

Stricken language would be deleted from and underlined language would be added to present law.

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

A Bill

DRAFT BPG/LNS
SENATE BILL

5 By: Senator P. Malone
6

For An Act To Be Entitled

8 AN ACT TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER
9 OF FELONIES FOR WHICH TRANSFER TO PAROLE ELIGIBILITY
10 IS DISCRETIONARY; AND FOR OTHER PURPOSES.
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Subtitle

13 TO INCLUDE FELONY SEX OFFENSES IN THE
14 NUMBER OF FELONIES FOR WHICH TRANSFER TO
15 PAROLE ELIGIBILITY IS DISCRETIONARY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-612 is amended to read as follows:
22 16-93-612. Parole eligibility – Date of offense.

23 (a) A person's parole eligibility shall be determined by the laws in
24 effect at the time of the offense for which he or she is sentenced to the
25 Department of Correction.

26 (b) For an offender serving a sentence for a felony committed before
27 April 1, 1977, § 16-93-601 governs that person's parole eligibility.

28 (c) For an offender serving a sentence for a felony committed between
29 April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole
30 eligibility.

31 (d) For an offender serving a sentence for a felony committed on or
32 after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that
33 person's parole eligibility.

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

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1 (1) If the felony is murder in the first degree, § 5-10-102,
 2 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
 3 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
 4 offense occurred after July 28, 1995, § 16-93-618 governs that person's
 5 parole eligibility; ~~or~~

6 (2) If the felony is manufacturing methamphetamine, § 5-64-
 7 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
 8 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
 9 offense occurred after April 9, 1999, § 16-93-618 governs that person's
 10 parole eligibility; or

11 (3) If the felony is sexual indecency with a child, § 5-14-110,
 12 and the offense occurred after the effective date of this act, § 16-93-
 13 615(b)(1) governs that person's eligibility.

14 (f) For an offender serving a sentence for a felony committed on or
 15 after January 1, 1994, § 16-93-615 governs that person's parole eligibility
 16 procedures.

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 18 SECTION 2. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is
 19 subject to discretionary transfer to the Department of Community Correction
 20 by the Parole Board after having served one-third (1/3) or one-half (½) of
 21 his or her sentence, is amended to read as follows:

22 (b)(1) An inmate under sentence for one (1) of the following felonies
 23 ~~shall be~~ is eligible for discretionary transfer to the Department of
 24 Community Correction by the Parole Board after having served one-third (1/3)
 25 or one-half (½) of his or her sentence, with credit for meritorious good
 26 time, depending on the seriousness determination made by the Arkansas
 27 Sentencing Commission, or one-half (½) of the time to which his or her
 28 sentence is commuted by executive clemency, with credit for meritorious good
 29 time:

30 (A) Any homicide, §§ 5-10-101 - 5-10-105, unless the
 31 offense is listed under § 16-93-612(e)(1);

32 (B) Sexual assault in the first degree, § 5-14-124;

33 (C) Sexual assault in the second degree, § 5-14-125;

34 (D) Sexual indecency with a child, § 5-14-110;

35 ~~(D)~~ (E) Battery in the first degree, § 5-13-201;

36 ~~(E)~~ (F) Domestic battering in the first degree, § 5-26-303;

1 or

2 ~~(F)~~(G) The following Class Y felonies:

3 (i) Kidnapping, § 5-11-102, unless the offense is
4 listed under § 16-93-612(e)(1);

5 (ii) Rape, § 5-14-103, unless the offense is listed
6 under § 16-93-612(e)(1);

7 (iii) Aggravated robbery, § 5-12-103, unless the
8 offense is listed under § 16-93-612(e)(1); or

9 (iv) Causing a catastrophe, § 5-38-202(a), unless
10 the offense is listed under § 16-93-612(e)(1);

11 ~~(G)~~(H) Engaging in a continuing criminal enterprise, § 5-
12 64-405; or

13 ~~(H)~~(I) Simultaneous possession of drugs and firearms, § 5-
14 74-106.

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