

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/12/07 H3/29/07

A Bill

SENATE BILL 844

5 By: Senator Broadway
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For An Act To Be Entitled

9 AN ACT TO RESTRICT THE ELIGIBILITY FOR PAROLE OR
10 COMMUNITY CORRECTION TRANSFER OF PERSONS
11 SENTENCED TO ENHANCED PENALTIES UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

Subtitle

15 TO RESTRICT THE ELIGIBILITY FOR PAROLE
16 OR COMMUNITY CORRECTION TRANSFER OF
17 PERSONS SENTENCED TO ENHANCED PENALTIES
18 UNDER CERTAIN CIRCUMSTANCES.
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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 § 5-4-702(d), pertaining to parole
24 eligibility for persons subjected to an enhanced penalty for offenses
25 committed in the presence of a child, is amended to read as follows:

26 (d) Any person convicted under this section is not eligible for early
27 release on parole or community correction transfer for the enhanced portion
28 of the sentence.
29

30 SECTION 2. Arkansas Code § 5-54-206(c), pertaining to parole
31 eligibility for persons subjected to an enhanced penalty for causing serious
32 physical injury to a law enforcement officer, firefighter, or emergency
33 service technician providing emergency assistance at the scene of the act of
34 terrorism, is amended to read as follows:

35 (c) Any person sentenced under this section is not eligible for early
36 release on parole or community correction transfer for the enhanced portion



1 of the sentence.

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3 SECTION 3. Arkansas Code § 5-64-407(c), pertaining to parole
4 eligibility for persons subjected to an enhanced penalty for manufacturing
5 methamphetamine or possessing drug paraphernalia with the intent to
6 manufacture methamphetamine in the presence of a minor, is amended to read as
7 follows:

8 (c) Any person sentenced under this section is not eligible for early
9 release on parole or community correction transfer for the enhanced portion
10 of the sentence.

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12 SECTION 4. Arkansas Code § 5-64-411(c), pertaining to parole
13 eligibility for persons subjected to an enhanced penalty for selling,
14 delivering, possessing with intent to deliver, dispensing, manufacturing,
15 transporting, administering, or distributing a controlled substance if the
16 offense is committed on or within one thousand feet (1,000') of the real
17 property of a city or state park or other specified locations, is amended to
18 read as follows:

19 (c) Any person convicted under this section is not eligible for early
20 release on parole or community correction transfer for the enhanced portion
21 of the sentence.

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23 SECTION 5. Arkansas Code § 16-90-120, pertaining to an additional
24 period of confinement that may be imposed on a person convicted of a felony
25 who employed a firearm as a means of committing or escaping from the felony,
26 is amended to add an additional subsection to read as follows:

27 (e)(1) For an offense committed on or after the effective date of this
28 act, notwithstanding any law allowing the award of meritorious good time or
29 any other law to the contrary, except as provided in subdivision
30 (e)(1)(B)(ii) of this section, any person who is sentenced under subsection
31 (a) of this section is not eligible for parole or community correction
32 transfer until the person serves:

33 (A) Seventy percent (70%) of the term of imprisonment to
34 which the person is sentenced under subsection (a) of this section if the
35 underlying felony was any of the following:

36 (i) Murder in the first degree, § 5-10-102;

1 (ii) Kidnapping that is a Class Y felony, § 5-11-
2 102;

3 (iii) Aggravated robbery, § 5-12-103;

4 (iv) Rape, § 5-14-103; or

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

6 (B)(i) Except as provided in subdivision (e)(1)(B)(ii) of
7 this section, seventy percent (70%) of the term of imprisonment to which the
8 person is sentenced under subsection (a) of this section if the underlying
9 felony was any of the following:

10 (a) Manufacture of methamphetamine, § 5-64-
11 401(a)(1); or

12 (b) Possession of drug paraphernalia with the
13 intent to manufacture methamphetamine, § 5-64-403(c)(5).

14 (ii) The person is eligible for parole or community
15 correction transfer if the person serves at least fifty percent (50%) of the
16 term of imprisonment to which the person is sentenced under subsection (a) of
17 this section for the offenses listed in subdivision (e)(1)(B)(i) of this
18 section with credit for the award of meritorious good time under § 12-29-202
19 unless the person is sentenced to a term of life imprisonment. The time
20 served by any person under this subdivision (e)(1)(B)(ii) shall not be
21 reduced to less than fifty percent (50%) of the person's original sentence
22 under subsection (a) of this section; or

23 (C) Either one-third (1/3) or one-half (1/2) of the term of
24 imprisonment to which the person is sentenced under subsection (a) of this
25 section with credit for meritorious good time and depending on the
26 seriousness determination made by the Arkansas Sentencing Commission if the
27 underlying felony was any felony not listed in subdivision (e)(1)(A) or (B)
28 of this section.

29 (2) The sentencing court may waive subdivision (e)(1) of this
30 section if all of the following circumstances exist:

31 (A) The defendant was a juvenile when the offense was
32 committed;

33 (B) The defendant was merely an accomplice to the offense;
34 and

35 (C) The offense was committed on or after the effective
36 date of this act.

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/s/ Broadway