

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

A Bill

HOUSE BILL 1918

5 By: Representative Walker
6

For An Act To Be Entitled

8 AN ACT CONCERNING PAROLE ELIGIBILITY FOR A PERSON
9 SERVING A LIFE SENTENCE OR A SENTENCE IN EXCESS OF
10 FORTY-FIVE YEARS; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING PAROLE ELIGIBILITY FOR A
13 PERSON SERVING A LIFE SENTENCE OR A
14 SENTENCE IN EXCESS OF FORTY-FIVE YEARS.
15
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 It is the intent of the General Assembly that this act be retroactive
23 concerning an offense committed before the effective date of this act.
24

25 SECTION 2. Arkansas Code § 5-4-501(c)(1), concerning sentencing and
26 parole eligibility for a habitual offender, is amended to read as follows:

27 (c)(1) Except as otherwise provided for by law and as provided in
28 subdivision (c)(3) of this section, a defendant who is convicted of a serious
29 felony involving violence enumerated in subdivision (c)(2) of this section
30 and who previously has been convicted of one (1) or more of the serious
31 felonies involving violence enumerated in subdivision (c)(2) of this section
32 may be sentenced to pay any fine authorized by law for the serious felony
33 involving violence conviction and shall be sentenced:

34 (A) To imprisonment for a term of not less than forty (40)
35 years nor more than eighty (80) years, or life; and

36 (B) Without eligibility for parole or community correction



1 transfer except:

2 (i) For a defendant sentenced to more than forty-
 3 five (45) years who is eligible for release on parole under § 16-93-621; or

4 (ii) ~~under~~ Under § 16-93-615.

5
 6 SECTION 3. The introductory language of Arkansas Code § 5-4-501(d)(1),
 7 concerning sentencing and parole eligibility for a habitual offender, is
 8 amended to read as follows:

9 (d)(1) ~~A~~ Except as otherwise provided for by law and unless this
 10 subsection provides for a shorter period of time before the defendant is
 11 eligible for parole, a defendant who is convicted of a felony involving
 12 violence enumerated in subdivision (d)(2) of this section and who previously
 13 has been convicted of two (2) or more of the felonies involving violence
 14 enumerated in subdivision (d)(2) of this section may be sentenced to pay any
 15 fine authorized by law for the felony involving violence conviction and shall
 16 be sentenced to an extended term of imprisonment without eligibility for
 17 parole or community correction transfer except for a defendant sentenced to
 18 more than forty-five (45) years who is eligible for release on parole under §
 19 16-93-621 or under § 16-93-615 as follows:

20
 21 SECTION 4. Arkansas Code § 16-93-601 is amended to read as follows:

22 16-93-601. Felonies committed prior to April 1, 1977.

23 (a) Death Sentence. ~~An individual~~ A person under sentence of death is
 24 not eligible for release on parole.

25 (b) Life Imprisonment.

26 (1) ~~An individual~~ A person sentenced to life imprisonment prior
 27 to March 1, 1968, and any ~~individual~~ person sentenced to life imprisonment
 28 after February 12, 1969, and before April 1, 1977, is ~~not~~ eligible for
 29 release on parole ~~unless the sentence is commuted to a term of years by~~
 30 ~~executive clemency~~ under § 16-93-621. When the life sentence is commuted to a
 31 term of years, the ~~individual~~ person is eligible for release on parole after
 32 having served one-third (1/3) of the time to which the life sentence is
 33 commuted, with credit for good-time allowances.

34 (2) ~~An individual~~ A person sentenced to life imprisonment on and
 35 after March 1, 1968, and prior to February 12, 1969, is eligible for release
 36 on parole ~~after he or she serves fifteen (15) years of the sentence, with~~

1 ~~credit for good time allowances not to exceed five (5) years~~ under § 16-93-
2 621.

