



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1885 Sponsored by Representative Gazaway

Subtitle CONCERNING THE PAROLE ELIGIBILITY OF A PERSON CONVICTED OF AN OFFENSE THAT INVOLVED A MOVING VIOLATION IN A HIGHWAY WORK ZONE.

Impact Summary¹ Minimal, affecting fewer than ten (10) offenders per year.

Change from Current Law² Creates Arkansas Code Annotated § 16-93-623, Parole eligibility procedures - Offenses in highway work zone resulting in the death of a person. Under the proposed bill, a person sentenced for a felony in which the person was operating a motor vehicle and his or her acts or omissions while operating the motor vehicle resulted in serious physical injury or death to a highway construction worker who was present in a highway construction zone and acting in the course of his or her employment that occurred on or after the effective date of this act is eligible for parole only after having served one-half (1/2) of his or her sentence. The proposed bill also amends A.C.A § 16-93-612 to refer to the newly created section.

Impact Information The proposed bill increases the length of time that an offender must serve before becoming eligible for parole for felonies involving a motor vehicle and the death or serious physical injury of a highway construction worker acting in the course of his or her employment. Under current law, parole eligibility varies based on the offense of conviction.

The Department of Transportation (DOT) reports that for the five (5) year period beginning on January 1, 2015 and ending on December 31, 2019, there were thirteen (13) work zone crashes which involved the death or suspected serious injury of a pedestrian. This data does not differentiate between highway construction workers and other pedestrians, nor does the data indicate whether the crash occurred due to the act or omission of a person operating a motor vehicle and convicted of a felony as result of his or her acts or omissions. However, the small number of occurrences reported by the DOT makes it unlikely that the proposed bill will have a significant impact on the correctional resources of the state. For this reason, the projected impact of the proposed bill is minimal.

¹ This impact assessment was prepared 4/19/2021 6:13 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500