

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

SENATE BILL 1073

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5 By: Senator Glover
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For An Act To Be Entitled

9 AN ACT TO REQUIRE NOTIFICATION OF INTENTION TO
10 GRANT AN APPLICATION FOR CLEMENCY TO THE VICTIM
11 OR THE VICTIM'S FAMILY IN ALL CASES; AND FOR
12 OTHER PURPOSES.

Subtitle

13
14 AN ACT TO REQUIRE NOTIFICATION OF
15 INTENTION TO GRANT AN APPLICATION FOR
16 CLEMENCY TO THE VICTIM OR THE VICTIM'S
17 FAMILY IN ALL CASES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 16-93-207 is amended to read as follows:
24 16-93-207. Applications for pardon, commutation of sentence, and
25 remission of fines and forfeitures.

26 (a)(1)(A) At least thirty (30) days before granting an application for
27 pardon, commutation of sentence, or remission of fine or forfeiture, the
28 Governor shall file with the Secretary of State a notice of his intention to
29 grant such application.

30 (B)~~(i)~~ The Governor shall also direct the Department of
31 Correction to send notice of his intention to the judge, the prosecuting
32 attorney, and the sheriff of the county in which the applicant was convicted
33 and, if applicable, to the victim or the victim's next of kin.

34 ~~(ii) The notification to the victim or the victim's~~
35 ~~next of kin shall not be required if the conviction occurred more than ten~~
36 ~~(10) years prior to the filing of the notice under subdivision (a)(1)(A) of~~



1 ~~this section.~~

2 (2) The filing of such notice shall not preclude the Governor
3 from later denying the application, but any pardon, commutation of sentence,
4 or remission of fine or forfeiture granted without filing such notice shall
5 be null and void.

6 (b) If the Governor does not grant an application for pardon,
7 commutation of sentence, or remission of fine or forfeiture within one
8 hundred twenty (120) days of the Governor's receipt of the recommendation of
9 the Post Prison Transfer Board regarding the application, the application
10 shall be deemed denied by the Governor, and any pardon, commutation of
11 sentence, or remission of fine or forfeiture granted after the one hundred
12 twenty-day period shall be null and void.

13 (c)(1) If an application for pardon, commutation of sentence, or
14 remission of fine or forfeiture is denied in writing by the Governor, the
15 person filing the application shall not be eligible to file a new application
16 for pardon, commutation of sentence, or remission of fine or forfeiture
17 related to the same offense for a period of four (4) years from the date of
18 the denial.

19 (2) If an application for pardon, commutation of sentence, or
20 remission of fine or forfeiture is deemed denied by the Governor pursuant to
21 subsection (b) of this section, the person filing the application may
22 immediately file a new application for pardon, commutation of sentence, or
23 remission of fine or forfeiture related to the same offense.

24 (d) This section shall not apply to reprieves, and reprieves may be
25 granted as presently provided by law.

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