3 (c) Sentence of Years. ~~An individual~~ Except for a person who was
4 sentenced to more than forty-five (45) years, a person sentenced to a term of
5 years in the Department of Correction after February 11, 1976, and before
6 April 1, 1977, is eligible for release on parole after he or she serves the
7 following terms:

8 (1) ~~An individual~~ A person sentenced to a term of years for
9 other than a Class Y felony who is confined in the department for the second
10 time is eligible for release on parole after he or she serves one-third (1/3)
11 of the time for which sentenced, with credit for good-time allowances, or
12 one-third (1/3) of the time to which the sentence is commuted by executive
13 clemency, with credit for good-time allowances. However, a judge may require
14 one-half ($\frac{1}{2}$) of the sentence as imposed, or one-half ($\frac{1}{2}$) of the sentence as
15 commuted by executive clemency, to be served, with credit for good-time
16 allowances; and

17 (2) ~~An individual~~ A person sentenced to a term of years who is
18 confined in the department and who pleads guilty to or is convicted of a
19 Class Y felony or who has previously been confined in the department two (2)
20 or more times is eligible for release on parole after he or she serves one-
21 half ($\frac{1}{2}$) of the time to which the sentence is commuted by executive clemency,
22 with credit for good-time allowances.

23 (d) Notwithstanding the provisions of subsections (a)-(c) of this
24 section, the court may require ~~anyone~~ a person convicted of a crime involving
25 the use of a deadly weapon to serve one-half ($\frac{1}{2}$) of the time for which
26 sentenced, with credit for good-time allowances.

27 (e) A person sentenced to more than forty-five (45) years is eligible
28 for release on parole under § 16-93-621.

29
30 SECTION 5. Arkansas Code § 16-93-604(a), concerning parole
31 eligibility, is amended to read as follows:

32 (a) A Unless otherwise provided for by law, a person who committed
33 felonies prior to April 1, 1977, and who was convicted and incarcerated
34 therefor, is eligible for release on parole in accordance with the parole
35 eligibility law in effect at the time the crime was committed.

36

1 SECTION 6. Arkansas Code § 16-93-604(b), concerning parole eligibility
2 for an offense committed between April 1, 1977, and April 1, 1983, is amended
3 to read as follows:

4 (b) A person who committed felonies on and after April 1, 1977, and
5 prior to April 1, 1983, and who has been convicted and incarcerated therefor,
6 is eligible for release on parole as follows:

7 (1)(A) ~~An inmate~~ A person under sentence of death or life
8 imprisonment without parole is not eligible for release on parole but may be
9 pardoned or have his or her sentence commuted by the Governor, as provided by
10 law.

11 (B) ~~An inmate~~ A person sentenced to life imprisonment is
12 ~~not~~ eligible for release on parole ~~unless the sentence is commuted to a term~~
13 ~~of years by executive clemency under § 16-93-621.~~

14 (C) Upon commutation, the ~~inmate~~ person is eligible for
15 release on parole as provided in this section;

16 (2)(A) ~~An inmate~~ Except for a person who was sentenced to more
17 than forty-five (45) years and unless this subsection provides for a shorter
18 period of time before the person is eligible for parole, a person classified
19 as a first offender under § 16-93-603, except ~~one~~ a person under twenty-one
20 (21) years of age as described in subsection (c) of this section and except
21 ~~one~~ a person who pleads guilty to or has been convicted of a Class Y felony,
22 upon entering a correctional institution in this state under sentence from a
23 circuit court is not eligible for release on parole until a minimum of one-
24 third (1/3) of his or her sentence has been served, with credit for good-time
25 allowances, or one-third (1/3) of the time to which the sentence is commuted
26 by executive clemency is served, with credit for good-time allowances.

