

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/13/97

A Bill

HOUSE BILL 2134

4
5 By: Representative Hendren
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 12-29-201 TO LIMIT
10 MERITORIOUS GOOD TIME FOR VIOLENT OFFENDERS; TO *RESTRICT*
11 PAROLE FOR FELONIES COMMITTED AFTER THE EFFECTIVE DATE OF
12 THIS ACT; AND FOR OTHER PURPOSES."

Subtitle

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15 "AN ACT TO LIMIT MERITORIOUS GOOD TIME
16 FOR VIOLENT OFFENDERS AND TO *RESTRICT*
17 PAROLE FOR FELONIES COMMITTED AFTER THE
18 EFFECTIVE DATE OF THIS ACT."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 12-29-201 is amended to read as follows:

23 §12-29-201. Meritorious good time.

24 (a) An inmate may be entitled to meritorious good time reducing his
25 transfer eligibility date up to thirty (30) days for each month incarcerated
26 after imposition of sentence in one (1) of the units, facilities, and centers
27 maintained by the Department of Correction or the Department of Community
28 Punishment.

29 (b) Meritorious good time shall be allocated under rules and
30 regulations promulgated by the Board of Correction and Community Punishment
31 and administered by the respective department staff subject to the provisions
32 of this subchapter for good discipline, behavior, work practices, job
33 responsibilities, and involvement in rehabilitative activities while in the
34 custody of the Department of Correction or the Department of Community
35 Punishment.

36 (c) Meritorious good time will not be applied to reduce the length of a

1 sentence.

2 (d) Meritorious good time shall apply to an inmate's transfer
3 eligibility date from the Department of Correction or a community punishment
4 facility.

5 (1) Meritorious good time shall under no circumstances reduce an
6 inmate's time served in prison by more than one-half (1/2) of the percentage
7 required by law for transfer eligibility. Meritorious good time shall under no
8 circumstances reduce an inmate's time served in prison for a violent offense
9 by more than one-fourth (1/4) of the percentage required by law for transfer
10 eligibility.

11 (2) Meritorious good time shall under no circumstances reduce an
12 inmate's confinement in a community punishment facility by more than one-half
13 (1/2). Meritorious good time shall under no circumstances reduce an inmate's
14 confinement in a community punishment facility for a violent offense by more
15 than one-fourth (1/4).

16 (e)(1) The Department of Correction or the Department of Community
17 Punishment shall determine a date at which the inmate who has acquired the
18 maximum amount of meritorious good time necessary is to be administratively
19 transferred to a less restrictive placement or supervision level within the
20 Department of Community Punishment.

21 (2) Such date will be determined in accordance with the policies
22 developed by the Arkansas Sentencing Commission within the parameters allowed
23 by law.

24 (f)(1) Inmates under sentence of death or life imprisonment without
25 parole shall not be eligible for meritorious good time under this subchapter,
26 but may be pardoned or have their sentences commuted by the Governor, as
27 provided by law.

28 (2) Inmates sentenced to life imprisonment shall not receive
29 meritorious good time calculated on their sentences unless the sentence is
30 commuted to a term of years by executive clemency.

31 (3) Upon commutation, the inmate shall be eligible to receive
32 meritorious good time at the rate established by this subchapter.

33 (g) For the purposes of this section, [ⓐ]violent offense[ⓑ] includes any
34 offense containing as an element of the offense the following:

35 (1) The use of physical force;

36 (2) The use or threatened use of serious physical force;

- 1 (3) The infliction of physical harm; or
- 2 (4) The creation of a substantial risk of serious physical harm."

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4 SECTION 2. A person who is convicted and incarcerated for a felony
 5 committed on or after the effective date of this act shall be ineligible for
 6 parole except as provided by this section. Parole may be granted if the
 7 Correction Board certifies that either the prison system is overcrowded or
 8 that there is not sufficient funds available to maintain the prison system
 9 population at the current level. The Post Prison Transfer Board shall
 10 annually report to the Arkansas Legislative Council the number of inmates
 11 paroled pursuant to this section.

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13 SECTION 2. 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 3. 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 4. All laws and parts of laws in conflict with this act are
 24 hereby repealed.

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/s/Rep. Hendren

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