

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Hopkins

A Bill

SENATE BILL 292

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-4-501, THE
9 STATUTE SETTING FORTH PUNISHMENT FOR HABITUAL FELONS, TO
10 INCREASE THE MINIMUM TERM OF IMPRISONMENT FOR SUCH FELONS;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "TO INCREASE THE MINIMUM TERM OF
15 IMPRISONMENT FOR HABITUAL FELONS"

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

19 SECTION 1. Arkansas Code Annotated § 5-4-501 is amended to read as
20 follows:

21 "5-4-501. Habitual offenders - Sentencing for felony.

22 (a) A defendant who is convicted of a felony committed after June 30,
23 1983, and who has previously been convicted of more than one (1) but less
24 than four (4) felonies, or who has been found guilty of more than one (1) but
25 less than four (4) felonies, may be sentenced to an extended term of
26 imprisonment as follows:

27 (1) For a conviction of a Class Y felony, a term of not less
28 than twenty (20) years nor more than sixty (60) years, or life;

29 (2) For a conviction of a Class A felony, a term of not less
30 than twelve (12) years nor more than fifty (50) years;

31 (3) For a conviction of a Class B felony, a term of not less
32 than ten (10) years nor more than thirty (30) years;

33 (4) For a conviction of a Class C felony, a term of not less
34 than six (6) years nor more than twenty (20) years;

35 (5) For a conviction of a Class D felony, a term of not less

1 than six (6) years nor more than twelve (12) years;

2 (6) For a conviction of an unclassified felony punishable by
3 less than life imprisonment, not less than three (3) years more than the
4 minimum sentence for the unclassified offense nor more than five (5) years
5 more than the maximum sentence for the unclassified offense;

6 (7) For a conviction of an unclassified felony punishable by
7 life imprisonment, not less than ten (10) years nor more than fifty (50)
8 years, or life.

9 (b) A defendant who is convicted of a felony committed after June 30,
10 1983, and who has previously been convicted of four (4) or more felonies or
11 who has been found guilty of four (4) or more felonies, may be sentenced to
12 an extended term of imprisonment as follows:

13 (1) For a conviction of a Class Y felony, a term of not less
14 than forty (40) years nor more than life;

15 (2) For a conviction of a Class A felony, a term of not less
16 than thirty (30) years nor more than sixty (60) years;

17 (3) For a conviction of a Class B felony, a term of not less
18 than twenty (20) years nor more than forty (40) years;

19 (4) For a conviction of a Class C felony, a term of not less
20 than ten (10) years nor more than thirty (30) years;

21 (5) For a conviction of a Class D felony, a term of not less
22 than eight (8) years nor more than fifteen (15) years;

23 (6) For a conviction of an unclassified felony punishable by
24 less than life imprisonment, not less than seven (7) years more than the
25 minimum sentence for the unclassified offense more than twice the maximum
26 sentence for the unclassified offense;

27 (7) For a conviction of an unclassified felony punishable by
28 life imprisonment, not less than twenty-five (25) years nor more than fifty
29 (50) years, or life.

30 (c) For the purpose of determining whether a defendant has previously
31 been convicted or found guilty of two (2) or more felonies, a conviction or
32 finding of guilt of burglary and of the felony that was the object of the
33 burglary shall be considered a single felony conviction or finding of guilt.
34 A conviction or finding of guilt of an offense that was a felony under the
35 law in effect prior to January 1, 1976, shall be considered a previous felony

1 conviction or finding of guilt."

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3 SECTION 2. All provisions of this act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
5 Code Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 4. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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