

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012

SCR 4

4
5 By: Senator P. Malone
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7 **SENATE CONCURRENT RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
9 BILL TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF
10 FELONIES FOR WHICH TRANSFER TO PAROLE ELIGIBILITY IS
11 DISCRETIONARY; AND FOR OTHER PURPOSES.
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14 **Subtitle**

15 TO AUTHORIZE THE INTRODUCTION OF A
16 NONAPPROPRIATION BILL TO INCLUDE FELONY
17 SEX OFFENSES IN THE NUMBER OF FELONIES
18 FOR WHICH TRANSFER TO PAROLE ELIGIBILITY
19 IS DISCRETIONARY.
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22 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE
23 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:
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25 That Senator Malone is authorized to introduce a bill that, as introduced,
26 will read substantially as follows:
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28 "For An Act To Be Entitled

29 AN ACT TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF FELONIES FOR WHICH
30 TRANSFER TO PAROLE ELIGIBILITY IS DISCRETIONARY; AND FOR OTHER PURPOSES.
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32 Subtitle

33 TO INCLUDE FELONY SEX OFFENSES IN THE NUMBER OF FELONIES FOR WHICH TRANSFER
34 TO PAROLE ELIGIBILITY IS DISCRETIONARY.
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36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:



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SECTION 1. Arkansas Code § 16-93-612 is amended to read as follows:
16-93-612. Parole eligibility – Date of offense.

(a) A person’s parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Department of Correction.

(b) For an offender serving a sentence for a felony committed before April 1, 1977, § 16-93-601 governs that person’s parole eligibility.

(c) For an offender serving a sentence for a felony committed between April 1, 1977, and April 1, 1983, § 16-93-604 governs that person’s parole eligibility.

(d) For an offender serving a sentence for a felony committed on or after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that person’s parole eligibility.

(e) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-614 governs that person’s parole eligibility, unless otherwise noted and except:

(1) If the felony is murder in the first degree, § 5-10-102, kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the offense occurred after July 28, 1995, § 16-93-618 governs that person’s parole eligibility; ~~or~~

(2) If the felony is manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, or possession of drug paraphernalia with the intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the offense occurred after April 9, 1999, § 16-93-618 governs that person’s parole eligibility; or

(3) If the felony is any offense for which the person is required upon release to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and the offense occurred after the effective date of this act, § 16-93-615(b)(1) governs that person’s eligibility.

(f) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-615 governs that person’s parole eligibility procedures.

SECTION 2. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is subject to discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (½) of his or her sentence, is amended to read as follows:

(b)(1) An inmate under sentence for one (1) of the following felonies ~~shall be~~ is eligible for discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (½) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half (½) of the time to which his or her sentence is commuted by executive clemency, with credit for meritorious good time:

(A) Any homicide, §§ 5-10-101 – 5-10-105, unless the offense is listed under § 16-93-612(e)(1);

~~(B) Sexual assault in the first degree, § 5-14-124;~~ Any offense for which the person is required upon release to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., unless the offense is listed under § 16-93-612(e)(1);

~~(C) Sexual assault in the second degree, § 5-14-125;~~

~~(D)~~(C) Battery in the first degree, § 5-13-201;

~~(E)~~(D) Domestic battering in the first degree, § 5-26-303;

or

~~(F)~~(E) The following Class Y felonies:

(i) Kidnapping, § 5-11-102, unless the offense is listed under § 16-93-612(e)(1);

~~(ii) Rape, § 5-14-103, unless the offense is listed under § 16-93-612(e)(1);~~

~~(iii)~~(ii) Aggravated robbery, § 5-12-103, unless the offense is listed under § 16-93-612(e)(1); or

~~(iv)~~(iii) Causing a catastrophe, § 5-38-202(a), unless the offense is listed under § 16-93-612(e)(1);

~~(G)~~(F) Engaging in a continuing criminal enterprise, § 5-64-405; or

~~(H)~~(G) Simultaneous possession of drugs and firearms, § 5-74-106."