

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2191

5 By: Representative E. Elliott
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE CERTAIN CRIMINAL SENTENCES FOR
9 YOUTHFUL OFFENDERS EIGHTEEN YEARS OF AGE OR OLDER BUT
10 YOUNGER THAN TWENTY-ONE YEARS OF AGE; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO REQUIRE CERTAIN CRIMINAL SENTENCES FOR
15 YOUTHFUL OFFENDERS EIGHTEEN YEARS OF AGE
16 OR OLDER BUT YOUNGER THAN TWENTY-ONE
17 YEARS OF AGE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 5-4-104(d), regarding the sentencing of
24 offenders, is amended to read as follows:

25 (d)(1)(A) A defendant who was eighteen (18) years of age or older but
26 less than twenty-one (21) years of age at the time of the commission of the
27 offense for which he or she was convicted and who was convicted of an offense
28 other than a Class Y felony, capital murder, § 5-10-101, treason, § 5-51-201,
29 or murder in the second degree, § 5-10-103, a sex offense defined in § 12-12-
30 903(12)(A), a felony involving violence defined in § 5-4-501(d)(2), or arson,
31 § 5-38-301, may shall be sentenced to any one (1) or more of the following,
32 except as precluded by subsection (e) of this section:

33 ~~(1) Imprisonment as authorized by §§ 5-4-401 – 5-4-~~

34 404;

35 ~~(2)(i)~~ Probation as authorized by §§ 5-4-301 – 5-4-

36 311;



1 ~~(3)(ii)~~ Payment of a fine as authorized by §§ 5-4-
 2 201 ~~—5-4-203~~ and 5-4-202; or

3 ~~(4)(iii)~~ Restitution as authorized by a ~~provision of~~
 4 § 5-4-205; ~~or.~~

5 ~~(5)(E) Imprisonment and payment of a fine.~~

6 (B) A defendant who was eighteen (18) years of age or
 7 older but less than twenty-one (21) years of age at the time of the
 8 commission of the offense for which he or she was convicted and who was
 9 convicted of a disqualifying offense under subdivision (d)(1)(A) of this
 10 section or who has been previously sentenced under subdivision (d)(1)(A) of
 11 this section shall be sentenced under subsection (b), subsection (c), or
 12 subdivision (d)(2) of this section.

13 (2) A defendant convicted of an offense other than a Class Y
 14 felony, capital murder, § 5-10-101, treason, § 5-51-201, or murder in the
 15 second degree, § 5-10-103, and who was twenty-one (21) years of age or older
 16 at the time the offense was committed or who is otherwise disqualified from
 17 being sentenced under subdivision (d)(1)(A) or subdivision (f)(1) of this
 18 section may be sentenced to any one (1) or more of the following, except as
 19 precluded by subsection (e) of this section:

20 (A) Imprisonment as authorized by § 5-4-401 et seq;

21 (B) Probation as authorized by §§ 5-4-301 – 5-4-311;

22 (C) Payment of a fine as authorized by §§ 5-4-201 and 5-4-
 23 202;

24 (D) Restitution as authorized by § 5-4-205; or

25 (E) Imprisonment and payment of a fine.