27 (B) However, if the trier of fact determines that a deadly
28 weapon was used in the commission of the crime, a first offender twenty-one
29 (21) years of age or older shall not be eligible for release on parole until
30 a minimum of one-half ($\frac{1}{2}$) of the sentence is served, with credit for good-
31 time allowances;

32 (3) ~~An inmate~~ Except for a person who was sentenced to more than
33 forty-five (45) years and unless this subsection provides for a shorter
34 period of time before the person is eligible for parole, a person classified
35 as a second offender under § 16-93-603 and ~~one~~ a person who pleads guilty to
36 or is convicted of a Class Y felony, upon entering a correctional institution

1 in this state under sentence from a circuit court, is not eligible for
 2 release on parole until a minimum of one-half ($\frac{1}{2}$) of his or her sentence is
 3 served, with credit for good-time allowances, or one-half ($\frac{1}{2}$) of the time to
 4 which the sentence is commuted by executive clemency, with credit for good-
 5 time allowances;

6 (4) ~~An inmate~~ Except for a person who was sentenced to more than
 7 forty-five (45) years and unless this subsection provides for a shorter
 8 period of time before the person is eligible for parole, a person classified
 9 as a third offender under § 16-93-603, upon entering a correctional
 10 institution in this state under sentence from a circuit court, is not
 11 eligible for release on parole until a minimum of three-fourths ($\frac{3}{4}$) of his or
 12 her sentence is served, with credit for good-time allowances, or three-
 13 fourths ($\frac{3}{4}$) of the time to which the sentence is commuted by executive
 14 clemency, with credit for good-time allowances; ~~and~~

15 (5) ~~An inmate~~ Except for a person who was sentenced to more than
 16 forty-five (45) years, a person classified as a fourth offender under § 16-
 17 93-603, upon entering a correctional institution in this state under sentence
 18 from a circuit court, is not eligible for parole, but is entitled to good-
 19 time allowances as provided by law; and

20 (6) A person sentenced to more than forty-five (45) years is
 21 eligible for release on parole under § 16-93-621.

22
 23 SECTION 7. Arkansas Code § 16-93-607(b), concerning parole eligibility,
 24 is amended to read as follows:

25 (b) A Unless otherwise provided for by law, a person who committed a
 26 felony prior to April 1, 1983, and who was convicted and incarcerated for
 27 that felony, shall be eligible for release on parole in accordance with the
 28 parole eligibility law in effect at the time the crime was committed.

29
 30 SECTION 8. Arkansas Code § 16-93-607(c), concerning parole eligibility
 31 for an offense committed on or after April 1, 1983, but before January 1,
 32 1994, is amended to read as follows:

33 (c) A person who commits felonies on or after April 1, 1983, and who
 34 ~~shall be~~ is convicted and incarcerated for that felony, ~~shall be~~ is eligible
 35 for release on parole as follows:

36 (1)(A) ~~An inmate~~ A person under sentence of death or life

1 imprisonment without parole is not eligible for release on parole but may be
2 pardoned or have his or her sentence commuted by the Governor, as provided by
3 law.

4 ~~(B) An inmate~~ A person sentenced to life imprisonment is
5 ~~not~~ eligible for release on parole ~~unless the sentence is commuted to a term~~
6 ~~of years by executive clemency~~ under § 16-93-621. Upon commutation, the
7 ~~inmate~~ person is eligible for release on parole as provided in this section;

8 ~~(2)(A) An inmate~~ Except for a person who was sentenced to more
9 than forty-five (45) years and unless this subsection provides for a shorter
10 period of time before the person is eligible for parole, a person classified
11 as a first offender under § 16-93-606, ~~except one~~ a person under twenty-one
12 (21) years of age as described in subsection (d) of this section and ~~except~~
13 ~~one~~ a person who pleads guilty or has been convicted of a Class Y felony,
14 upon entering a correctional institution in this state under sentence from a
15 circuit court, is not eligible for release on parole until a minimum of one-
16 third (1/3) of the time to which the sentence is commuted by executive
17 clemency is served, with credit for good-time allowances.

