

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

A Bill

HOUSE BILL 2225

5 By: Representatives Steel, Wright
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For An Act To Be Entitled

8 AN ACT REGARDING FIRST-TIME OFFENDER PROBATIONERS;
9 AND FOR OTHER PURPOSES.
10
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Subtitle

12 REGARDING FIRST-TIME OFFENDER
13 PROBATIONERS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-93-303(a)(1)(A), regarding the procedure
20 for first-time offender probationers, is amended to read as follows:

21 (a)(1)(A)(i) Whenever an accused enters a plea of guilty or nolo
22 contendere prior to an adjudication of guilt, the judge of the circuit or
23 district court, in the case of a defendant who previously has not been
24 ~~previously~~ convicted of a felony, without making a finding of guilt or
25 entering a judgment of guilt and with the consent of the defendant may defer
26 further proceedings and place the defendant on probation for a period of not
27 less than one (1) year, under such terms and conditions as may be set by the
28 court.

29 (ii) A sentence of a fine not exceeding three
30 thousand five hundred dollars (\$3,500) or an assessment of court costs
31 against a defendant does not negate the benefits provided by this section or
32 cause the probation placed on the defendant under this section to constitute
33 a conviction except under subsections (c)-(e) of this section.

34 (iii) A serious felony involving violence or a
35 felony involving violence as provided in § 5-4-501 shall not be eligible for
36 expungement of record under this subchapter.

