

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 120

4
5 By: Senator Critcher
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For An Act To Be Entitled

8
9 AN ACT TO EXEMPT CERTAIN OFFENDERS FROM THE
10 SEVENTY-PERCENT RULE; AND OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO EXEMPT CERTAIN OFFENDERS FROM
14 THE SEVENTY-PERCENT RULE.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:
20 16-93-611. Class Y felonies.

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

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

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

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

27 (D) Rape, § 5-14-103;

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

29 (F) Except as provided in subdivision (a)(3) of this
30 section, Manufacture manufacture of methamphetamine, § 5-64-401(a)(1)(i); or

31 (G) Except as provided in subdivision (a)(3) of this
32 section, Possession possession of drug paraphernalia with the intent to
33 manufacture methamphetamine, § 5-64-403(c)(5) shall not, except as provided
34 in subsection (b) of this section, be eligible for parole or community
35 punishment transfer until the person serves seventy percent (70%) of the term
36 of imprisonment to which the person is sentenced, including a sentence



1 prescribed under § 5-4-501.

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

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

9 (3) On or after the effective date of this subdivision (a)(3),
10 the seventy-percent provision of subdivision (a)(1) of this section does not
11 apply to any person who is found guilty of or pleads guilty or nolo
12 contendere to manufacture of methamphetamine under § 5-64-401(a)(1)(i), or
13 possession of drug paraphernalia with the intent to manufacture
14 methamphetamine under § 5-64-403(c)(5) if:

15 (A) The person possessed less than five (5) grams of
16 methamphetamine at the time of arrest; and

17 (B) The finding of guilt or plea of guilty or nolo
18 contendere relates to a first or second offense of § 5-64-401(a)(1)(i) or §
19 5-64-403(c)(5).

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

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

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26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that there is serious overcrowding
28 in the Department of Correction facilities; that such overcrowding is likely
29 to worsen unless appropriate action is taken immediately; and that this act
30 is immediately necessary because it is designed to allow a procedure for
31 helping to alleviate the overcrowding problem. Therefore, an emergency is
32 declared to exist and this act being immediately necessary for the
33 preservation of the public peace, health, and safety shall become effective
34 on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is
4 overridden, the date the last house overrides the veto.

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