18 ~~(B)~~ However, if the trier of fact determines that a deadly
19 weapon was used in the commission of the crime, a first offender twenty-one
20 (21) years of age or older is not eligible for release on parole until a
21 minimum of one-half ($\frac{1}{2}$) of the sentence is served, with credit for good-time
22 allowances;

23 ~~(3) An inmate~~ Except for a person who was sentenced to more than
24 forty-five (45) years and unless this subsection provides for a shorter
25 period of time before the person is eligible for parole, a person classified
26 as a second offender under § 16-93-606 ~~and one~~ or a person who pleads guilty
27 or was convicted of a Class Y felony, upon entering a correctional
28 institution in this state under sentence from a circuit court, ~~are~~ is not
29 eligible for release on parole until a minimum of one-half ($\frac{1}{2}$) of his or her
30 sentence ~~shall have~~ has been served, with credit for good-time allowances, or
31 one-half ($\frac{1}{2}$) of the time to which the sentence is commuted by executive
32 clemency is served, with credit for good-time allowances;

33 ~~(4) An inmate~~ Except for a person who was sentenced to more than
34 forty-five (45) years and unless this subsection provides for a shorter
35 period of time before the person is eligible for parole, a person classified
36 as a third offender under § 16-93-606, upon entering a correctional

1 institution in this state under sentence from a circuit court, is not
 2 eligible for release on parole until a minimum of three-fourths ($\frac{3}{4}$) of his or
 3 her sentence ~~shall have~~ has been served, with credit for good-time
 4 allowances, or three-fourths ($\frac{3}{4}$) of the time to which the sentence is
 5 commuted by executive clemency ~~shall have~~ has been served, with credit for
 6 good-time allowances; ~~and~~

7 (5) ~~An inmate~~ Except for a person who was sentenced to more than
 8 forty-five (45) years, a person classified as a fourth offender under § 16-
 9 93-606, upon entering a correctional institution in this state under sentence
 10 from a circuit court, is not eligible for parole, but he or she shall be
 11 entitled to good-time allowances as provided by law; ~~and~~

12 (6) A person sentenced to more than forty-five (45) years is
 13 eligible for release on parole under § 16-93-621.

14
 15 SECTION 9. Arkansas Code § 16-93-612 is amended to read as follows:
 16 16-93-612. Parole eligibility – Date of offense.

17 (a) ~~A~~ Unless otherwise provided for by law, a person's parole
 18 eligibility shall be determined by the laws in effect at the time of the
 19 offense for which he or she is sentenced to the Department of Correction.

20 (b) ~~For an offender~~ a person serving a sentence for a felony committed
 21 before April 1, 1977, except for an offense that resulted in a life sentence
 22 or a sentence of more than forty-five (45) years, § 16-93-601 governs that
 23 person's parole eligibility.

24 (c) ~~For an offender~~ a person serving a sentence for a felony committed
 25 between April 1, 1977, and April 1, 1983, except for an offense that resulted
 26 in a life sentence or a sentence of more than forty-five (45) years, § 16-93-
 27 604 governs that person's parole eligibility.

28 (d) ~~For an offender~~ a person serving a sentence for a felony committed
 29 on or after April 1, 1983, but before January 1, 1994, except for an offense
 30 that resulted in a life sentence or a sentence of more than forty-five (45)
 31 years, § 16-93-607 governs that person's parole eligibility.

32 (e) ~~For an offender~~ a person serving a sentence for a felony committed
 33 on or after January 1, 1994, except for an offense that resulted in a life
 34 sentence or a sentence of more than forty-five (45) years, § 16-93-614
 35 governs that person's parole eligibility, unless otherwise noted and except:

36 (1) If the felony is murder in the first degree, § 5-10-102,

1 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
 2 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
 3 offense occurred after July 28, 1995, § 16-93-618 governs that person's
 4 parole eligibility;

5 (2) If the felony is manufacturing methamphetamine, § 5-64-
 6 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
 7 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
 8 offense occurred after April 9, 1999, § 16-93-618 governs that person's
 9 parole eligibility; or

10 (3) If the felony is battery in the second degree, § 5-13-202,
 11 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
 12 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
 13 201, and the offense occurred on or after April 1, 2015, § 16-93-620 governs
 14 that person's parole eligibility.

