



ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114
Phone: (501) 682-5001 • Fax: (501) 682-5018

Impact Assessment for HB1758 Sponsored by Senator Gazaway

Subtitle TO AMEND THE LAW CONCERNING COMMERCIAL BURGLARY; AND TO CREATE AN ENHANCED PENALTY FOR COMMERCIAL BURGLARY OF A PHARMACY.

Impact Summary¹ Cannot be determined.

Change from Current Law² The proposed bill amends Arkansas Code Annotated § 5-39-201(b), to create an enhancement for commercial burglary of a pharmacy. Under the proposed bill, a person who commits commercial burglary in which the commercial occupiable structure is a pharmacy is subject to an enhancement of an additional term of imprisonment of five years. The additional term of imprisonment is consecutive to any other sentence imposed and is not eligible to receive earned release credits.

Impact Information The proposed bill creates a new enhancement for commercial burglary of a pharmacy. Available data on commercial burglary convictions does not distinguish the type of commercial structure burglarized. For this reason, the projected impact of the proposed bill cannot be determined. The following data is provided only for informational purposes.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning on 1/1/2020 and ending on 12/31/2022, there were 1,249 felony convictions of A.C.A. § 5-39-201(b), Commercial burglary. The Division of Correction (ADC) reports that as of December 2, 2022, there are currently 443 offenders serving a term of incarceration for a violation of A.C.A. § 5-39-201(b). Of these, 189 are serving a term of incarceration for which A.C.A. § 5-39-201(b) is the primary offense.

¹ This impact assessment was prepared 3/30/2023 1:34 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas 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 inmate costs; and “major” = would require budgetary increases for ADC inmate 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