

2 State of Arkansas  
3 90th General Assembly  
4 Regular Session, 2015

# A Bill

HOUSE BILL 1741

5  
6 By: Representative C. Douglas

7 Filed with: Arkansas Legislative Council  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT CONCERNING THE GOVERNOR’S ABILITY TO PARDON,  
11 COMMUTE A SENTENCE, OR GRANT CLEMENCY WHEN A  
12 CONVICTED FELON HAS A TERMINAL MEDICAL DIAGNOSIS; AND  
13 FOR OTHER PURPOSES.

## 16 Subtitle

17 CONCERNING THE GOVERNOR’S ABILITY TO  
18 PARDON, COMMUTE A SENTENCE, OR GRANT  
19 CLEMENCY WHEN A CONVICTED FELON HAS A  
20 TERMINAL MEDICAL DIAGNOSIS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 5-4-607 is amended to add an additional  
26 subsection to read as follows:

27 (g)(1) The requirements for a pardon or a commutation of a sentence  
28 under this section and the prohibition under subsection (d) of this section  
29 are not applicable if the Governor pardons a person or commutes a person’s  
30 sentence because the person has received a terminal medical diagnosis.

31 (2) As used in this subsection, "terminal medical diagnosis"  
32 means that according to a person’s medical records and in the opinion of his  
33 or her attending physician, the person has an incurable medical condition and  
34 has less than one (1) year left to live.

1 SECTION 2. Arkansas Code § 16-93-204(a)(3), concerning executive  
2 clemency, is amended to read as follows:

3 (3)(A) ~~Applications~~ Unless otherwise provided under this  
4 subsection, an application for a pardon, commutation of sentence, reprieve,  
5 respite, or remission of fine or forfeiture shall be referred to the Parole  
6 Board for investigation.

7 (B)(i) The requirement for an application to the board  
8 under subdivision (a)(3)(A) of this section is not applicable if the Governor  
9 pardons a person or commutes a person's sentence because the person has  
10 received a terminal medical diagnosis.

11 (ii) As used in this subdivision (a)(3)(B),  
12 "terminal medical diagnosis" means that according to a person's medical  
13 records and in the opinion of his or her attending physician, the person has  
14 an incurable medical condition and has less than one (1) year left to live.

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17 Referral requested by: Representative Charlotte V. Douglas

18 Prepared by: VJF  
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