15 (f) For a person serving a life sentence or a sentence of more than
 16 forty-five (45) years for any offense and unless this subsection provides for
 17 a shorter period of time before the person is eligible for parole, § 16-93-
 18 621 governs that person's parole eligibility.

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

22
 23 SECTION 10. Arkansas Code § 16-93-614(b)(1), concerning parole
 24 eligibility for an offense committed before January 1, 1994, is amended to
 25 read as follows:

26 (b)(1) A Unless otherwise provided for by law, a person who committed
 27 a felony before January 1, 1994, and who was convicted and incarcerated for
 28 that felony shall be eligible for release on parole under this section and §§
 29 16-93-615 – 16-93-617 in accordance with the parole eligibility law in effect
 30 at the time the crime was committed.

31
 32 SECTION 11. Arkansas Code § 16-93-614(c)(1)(B), concerning parole
 33 eligibility for an offense resulting in a life sentence committed after
 34 January 1, 1994, is amended to read as follows:

35 (B) ~~An inmate~~ A person sentenced to life imprisonment
 36 ~~shall not be eligible for transfer unless his or her sentence is commuted to~~

1 ~~a term of years by executive clemency~~ under § 16-93-621.

2
3 SECTION 12. Arkansas Code § 16-93-614(c)(3), concerning transfer
4 eligibility for a person convicted of certain felonies, is amended to read as
5 follows:

6 (3)(A) ~~Every~~ Except for a person who was sentenced to more than
7 forty-five (45) years and unless this subsection provides for a shorter
8 period of time before the person is eligible for parole, every other
9 classified or unclassified ~~felon~~ person who is incarcerated therefor shall be
10 eligible for transfer to community correction after having served one-third
11 (1/3) or one-half ($\frac{1}{2}$), with credit for meritorious good time, of his or her
12 sentence depending on the seriousness determination made by the Arkansas
13 Sentencing Commission, or one-half ($\frac{1}{2}$), with credit for meritorious good
14 time, of the time to which his or her sentence is commuted by executive
15 clemency.

16 (B) For example, a six-year sentence with optimal
17 meritorious good-time credits will make the ~~offender~~ person eligible for
18 transfer in one (1) year if he or she is required to serve one-third (1/3) of
19 his or her sentence, or one and one-half ($1\frac{1}{2}$) years if he or she is required
20 to serve one-half ($\frac{1}{2}$) of his or her sentence.

21 (4) A person sentenced to more than forty-five (45) years is
22 eligible for release on parole under § 16-93-621.

23
24 SECTION 13. Arkansas Code § 16-93-615(a) and the introductory language
25 of § 16-93-615(b)(1), concerning parole eligibility for an offense after
26 January 1, 1994, are amended to read as follows:

27 16-93-615. Parole eligibility procedures – Offenses committed after
28 January 1, 1994.

29 (a)(1)(A) ~~An inmate~~ Except as otherwise provided for by law, a person
30 under sentence for any felony, except those listed in subsection (b) of this
31 section, shall be transferred from the Department of Correction to the
32 Department of Community Correction under this section and §§ 16-93-614, 16-
33 93-616, ~~and~~ 16-93-617, and 16-93-621 subject to rules promulgated by the
34 Board of Corrections or the Parole Board and conditions adopted by the Parole
35 Board.

36 (B) The determination under subdivision (a)(1)(A) of this

1 section shall be made by reviewing information such as the result of the
 2 risk-needs assessment to inform the decision of whether to release a person
 3 on parole by quantifying that person's risk to reoffend, and if parole is
 4 granted, this information shall be used to set conditions for supervision.

