

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bell**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO REGULATE APPLICATIONS FOR PARDON, COMMUTATION
9 OF SENTENCE, AND REMISSION OF FINES AND FORFEITURES; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "TO REGULATE THE GRANTING OF A PARDON OR COMMUTATION OF
14 SENTENCE."

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

18 SECTION 1. At least thirty (30) days before granting an application for
19 pardon, commutation of sentence, or remission of fine or forfeiture, the
20 Governor shall file with the Secretary of State a notice of his intention to
21 grant such application. The filing of such notice shall not preclude the
22 Governor from later denying the application, but any pardon, commutation of
23 sentence, or remission of fine or forfeiture granted without filing such
24 notice shall be null and void.

26 SECTION 2. If the Governor does not grant an application for pardon,
27 commutation of sentence, or remission of fine or forfeiture within one hundred
28 twenty (120) days of the Governor_s receipt of the recommendation of the State
29 Board or Parole and Community Rehabilitation regarding the application, the
30 application shall be deemed denied by the Governor and any pardon, commutation
31 of sentence, or remission of fine or forfeiture granted after the one hundred
32 twenty (120) day period shall be null and void.

34 SECTION 3. If an application for pardon, commutation of sentence, or
35 remission of fine or forfeiture is denied in writing by the Governor, the

1 person filing the application shall not be eligible to file a new application
2 for pardon, commutation of sentence, or remission of fine or forfeiture
3 related to the same offense for a period of one (1) year from the date of the
4 denial. If an application for pardon, commutation of sentence, or remission
5 of fine or forfeiture is deemed denied by the Governor pursuant to Section 2
6 of this act, the person filing the application may immediately file a new
7 application for pardon, commutation of sentence, or remission of fine or
8 forfeiture related to the same offense.

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10 SECTION 4. This act shall not apply to reprieves, and reprieves may be
11 granted as presently provided by law.

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13 SECTION 5. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 6. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 7. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 SECTION 8. EMERGENCY. It is hereby found and determined by the General
27 Assembly that the people of Arkansas are not receiving adequate notice of the
28 granting of applications for pardon, commutation of sentence, or remission of
29 fine or forfeiture; that applications for pardon, commutation of sentence, or
30 remission of fine or forfeiture are not being acted upon within a reasonable
31 period of time after receipt of the recommendation of the State Board of
32 Parole and Community Rehabilitation; and that repeated applications by the
33 same individuals for pardon, commutation of sentence, or remission of fine or
34 forfeiture are delaying the processing of applications for pardon, commutation
35 of sentence, or remission of fine or forfeiture. Therefore, an emergency is

1 hereby declared to exist and this act being necessary for the immediate
2 preservation of the public peace, health and safety shall be in full force and
3 effect from and after its passage and approval.

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