

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL5

By: Joint Interim Committee on Judiciary

"AN ACT TO AMEND SECTION 3 OF ACT 158 OF 1899 [ARK. STATS. 43-2715] TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE SHALL NOT BE RELEASED ON BAIL PENDING APPEAL UNLESS THE COURT DETERMINES THAT THE PERSON WILL NOT POSE A DANGER TO ANY OTHER PERSON AND IS NOT LIKELY TO FLEE; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 3 of Act 158 of 1899, the same being Arkansas Statute 43-2715, is hereby amended to read as follows:

"Section 3. Notwithstanding any law or court rule to the contrary, when a criminal defendant has been found guilty, plead guilty, or plead nolo contendere to a criminal offense and sentenced to serve a term of imprisonment, and the criminal defendant has filed an appeal, the court shall not release the defendant on bail or otherwise pending appeal unless the court finds (a) by clear and convincing evidence that the person is not likely to flee or that there is not a substantial risk that the defendant will commit a serious crime, intimidate witnesses, harass or take retaliatory action against any juror, or otherwise interfere with the administration of justice or pose a danger to the safety of any other person, and (b) that the appeal is not for the purpose of delay and the appeal raises a substantial question of law or fact."

SECTION 2. (a) Section 1 of Act 23 of 1899, the same being Arkansas Statute 43-2714 is hereby repealed.

(b) All laws and parts of laws in conflict with this Act are hereby repealed.