5 (C) The Parole Board shall begin transfer release
 6 proceedings or a preliminary review under this subchapter no later than six
 7 (6) months before a person's transfer eligibility date, and the Parole Board
 8 shall authorize jacket review procedures no later than six (6) months before
 9 a person's transfer eligibility at all institutions holding parole-eligible
 10 ~~inmates~~ persons to prepare parole applications.

11 (D) ~~This review~~ The review under subdivision (a)(1)(C) of
 12 this section may be conducted without a hearing when the ~~inmate~~ person has
 13 not received a major disciplinary report against him or her that resulted in
 14 the loss of meritorious good time, there has not been a request by a victim
 15 to have input on transfer conditions, and there is no indication in the risk-
 16 needs assessment review that special conditions need to be placed on the
 17 ~~inmate~~ person.

18 (2)(A) When one (1) or more of the circumstances in subdivision
 19 (a)(1) of this section are present, the Parole Board shall conduct a hearing
 20 to determine the appropriateness of the ~~inmate~~ person for transfer.

21 (B) The Parole Board has two (2) options:

22 (i) To transfer the ~~individual~~ person to the
 23 Department of Community Correction accompanied by notice of conditions of the
 24 transfer, including without limitation:

- 25 (a) Supervision levels;
- 26 (b) Economic fee sanction;
- 27 (c) Treatment program;
- 28 (d) Programming requirements; and
- 29 (e) Facility placement when appropriate; or

30 (ii) To deny transfer based on a set of established
 31 criteria and to accompany the denial with a prescribed course of action to be
 32 undertaken by the ~~inmate~~ person to rectify the Parole Board's concerns.

33 (C) Upon completion of the course of action determined by
 34 the Parole Board and after final review of the ~~inmate's~~ person's file to
 35 ensure successful completion, the Parole Board shall authorize the ~~inmate's~~
 36 person's transfer to the Department of Community Correction under this

1 section and §§ 16-93-614, 16-93-616, ~~and 16-93-617~~, and 16-93-621 in
 2 accordance with administrative policies and procedures governing the transfer
 3 and subject to conditions attached to the transfer.

4 (3) Should ~~an inmate~~ a person fail to fulfill the course of
 5 action outlined by the Parole Board to facilitate transfer to community
 6 correction, it shall be the responsibility of the ~~inmate~~ person to petition
 7 the Parole Board for rehearing.

8 (4)(A) The Parole Board shall conduct open meetings and shall
 9 make public its findings for each eligible candidate for parole.

10 (B)(i) Open meetings held under subdivision (a)(2)(A) of
 11 this section may be conducted through video-conference technology if the
 12 person is housed at that time in a county jail and if the technology is
 13 available.

14 (ii) Open meetings utilizing video-conference
 15 technology shall be conducted in public.

16 (5) ~~Inmate interviews~~ Interviews of the person and related
 17 deliberations may be closed to the public.

18 (b)(1) ~~An inmate~~ Unless otherwise provided for by law, a person under
 19 sentence for one (1) of the following felonies is eligible for discretionary
 20 transfer to the Department of Community Correction by the Parole Board after
 21 having served one-third (1/3) or one-half ($\frac{1}{2}$) of his or her sentence, with
 22 credit for meritorious good time, depending on the seriousness determination
 23 made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to
 24 which his or her sentence is commuted by executive clemency, with credit for
 25 meritorious good time:

26
 27 SECTION 14. Arkansas Code § 16-93-615(b), parole eligibility for an
 28 offense after January 1, 1994, is amended to add an additional subdivision to
 29 read as follows:

30 (7) Unless this subsection provides for a shorter period of time
 31 before the person is eligible for parole, a person sentenced to more than
 32 forty-five (45) years is eligible for release on parole under § 16-93-621.
 33

34 SECTION 15. Arkansas Code § 16-93-615(h), concerning parole
 35 eligibility for an offense resulting in a life sentence committed after
 36 January 1, 1994, is amended to read as follows:

1 (h) ~~An inmate~~ Except as otherwise provided by law, a person who is
2 sentenced under the provisions of § 5-4-501(c) or § 5-4-501(d) for a serious
3 violent felony or a felony involving violence may be considered eligible for
4 parole or for community correction transfer upon reaching regular parole or
5 transfer eligibility, but only after reaching a minimum age of fifty-five
6 (55) years.

