

1  
2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

# A Bill

HOUSE BILL 2191

5  
6 By: Representative E. Elliott

7 Filed with: Interim House Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9  
10 AN ACT TO REQUIRE CERTAIN CRIMINAL SENTENCES FOR  
11 YOUTHFUL OFFENDERS EIGHTEEN YEARS OF AGE OR OLDER BUT  
12 YOUNGER THAN TWENTY-ONE YEARS OF AGE; AND FOR OTHER  
13 PURPOSES.

## Subtitle

14  
15  
16 TO REQUIRE CERTAIN CRIMINAL SENTENCES FOR  
17 YOUTHFUL OFFENDERS EIGHTEEN YEARS OF AGE  
18 OR OLDER BUT YOUNGER THAN TWENTY-ONE  
19 YEARS OF AGE.  
20

21  
22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code 5-4-104(d), regarding the sentencing of  
26 offenders, is amended to read as follows:

27 (d)(1)(A) A defendant who was eighteen (18) years of age or older but  
28 less than twenty-one (21) years of age at the time of the commission of the  
29 offense for which he or she was convicted and who was convicted of an offense  
30 other than a Class Y felony, capital murder, § 5-10-101, treason, § 5-51-201,  
31 or murder in the second degree, § 5-10-103, a sex offense defined in § 12-12-  
32 903(12)(A), a felony involving violence defined in § 5-4-501(d)(2), or arson,  
33 § 5-38-301, may shall be sentenced to any one (1) or more of the following,  
34 except as precluded by subsection (e) of this section:

35 (1) ~~Imprisonment as authorized by §§ 5-4-401—5-4-~~

36 404;

1                   ~~(2)(i)~~ Probation as authorized by §§ 5-4-301 – 5-4-  
2 311;

3                   ~~(3)(ii)~~ Payment of a fine as authorized by §§ 5-4-  
4 201 —~~5-4-203~~ and 5-4-202; or

5                   ~~(4)(iii)~~ Restitution as authorized by a ~~provision of~~  
6 § 5-4-205; ~~or.~~

7                   ~~(5)(E) Imprisonment and payment of a fine.~~

8                   (B) A defendant who was eighteen (18) years of age or  
9 older but less than twenty-one (21) years of age at the time of the  
10 commission of the offense for which he or she was convicted and who was  
11 convicted of a disqualifying offense under subdivision (d)(1)(A) of this  
12 section or who has been previously sentenced under subdivision (d)(1)(A) of  
13 this section shall be sentenced under subsection (b), subsection (c), or  
14 subdivision (d)(2) of this section.

15                   (2) A defendant convicted of an offense other than a Class Y  
16 felony, capital murder, § 5-10-101, treason, § 5-51-201, or murder in the  
17 second degree, § 5-10-103, and who was twenty-one (21) years of age or older  
18 at the time the offense was committed or who is otherwise disqualified from  
19 being sentenced under subdivision (d)(1)(A) or subdivision (f)(1) of this  
20 section may be sentenced to any one (1) or more of the following, except as  
21 precluded by subsection (e) of this section:

22                   (A) Imprisonment as authorized by § 5-4-401 et seq;

23                   (B) Probation as authorized by §§ 5-4-301 – 5-4-311;

24                   (C) Payment of a fine as authorized by §§ 5-4-201 and 5-4-  
25 202;

26                   (D) Restitution as authorized by § 5-4-205; or

27                   (E) Imprisonment and payment of a fine.

28  
29  
30 Referred by the Arkansas House of Representatives

31 Prepared by: BPG/VJF