting
23 the application; and

24 (2) File with the Senate and the House of Representatives a copy
25 of the order that includes:

26 (A) The applicant's name;

27 (B) The offense of which the applicant was convicted;

28 (C) The sentence imposed upon the applicant;

29 (D) The date that the sentence was imposed; and

30 (E) The effective date of the pardon, commutation of
31 sentence, or remission of fine.

32 ~~(f)(1)~~(g)(1) This section shall not apply to reprieves.

33 (2) Reprieves may be granted as presently provided by law.

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35 **APPROVED: 4/12/23**