7
8 SECTION 16. Arkansas Code § 16-93-617 is amended to read as follows:
9 16-93-617. Parole eligibility procedures – Offenses committed after
10 January 1, 1994 – Revocation of transfer.

11 (a) In the event ~~an offender~~ a person transferred under this section,
12 §§ 16-93-614 – 16-93-616, ~~or § 16-93-618, or 16-93-621~~ violates the terms or
13 conditions of his or her transfer, a hearing shall follow all applicable
14 legal requirements and shall be subject to any additional policies, rules,
15 ~~and regulations~~ set by the Parole Board.

16 (b)(1) In the event ~~an offender~~ a person transferred under this
17 section and §§ 16-93-614 – 16-93-616, ~~or § 16-93-618, or 16-93-621~~ is found
18 to be or becomes ineligible for transfer into a Department of Community
19 Correction facility, he or she shall be transported to the Department of
20 Correction to serve the remainder of his or her sentence.

21 (2) Notice of the ineligibility and the reasons therefor shall
22 be provided to the ~~offender~~ person, and a hearing may be requested before the
23 board if the ~~offender~~ person contests the factual basis of the ineligibility.
24 Otherwise, the board may administratively approve the transfer to the
25 Department of Correction.

26 (c) ~~An offender~~ A person who is judicially transferred to a Department
27 of Community Correction facility and subsequently transferred back to the
28 Department of Correction by the board for disciplinary or administrative
29 reasons may not become eligible for any further transfer under § 16-93-
30 614(c)(2)(E) and (F).

31
32 SECTION 17. The introductory language of Arkansas Code § 16-93-
33 618(a)(1), concerning parole eligibility for seventy-percent crimes, is
34 amended to read as follows:

35 (a)(1) ~~Notwithstanding~~ Except as otherwise provided for by law and
36 notwithstanding any law allowing the award of meritorious good time or any

1 other law to the contrary, a person who is found guilty of or pleads guilty
 2 or nolo contendere to subdivisions (a)(1)(A)-(I) of this section shall not be
 3 eligible for parole or community correction transfer, except as provided in
 4 subdivision (a)(3) or subsection (c) of this section, until the person serves
 5 seventy percent (70%) of the term of imprisonment to which the person is
 6 sentenced, including a sentence prescribed under § 5-4-501:

7
 8 SECTION 18. Arkansas Code § 16-93-618, concerning parole eligibility
 9 for seventy-percent crimes, is amended to add an additional subsection to
 10 read as follows:

11 (f) Unless this section provides for a shorter period of time before
 12 the person is eligible for parole, a person sentenced to more than forty-five
 13 (45) years is eligible for release on parole under § 16-93-621.

14
 15 SECTION 19. Arkansas Code Title 16, Chapter 93, Subchapter 6, is
 16 amended to add an additional section to read as follows:

17 16-93-621. Parole or transfer eligibility for a person serving a life
 18 sentence or a sentence in excess of forty-five years.

19 When in the opinion of the Parole Board there is reasonable probability
 20 that a person serving a life sentence or a sentence in excess of forty-five
 21 (45) years may be released without detriment to the community or to the
 22 person, and after the person serves a minimum of ten (10) years of his or her
 23 sentence, the board may place the person on parole, subject to normal parole
 24 procedures, except as otherwise prohibited by law.