

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative M. Wilson

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-90-202 TO
9 INCLUDE CERTAIN OFFENSES FOR WHICH A THIRD CONVICTION
10 RESULTS IN A LIFE SENTENCE; DIRECTING THE ARKANSAS CODE
11 REVISION COMMISSION TO TRANSFER §§16-90-201 THROUGH 205 TO
12 TITLE 5, CHAPTER 4; AND FOR OTHER PURPOSES."

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Subtitle

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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 Annotated § 16-90-202 is hereby amended to
22 read as follows:

23 "16-90-202. Punishment for third conviction for certain offenses.

24 (a) When any person shall be convicted of murder, aggravated robbery,
25 first degree battery, terroristic act, unlawful discharge of a firearm from a
26 vehicle, rape, carnal abuse, or kidnapping and it shall be shown that the
27 person has been twice previously convicted of any of the above-mentioned
28 crimes in this state or any other state, upon the third conviction the person
29 shall be deemed an habitual criminal and shall be sentenced to life
30 imprisonment in the state penitentiary.

31 (b) However, nothing in this section shall be construed to abolish or
32 otherwise affect punishment by death for crimes which are punishable by
33 death."

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35 SECTION 2. The Arkansas Code Revision Commission is hereby directed to

1 transfer Arkansas Code Annotated §§16-90-201, 202, 203, 204 and 205 to a
2 Subchapter 5 entitled "Extended Term of Imprisonment" under Chapter 4 of
3 Title 5, Arkansas Code Annotated.

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5 SECTION 3. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.

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9 SECTION 4. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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