

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 191

4
5 By: Senators Cash, Everett
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For An Act To Be Entitled

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9 AN ACT TO REPEAL ARKANSAS CODE 16-90-120 CONCERNING
10 ADDITIONAL CONFINEMENT FOR PERSONS COMMITTING A FELONY
11 WITH A FIREARM; AND FOR OTHER PURPOSES.
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Subtitle

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14 AN ACT TO REPEAL ARKANSAS CODE 16-90-120
15 CONCERNING ADDITIONAL CONFINEMENT FOR
16 PERSONS COMMITTING A FELONY WITH A
17 FIREARM.
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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 16-90-120, concerning additional confinement
23 for persons committing a felony with a firearm, is repealed.

24 ~~16-90-120. Felony with firearm.~~

25 ~~(a) Any person convicted of any offense which is classified by the laws~~
26 ~~of this state as a felony who employed any firearm of any character as a means~~
27 ~~of committing or escaping from the felony, in the discretion of the sentencing~~
28 ~~court, may be subjected to an additional period of confinement in the state~~
29 ~~penitentiary for a period not to exceed fifteen (15) years.~~

30 ~~(b) The period of confinement, if any, imposed pursuant to this section~~
31 ~~shall be in addition to any fine or penalty provided by law as punishment for~~
32 ~~the felony itself. Any additional prison sentence imposed under the provisions~~
33 ~~of this section, if any, shall run consecutively and not concurrently with any~~
34 ~~period of confinement imposed for conviction of the felony itself.~~

35 ~~(c) A separate appeal may be taken to the Supreme Court of Arkansas~~
36 ~~from the imposition of the sentence, if any, provided for by this section, and~~

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1 ~~any appeal shall be in the manner prescribed for appellate review of~~
2 ~~conviction of criminal offenses in general. However, the sole and only~~
3 ~~question to be decided upon the separate appeal shall be whether the evidence~~
4 ~~warrants a finding that the defendant actually employed a firearm in the~~
5 ~~commission of, or escape from commission of, the felony for which he stands~~
6 ~~convicted.~~

7 ~~(d) Any reversal of a defendant's conviction for the commission of the~~
8 ~~felony shall automatically reverse the prison sentence which may be imposed~~
9 ~~under this section.~~

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