

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1886

5 By: Representative Gazaway  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 16 OF  
9 THE ARKANSAS CODE; AND FOR OTHER PURPOSES.  
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11

## Subtitle

12 TO MAKE TECHNICAL CORRECTIONS TO TITLE 16  
13 OF THE ARKANSAS CODE.  
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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 § 16-90-1304(b)(6), concerning the  
20 application of earned discharge and completion of sentence, is amended to  
21 read as follows:

22 (6)(A) The sentencing court shall consider the objections  
23 against the person based solely on the information contained in the petition  
24 and any objection filed by the prosecuting attorney or the board.

25 (B) The sentencing court shall determine, based on a  
26 preponderance of the evidence, whether the person should not be discharged  
27 from the sentence because, if the information contained in the petition or  
28 objection filed had been known to the department, the department would have  
29 ordered the forfeiture of any of the discharge credit earned to that point or  
30 if insufficient evidence exists that would warrant the forfeiture of  
31 discharge credit.

32 (C) If the sentencing court finds sufficient evidence  
33 warranting a forfeiture of discharge credits, the department shall make the  
34 necessary forfeiture of earned discharge credit appropriate for the type of  
35 misconduct asserted in the objection.

36 (D)(i) If the sentencing court does not find sufficient



1 evidence exists that warrants forfeiture of discharge credits, the department  
2 shall discharge the person immediately if the date upon which the completion  
3 of the sentence occurred has passed.

4 (ii) If the date for completion of the sentence has  
5 not occurred, the person shall return to the status held at the point the  
6 objection was filed.

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8 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

9 It is the intent of the General Assembly that:

10 (1) The enactment and adoption of this act shall not expressly  
11 or impliedly repeal an act passed during the regular session of the Ninety-  
12 First General Assembly;

13 (2) To the extent that a conflict exists between an act of the  
14 regular session of the Ninety-First General Assembly and this act:

15 (A) The act of the regular session of the Ninety-First  
16 General Assembly shall be treated as a subsequent act passed by the General  
17 Assembly for the purpose of:

18 (i) Giving the act of the regular session of the  
19 Ninety-First General Assembly its full force and effect; and

20 (ii) Amending or repealing the appropriate parts of  
21 the Arkansas Code of 1987; and

22 (B) Section 1-2-107 shall not apply; and

23 (3) This act shall make only technical, not substantive, changes  
24 to the Arkansas Code of 1987.