

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 87th General Assembly
3 Regular Session, 2009

As Engrossed: S3/17/09

A Bill

SENATE BILL 995

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5 By: Senator Faris
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING
10 EXPUNGEMENT; TO AMEND ARKANSAS LAW CONCERNING
11 POSSESSION OF FIREARMS BY CERTAIN PERSONS; AND
12 FOR OTHER PURPOSES.

Subtitle

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14 TO AMEND ARKANSAS LAW CONCERNING
15 EXPUNGEMENT AND POSSESSION OF FIREARMS
16 BY CERTAIN PERSONS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code § 5-73-103(b), concerning the possession of*
23 *firearms by certain persons, is amended to read as follows:*

24 *(b)(1) A Except as provided in subdivisions (b)(2) and (3) of this*
25 *section, a determination by a jury or a court that a person committed a*
26 *felony constitutes a conviction for purposes of subsection (a) of this*
27 *section even though the court suspended imposition of sentence or placed the*
28 *defendant on probation.*

29 *(2) Subsection (b)(1) of this section does not apply to a person*
30 *whose case was dismissed and expunged under § 16-93-301 et seq. or § 16-98-*
31 *303(g).*

32 *~~(2)(3) However, the~~ The *determination by the jury or court that*
33 *the person committed a felony does not constitute a conviction for purposes*
34 *of subsection (a) of this section if the person is subsequently granted a*
35 *pardon explicitly restoring the ability to possess a firearm.*
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1 *SECTION 2. Arkansas Code § 16-98-303, concerning drug court programs,*
2 *is amended to add an additional subsection to read as follows:*

3 *(g)(1) A drug court judge, on his or her own motion or upon a request*
4 *from an offender, may order expungement and dismissal of a case if:*

5 *(A) The offender has successfully completed a drug court*
6 *program, as determined by the drug court judge;*

7 *(B) The offender has received aftercare programming;*

8 *(C) The drug court judge has received a recommendation*
9 *from the prosecuting attorney for expungement and dismissal of the case; and*

10 *(D) The drug court judge, after considering the offender's*
11 *past criminal history, feels expungement and dismissal of the case is*
12 *appropriate.*

13 *(2)(A) Except as provided in subdivision (g)(2)(B) of this*
14 *section, if the offender has plead guilty or nolo contendere to or has been*
15 *found guilty of an offense falling within a target group under § 16-93-*
16 *1202(10)(A)(i) in another Arkansas court, the drug court judge may order*
17 *expungement and dismissal of the offense falling within a target group with*
18 *the written concurrence of the other Arkansas court.*

19 *(B) The following offenses shall not be eligible for*
20 *expungement under subdivision (g)(2)(A) of this section:*

21 *(i) Residential burglary, § 5-39-201(a);*

22 *(ii) Commercial burglary, § 5-39-201(b);*

23 *(iii) Breaking or entering, § 5-39-202; and*

24 *(iv) The fourth and subsequent offense of driving*
25 *while intoxicated, § 5-65-103.*

26 *(3) Unless otherwise ordered by the drug court, expungement*
27 *under this subsection shall be as described in § 16-90-901 et seq.*

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29 /s/ Faris
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