

1
2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

HOUSE BILL 1474

5
6 By: Representatives Lowery, Farrer
7 By: Senators B. King, E. Williams

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

For An Act To Be Entitled

10
11 AN ACT TO ESTABLISH MURDER IN THE SECOND DEGREE AS A
12 SEVENTY-PERCENT CRIME; AND FOR OTHER PURPOSES.

Subtitle

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14
15 TO ESTABLISH MURDER IN THE SECOND DEGREE
16 AS A SEVENTY-PERCENT CRIME.

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

21
22 SECTION 1. Arkansas Code § 16-93-612(e), concerning applicable dates
23 for parole eligibility for certain offenses, is amended to read as follows:

24 (e) For an offender serving a sentence for a felony committed on or
25 after January 1, 1994, § 16-93-614 governs that person's parole eligibility,
26 unless otherwise ~~noted~~ provided and except:

27 (1) If the felony is murder in the first degree, § 5-10-102,
28 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
29 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
30 offense occurred after July 28, 1995, § 16-93-618 governs that person's
31 parole eligibility; ~~or~~

32 (2) If the felony is manufacturing methamphetamine, § 5-64-
33 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
34 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
35 offense occurred after April 9, 1999, § 16-93-618 governs that person's
36 parole eligibility; or

1 (3) If the felony is murder in the second degree, § 5-10-103,
2 and the offense occurred after the effective date of this act, § 16-93-618
3 governs that person's parole eligibility.

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5 SECTION 2. Arkansas Code § 16-93-618(a), concerning which criminal
6 offenses are seventy-percent offenses, is amended to read as follows:

7 (a)(1) Notwithstanding any law allowing the award of meritorious good
8 time or any other law to the contrary, any person who is found guilty of or
9 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-~~(H)~~(I) of this
10 section ~~shall not be~~ is not eligible for parole or community ~~punishment~~
11 correction transfer, except as provided in subdivision (a)(3) of this section
12 or subsection (c) of this section, until the person serves seventy percent
13 (70%) of the term of imprisonment to which the person is sentenced, including
14 a sentence prescribed under § 5-4-501:

15 (A) Murder in the first degree, § 5-10-102;

16 (B) Murder in the second degree, § 5-10-103;

17 ~~(B)~~(C) Kidnapping, Class Y felony, § 5-11-102;

18 ~~(C)~~(D) Aggravated robbery, § 5-12-103;

19 ~~(D)~~(E) Rape, § 5-14-103;

20 ~~(E)~~(F) Causing a catastrophe, § 5-38-202(a);

21 ~~(F)~~(G) Manufacturing methamphetamine, § 5-64-423(a) or the
22 former § 5-64-401;

23 ~~(G)~~(H) Trafficking methamphetamine, § 5-64-440(b)(1); or

24 ~~(H)~~(I) Possession of drug paraphernalia with the purpose
25 to manufacture methamphetamine, the former § 5-64-403(c)(5).

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28 Referred by the Arkansas House of Representatives

29 Prepared by: BPG/VJF