

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 205

"AN ACT TO REDUCE THE TIME LIMIT FOR EXECUTIVE CLEMENCY."

Amendment No. 2 to Senate Bill No. 205.

Amend Senate Bill No. 205 as engrossed, S2/2/05 (version: 02-02-2005 08:29):

Page 1, delete lines 9 through 14, and substitute the following:

"AN ACT TO ESTABLISH THAT THE TIME LIMIT FOR FILING APPLICATIONS FOR EXECUTIVE CLEMENCY BEGINS RUNNING ON THE DATE OF FILING OF THE APPLICATION RATHER THAN THE DATE OF DENIAL OF THE APPLICATION; TO ALLOW THE POST PRISON TRANSFER BOARD TO WAIVE THE WAITING PERIOD UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 17 and 18, and substitute the following:

"AN ACT TO CHANGE PROCEDURES CONCERNING APPLICATIONS FOR EXECUTIVE CLEMENCY."

AND

Page 1, delete line 26, and substitute the following:

"(d)(1) Any Except as provided in subdivision (d)(3) of this section, any person who has been convicted of capital murder, § 5-10-"

AND

Page 1, line 29, delete "~~four (4)~~ two (2)" and substitute "four (4)"

AND

Page 2, line 2, delete "two (2)" and substitute "four (4)"

AND

Page 2, delete line 7, and substitute the following:

~~"(a)(4)(C) shall not be included in determining future eligibility.~~

(3)(A) The Post Prison Transfer Board may waive the waiting period for filing a new application for pardon or commutation described in subdivision (d)(1) of this section if the Post Prison Transfer Board



determines that the person whose application was denied has established that:

(i) New material evidence relating to the person's guilt or punishment has been discovered;

(ii) The person's physical or mental health has substantially deteriorated; or

(iii) Other meritorious circumstances justify a waiver of the waiting period.

(B)(i) The Board of Corrections shall promulgate rules that will establish policies and procedures for waiver of the waiting period.

(ii) The Board of Corrections may make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

AND

Page 2, delete line 12, and substitute the following:

"(c)(1)(A) If Except as provided in subdivision (c)(3) of this section, if an application for pardon, commutation of sentence, or"

AND

Page 2, line 16, delete "~~four (4)~~ two (2)" and substitute "four (4)"

AND

Page 2, line 20, delete "two (2)" and substitute "four (4)"

AND

Page 2, delete line 26, and substitute the following:

"remission of fine or forfeiture related to the same offense.

(3)(A) The Post Prison Transfer Board may waive the waiting period for filing a new application for pardon, commutation of sentence, or remission of fine or forfeiture described in subdivision (c)(1)(A) of this section if the Post Prison Transfer Board determines that the person whose application was denied has established that:

(i) New material evidence relating to the person's guilt or punishment has been discovered;

(ii) The person's physical or mental health has substantially deteriorated; or

(iii) Other meritorious circumstances justify a waiver of the waiting period.

(B)(i) The Board of Corrections shall promulgate rules that will establish policies and procedures for waiver of the waiting period.

(ii) The Board of Corrections may make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Faris

GRH/GRH - 02-22-2005 12:21

GRH217

Secretary