

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 995

"TO AMEND ARKANSAS LAW CONCERNING EXPUNGEMENT AND POSSESSION OF
FIREARMS BY CERTAIN PERSONS."

Amendment No. 1 to Senate Bill No. 995.

Amend Senate Bill No. 995 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-73-103(b), concerning the possession of firearms by certain persons, is amended to read as follows:

(b)(1) A Except as provided in subdivisions (b)(2) and (3) of this section, a determination by a jury or a court that a person committed a felony constitutes a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.

(2) Subsection (b)(1) of this section does not apply to a person whose case was dismissed and expunged under § 16-93-301 et seq. or § 16-98-303(g).

~~(2)(3) However, the~~ The determination by the jury or court that the person committed a felony does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

SECTION 2. Arkansas Code § 16-98-303, concerning drug court programs, is amended to add an additional subsection to read as follows:

(g)(1) A drug court judge, on his or her own motion or upon a request from an offender, may order expungement and dismissal of a case if:

(A) The offender has successfully completed a drug court program, as determined by the drug court judge;

(B) The offender has received aftercare programming;

(C) The drug court judge has received a recommendation from the prosecuting attorney for expungement and dismissal of the case; and

(D) The drug court judge, after considering the offender's past criminal history, feels expungement and dismissal of the case is appropriate.

(2)(A) Except as provided in subdivision (g)(2)(B) of this section, if the offender has plead guilty or nolo contendere to or has been found guilty of an offense falling within a target group under § 16-93-1202(10)(A)(i) in another Arkansas court, the drug court judge may order



expungement and dismissal of the offense falling within a target group with the written concurrence of the other Arkansas court.

(B) The following offenses shall not be eligible for expungement under subdivision (g)(2)(A) of this section:

(i) Residential burglary, § 5-39-201(a);
(ii) Commercial burglary, § 5-39-201(b);
(iii) Breaking or entering, § 5-39-202; and
(iv) The fourth and subsequent offense of driving while intoxicated, § 5-65-103.

(3) Unless otherwise ordered by the drug court, expungement under this subsection shall be as described in § 16-90-901 et seq."

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

By: Senator Faris

MBM/BGS - 03-11-2009 10:52

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Secretary