

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1088

"AN ACT TO AMEND ARKANSAS CODE 16-90-120 TO REQUIRE A MANDATORY
MINIMUM FIVE YEAR SENTENCE FOR PERSONS EMPLOYING THE USE OF A
FIREARM WHILE COMMITTING A FELONY."

Amendment No. 1 to House Bill No. 1088.

Amend House Bill No. 1088 as originally introduced:

Add Representatives Milligan and Borhauer as cosponsors of the bill

AND

Page 1, delete lines 9 through 12 and substitute
"AN ACT TO AMEND ARKANSAS CODE 16-90-120 TO PROVIDE FOR A DISCRETIONARY
ADDITIONAL PERIOD OF CONFINEMENT SERVED WITHOUT ELIGIBILITY FOR PAROLE OR
COMMUNITY PUNISHMENT TRANSFER FOR PERSONS EMPLOYING A FIREARM OR DEADLY
WEAPON WHILE COMMITTING A FELONY; AND FOR OTHER PURPOSES. "

AND

Page 1, delete lines 15 through 18 and substitute
"AN ACT TO AMEND ARKANSAS CODE 16-90-120 CONCERNING PERSONS EMPLOYING A
FIREARM OR DEADLY WEAPON WHILE COMMITTING A FELONY. "

AND

Page 1, delete lines 24 through 36 and substitute
"16-90-120. Felony with firearm or deadly weapon.

(a)(1) Any person convicted of any felony offense ~~which is classified by the laws of this state as a felony~~ who employed any a firearm or deadly weapon of any character as a means of committing the felony or escaping from the felony, in the discretion of the sentencing court, may be subjected to an additional period of confinement in the state penitentiary for a period not to exceed fifteen (15) years, five (5) years of which, in the discretion of the sentencing court, may be served without the defendant being eligible for parole or community punishment transfer.

(1) For a second or subsequent violation of subdivision (a)(1)

of this section, the defendant shall be sentenced to an mandatory additional period of confinement of at least five (5) years, during which time the person shall not be eligible for parole or community punishment transfer.

(b) The period of confinement, if any, imposed pursuant to this section shall be in addition to any fine or penalty provided by law as punishment for the felony itself. Any additional prison sentence imposed under the provisions of this section, if any, shall run consecutively and not"

AND

Page 2, delete lines 1 through 13 and substitute
"concurrently with any period of confinement imposed for conviction of the felony itself.

(c) A separate appeal may be taken to the Supreme Court of Arkansas from the imposition of the sentence, if any, provided for by this section, and any appeal shall be in the manner prescribed for appellate review of conviction of criminal offenses in general. However, the sole and only question to be decided upon the separate appeal shall be whether the evidence warrants a finding that the defendant actually employed a firearm or deadly weapon in the commission of, or escape from commission of, the felony for which he stands convicted.

(d) Any reversal of a defendant's conviction for the commission of the felony shall automatically reverse the prison sentence which may be imposed under this section.

The Amendment was read _____
By: Representative Bright
PBB/RCK
RCK864 _____ **Chief Clerk**