

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/10/99 H3/26/99

A Bill

HOUSE BILL 1658

5 By: Representative Vess
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 16-93-611 TO CLARIFY
10 ITS APPLICATION *TO DECLARE AN EMERGENCY*; AND FOR OTHER
11 PURPOSES. "
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Subtitle

14 "TO AMEND ARKANSAS CODE § 16-93-611 TO
15 CLARIFY ITS APPLICATION. "
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 16-93-611 is amended to read as follows:

21 "16-93-611. Class Y felonies.

22 Notwithstanding any law allowing the award of meritorious good time or
23 any other law to the contrary, any person who is found guilty of or who pleads
24 guilty or nolo contendere to murder in the first degree, § 5-10-102,
25 kidnapping, Class Y felonies, § 5-11-102, aggravated robbery, § 5-12-103,
26 rape, § 5-14-103, and causing a catastrophe, § 5-38-202(a), shall not be
27 eligible for parole or community punishment transfer until the person serves
28 seventy percent (70%) of the term of imprisonment, including a sentence
29 prescribed under § 5-4-501, to which the person is sentenced. The seventy
30 percent (70%) provision of this section have no application to any person who
31 is found guilty of, or pleads guilty or nolo contendere to kidnapping, Class B
32 felonies, regardless of the date of the offense, and furthermore, the
33 provisions of this section shall apply retroactively to all persons presently
34 serving a sentence for kidnapping, Class B felonies."
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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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

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13 SECTION 5. Emergency. It is found and determined by the Eighty-second
14 General Assembly of the State of Arkansas that there is vagueness in the law
15 regarding the limitations on the award of meritorious good time for persons
16 convicted of certain crimes, that criminal defendants should not be left
17 without this possible benefit due to the vagueness of language by the General
18 Assembly, and that this act should have immediate effect in order to eliminate
19 this problem as soon as possible for persons sentenced to serious criminal
20 offenses. Therefore an emergency is declared to exist and this act being
21 immediately necessary for the preservation of the public peace, health and
22 safety shall become effective on the date of its approval by the Governor. If
23 the bill is neither approved nor vetoed by the Governor, it shall become
24 effective on the expiration of the period of time during which the Governor
25 may veto the bill. If the bill is vetoed by the Governor and the veto is
26 overridden, it shall become effective on the date the last house overrides the
27 veto.

28 /s/ Vess
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