

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

As Engrossed: S2/2/05

A Bill

SENATE BILL 205

4
5 By: Senators Faris, Lavery, *Hill*
6
7

For An Act To Be Entitled

9 AN ACT TO REDUCE THE TIME LIMIT FOR FILING
10 APPLICATIONS FOR EXECUTIVE CLEMENCY; TO ESTABLISH
11 THAT THE TIME LIMIT BEGINS RUNNING ON THE DATE OF
12 FILING OF AN APPLICATION FOR EXECUTIVE CLEMENCY
13 RATHER THAN THE DATE OF DENIAL OF THE
14 APPLICATION; AND FOR OTHER PURPOSES.

Subtitle

16
17 AN ACT TO REDUCE THE TIME LIMIT FOR
18 EXECUTIVE CLEMENCY.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-4-607(d), pertaining to the time
24 limitation for filing an application for pardon or commutation, is amended to
25 read as follows:

26 (d)(1) Any person who has been convicted of capital murder, § 5-10-
27 101, or of any Class Y or Class A felony, excluding nonviolent offenses under
28 the Uniform Controlled Substances Act, § 5-64-101 et seq., and who makes an
29 application shall not be eligible to reapply for a period of ~~four (4)~~ two (2)
30 years after the date of filing of the application that was denied, except
31 that a person whose application was denied by the Governor after receiving a
32 majority vote by the Post Prison Transfer Board in favor of the application
33 is eligible to reapply one (1) year after the date the application was denied
34 by the Governor.

35 (2) ~~Applications made prior to July 30, 1999, shall be included~~
36 ~~in determining whether a person is eligible to reapply~~ Any person who made an



1 application for pardon or commutation that was denied on or after July 1,
2 2004, shall be eligible to reapply for pardon or commutation two (2) years
3 after the date of filing of the application that was denied.

4 ~~(3)(A) Applications pending on July 30, 1999, that do not meet~~
5 ~~the requirements of this subdivision (a)(4) shall be dismissed.~~

6 ~~(B) Applications dismissed under this subdivision~~
7 ~~(a)(4)(C) shall not be included in determining future eligibility.~~

8
9 SECTION 2. Arkansas Code § 16-93-207(c), pertaining to the time
10 limitation for filing an application for pardon or commutation, is amended to
11 read as follows:

12 (c)(1)(A) If an application for pardon, commutation of sentence, or
13 remission of fine or forfeiture is denied in writing by the Governor, the
14 person filing the application shall not be eligible to file a new application
15 for pardon, commutation of sentence, or remission of fine or forfeiture
16 related to the same offense for a period of ~~four (4)~~ two (2) years from the
17 date of filing of the application that was denied ~~denial denied~~.

18 (B) Any person who made an application for pardon,
19 commutation of sentence, or remission of fine or forfeiture that was denied
20 on or after July 1, 2004, shall be eligible to file a new application two (2)
21 years after the date of filing of the application that was denied.

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

27
28 /s/ Faris
29
30
31
32
33
34
35
36