

1 INTERIM STUDY PROPOSAL 2017-044

2 State of Arkansas

*As Engrossed: H3/15/17*

3 91st General Assembly

# A Bill

4 Regular Session, 2017

HOUSE BILL 2131

5  
6 By: Representative K. Ferguson

7 Filed with: House Committee on Judiciary

8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT CONCERNING A SUSPENDED IMPOSITION OF SENTENCE;  
11 CONCERNING A CRIMINAL CONVICTION; CONCERNING  
12 SUSPENDING AN IMPOSITION OF SENTENCE WHEN A PERSON  
13 OWES RESTITUTION; AND FOR OTHER PURPOSES.

## 16 Subtitle

17 CONCERNING A SUSPENDED IMPOSITION OF  
18 SENTENCE; CONCERNING A CRIMINAL  
19 CONVICTION; AND CONCERNING SUSPENDING AN  
20 IMPOSITION OF SENTENCE WHEN A PERSON OWES  
21 RESTITUTION,

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

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26 *SECTION 1. Arkansas Code § 5-4-301(a), concerning the offenses for*  
27 *which a court may not place a person on probation or suspended imposition of*  
28 *sentence, is amended to read as follows:*

29 *(a)(1) A court shall not suspend imposition of sentence as to a term*  
30 *of imprisonment or place a defendant on probation for the following offenses:*

31 *(A) Capital murder, § 5-10-101;*

32 *(B) Treason, § 5-51-201;*

33 *(C) A Class Y felony, except to the extent suspension of*  
34 *an additional term of imprisonment is permitted in § 5-4-104(c);*

35 *(D) Driving or boating while intoxicated, § 5-65-103;*

1 (E) Murder in the second degree, § 5-10-103, except to the  
2 extent suspension of an additional term of imprisonment is permitted in § 5-  
3 4-104(c); or

4 (F) Engaging in a continuing criminal enterprise, § 5-64-  
5 405.

6 (2) If it is determined ~~pursuant to~~ under § 5-4-502 that a  
7 defendant has previously been convicted of two (2) or more felonies, the  
8 court shall not:

9 (A) Suspend imposition of sentence; or

10 (B) Place the defendant on probation.

11 (3) A court shall not sentence a person to a suspended  
12 imposition of sentence if the person owes restitution to a victim of the  
13 offense for which the person is being sentenced.

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15 SECTION 2. Arkansas Code § 5-4-303(f)(1), concerning conditions of  
16 suspension and probation, is amended to read as follows:

17 (f)(1) If the court ~~suspends imposition of sentence on a defendant or~~  
18 ~~places him or her~~ a defendant on probation conditioned upon his or her making  
19 restitution under subdivision (c)(6) of this section, the court, by  
20 concurrence of the victim, defendant, and the prosecuting authority, shall  
21 determine the amount to be paid as restitution.

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23 /s/K. Ferguson  
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26 Referred by the Arkansas House of Representatives

27 Prepared by: VJF  
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