

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2854

4  
5 By: Representative Jeffrey  
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## For An Act To Be Entitled

8  
9 AN ACT TO REMOVE MANUFACTURE OF METHAMPHETAMINE  
10 AND POSSESSION OF DRUG PARAPHERNALIA WITH INTENT  
11 TO MANUFACTURE METHAMPHETAMINE FROM THE LIST OF  
12 OFFENSES SUBJECT TO THE SEVENTY-PERCENT RULE; AND  
13 FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT TO REMOVE MANUFACTURE OF  
17 METHAMPHETAMINE AND POSSESSION OF DRUG  
18 PARAPHERNALIA WITH INTENT TO MANUFACTURE  
19 METHAMPHETAMINE FROM THE LIST OF  
20 OFFENSES SUBJECT TO THE SEVENTY-PERCENT  
21 RULE.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:  
27 16-93-611. Class Y felonies.

28 (a)(1) Notwithstanding any law allowing the award of meritorious good  
29 time or any other law to the contrary, any person who is found guilty of or  
30 who pleads guilty or nolo contendere to:

31 (A) Murder in the first degree, § 5-10-102;

32 (B) Kidnapping, Class Y felony, § 5-11-102;

33 (C) Aggravated robbery, § 5-12-103;

34 (D) Rape, § 5-14-103; or

35 (E) Causing a catastrophe, § 5-38-202(a);

36 ~~(F) Manufacture of methamphetamine, § 5-64-401(a)(1)(i);~~



1 ~~ex~~

2 ~~(C) Possession of drug paraphernalia with the intent to~~  
3 ~~manufacture methamphetamine, § 5-64-403(e)(5)~~ shall not, except as provided  
4 in subsection (b) of this section, be eligible for parole or community  
5 punishment transfer until the person serves seventy percent (70%) of the term  
6 of imprisonment to which the person is sentenced, including a sentence  
7 prescribed under § 5-4-501.

8 (2)(A) The seventy percent (70%) provision of subdivision (a)(1)  
9 of this section has no application to any person who is found guilty of or  
10 pleads guilty or nolo contendere to kidnapping, Class B felony, § 5-11-102,  
11 regardless of the date of the offense.

12 (B) Furthermore, the provisions of this section shall  
13 apply retroactively to all persons presently serving a sentence for  
14 kidnapping, Class B felony, § 5-11-102.

15 (b) The sentencing judge, in his or her discretion, may waive  
16 subsection (a) of this section under the following circumstances:

- 17 (1) The defendant was a juvenile at the time of the offense;
- 18 (2) The juvenile was merely an accomplice to the offense; and
- 19 (3) The offense occurred on or after July 28, 1995.

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