

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1660

4
5 By: Representative Ratliff

For An Act To Be Entitled

8 AN ACT CONCERNING THE PAROLE ELIGIBILITY OF CERTAIN
9 INMATES IN THE DEPARTMENT OF CORRECTION WHO WERE
10 SENTENCED FOR CONTROLLED SUBSTANCE-RELATED FELONIES;
11 AND FOR OTHER PURPOSES.

Subtitle

15 CONCERNING THE PAROLE ELIGIBILITY OF
16 CERTAIN INMATES IN THE DEPARTMENT OF
17 CORRECTION WHO WERE SENTENCED FOR
18 CONTROLLED SUBSTANCE-RELATED FELONIES.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

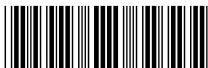
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23 SECTION 1. DO NOT CODIFY. Legislative intent.

24 (a) In 2011, the General Assembly passed Act 570, which created and
25 reclassified new controlled substance offenses, including a change in the
26 weight and amount thresholds that dictate the severity of the penalties and
27 sentences for the various controlled substance offenses.

28 (b) Due to the change in the controlled substance statutes under Acts
29 2011, No. 570, inmates who committed controlled substance offenses after the
30 effective date of the act very likely are serving lesser sentences in the
31 Department of Correction than inmates who were sentenced under the old laws
32 despite committing substantially similar offenses when comparing the actual
33 weight or amount of controlled substances involved.

34 (c) The General Assembly believes that these disparate sentences for
35 substantially similar offenses is an equal protection issue.

36 (d) It is the intent of the General Assembly to extend the parole



1 eligibility rules contained in Acts 2011, No. 570, to inmates in the
 2 Department of Correction who were incarcerated for controlled substance-
 3 related felonies that occurred prior to the effective date of the act.

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 5 SECTION 2. DO NOT CODIFY. Temporary language.

6 (a) The Parole Board shall compile a list of all current inmates in
 7 the Department of Correction who are serving a sentence for violating the
 8 former § 5-64-401 or any other offense for possession, distribution, sale, or
 9 manufacture of a controlled substance that was committed before the effective
 10 date of Acts 2011, No. 570.

11 (b) Notwithstanding § 16-93-612, when determining parole eligibility
 12 for an inmate serving a sentence for an offense on the list generated under
 13 subsection (a) of this section, the Parole Board shall compare the nature of
 14 the offense, including the type, weight, and amount of the controlled
 15 substance involved and determine the parole eligibility as if the inmate were
 16 sentenced under the comparable offense created by Acts 2011, No. 570,
 17 currently codified at § 5-64-402 – § 5-64-444.

18 (c) The Parole Board shall promulgate rules to implement this section.
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