

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.

State of Arkansas  
83rd General Assembly  
Regular Session, 2001

*As Engrossed: S3/22/01*

## A Bill

SENATE BILL 756

By: Senator Webb

### For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 5-4-403 TO ALLOW A  
JURY TO RECOMMEND THAT A SENTENCE BE SERVED  
CONSECUTIVELY; AND FOR OTHER PURPOSES.

### Subtitle

AN ACT TO AMEND ARKANSAS CODE 5-4-403 TO  
ALLOW A JURY TO RECOMMEND THAT A SENTENCE  
BE SERVED CONSECUTIVELY.

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

SECTION 1. Arkansas Code 5-4-403 is amended to read as follows:

5-4-403. Multiple sentences - Concurrent and consecutive terms.

(a) When multiple sentences of imprisonment are imposed on a defendant convicted of more than one (1) offense, including an offense for which a previous suspension or probation has been revoked, the sentences shall run concurrently unless, upon recommendation of the jury or the court's own motion, the court orders the sentences to run consecutively.

(b) When a sentence of imprisonment is imposed on a defendant who has previously been sentenced to imprisonment, whether by a court of this state, a court of another state, or a federal court, the subsequent sentence shall run concurrently with any undischarged portion of the previous sentence unless, upon recommendation of the jury or the court's own motion, the court imposing the subsequent sentence orders it to run consecutively with the previous sentence.

(c) The power of the court to order that sentences run consecutively shall be subject to the following limitations:

(1) A sentence of imprisonment for a misdemeanor and a sentence of imprisonment for a felony shall run concurrently, and both sentences shall be satisfied by service of sentence for a felony; and

(2) The aggregate of consecutive terms for misdemeanors shall not exceed one (1) year.

(d) The court is not bound by recommendations of the jury concerning sentencing options under this section.

/s/ Webb